



KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2018

**TYPES AND SUMMARY OF REQUIREMENTS UNDER THE LAW FOR
EACH LICENCE**

ALCOHOLIC DRINKS ON-LICENSES – TYPES AND CONDITIONS

**(A licence given to an establishment which intends to sell an alcoholic drink for consumption at the
point of sale)**

TYPES OF ALCHOLIC DRINKS ON-LICENCES

1. GENERAL RETAIL ALCOHOLIC DRINK ON-LICENCE

This is the type of licence that will be applicable to the ordinary bar establishments. A person who holds this licence will be allowed to sell an alcoholic drink within the following hours-

- (a) 5pm-11pm on week days.
- (b) 2pm-11pm on weekends and public holidays.

2. PRIVATE MEMBERS CLUB

This is the licence applicable to members clubs such as Ruiru Golf club, Kiambu golf club among others. **Please note THAT it is not enough for an applicant to state that the premises is a members club. A members club must have the following documents to support the application-**

GENERAL CONDITIONS FOR ALL THE ALCOHOLIC DRINKS ON -LICENCE

1. **ALL** applicants must fill Form B declaring that they will only sell the authorized alcoholic drinks that they have listed and in the event of failure to do so, they agree to have their licenses withdrawn.
2. Premises is in good repair, clean and wholesome condition;
3. A well ventilated and well- lit premises.
4. Provision of water supply.
5. A clear separation and marking of the dining area from the bar area. The place for serving food must be clearly separated from the place for serving drinks. A notice must be put in a conspicuous place stating that **persons below the age of eighteen years** are not allowed in the area where alcoholic drinks are served.
If person below the age of eighteen years are found to be accessing the alcoholic drinking area, this is an offence under this Act.
6. A permanent or semi-permanent serving counter.
7. It is not part of a flat used for residential purposes;
8. The premises is not located within 300 meters from a learning institution or 200 meters from the

- (a) A certified copy of the certificate of registration of the members club which must be registered under the **Societies Act, Cap 108 of the laws of Kenya.**
- (b) Certified copies of the club's regulations, by-laws or instruments of governance.
- (c) Evidence of sporting facilities located in an open sporting field and related infrastructure.
- (d) Have put measures to ensure that a person under the age of eighteen years have no access to an alcoholic drink while within the club premises.

Please note that a member club which is likely to be a threat to the security of the public must not be given a licence.

3. NIGHT CLUB

This licence applies to a night club. It allows a person to sell alcoholic drink within the following hours-

- (a) 5pm-11pm on week days.

residential area. However, if a premises is located near such areas, it must have the following:

- (a) A wall or a barrier of such quality or standard to separate the residential areas or school in a manner to ensure that persons below the age of eighteen years do not access an alcoholic drink;
- (b) No advert for alcoholic drink may be placed on the wall or barrier;
- (c) a written consent in **Form L** signed by at least 85 per cent of all the residents of that area which will be confirmed during inspection and public hearing.

(d) It is within any of the following class *(the licensing officer must confirm that the size of the premises is within the class applied for. A licensing officer shall, on confirmation that the size does not fit in the class applied for advise the applicant to comply with the application procedure);*

- (e) **CLASS D**
- (f) For any premises of an area between 30-50 square meters which shall only sit or stand not more than 50 customers at any single given time. **If customers exceed this number, this is an offence under this Act and must be enforced.**
- (g) Minimum **two** toilets for female and **two** toilets for male and a urinal. These toilets must only be for use of the customers and not shared with any other business or

(b) 5pm-3am on weekends and public holidays.

In addition, a person shall not be granted a licence under this category unless the following additional conditions are met-

- (a) Has submitted a copy of the rules and regulations which will bind the customers to ensure that they observe good and ethical behavior.
- (b) Has submitted a written consent of at least 50% residents of the area residing within a three kilometer radius in **form L** (note that the form must be accompanied by copies of the residents' identity cards) which consent shall be verified by the sub-county committee by inspection.
- (c) Premises must be sound proof within the prescribed sound decibel prescribed for a night club by National Environmental Management Authority (NEMA).
- (d) If it intends to promote any activity within the mandate of the Kenya Film Classification Board to submit, together with the

establishment. The toilets must be separate for each gender and clearly marked.

(h) **CLASS C**

- (i) For any premises of an area between 50-100 square meters which shall only sit or stand not more than 100 customers at any single given time. **If customers exceed this number, this is an offence under this Act and must be enforced.**
- (j) Minimum **three** toilets for female and **three** toilets for male and a urinal. These toilets must only be for use of the customers and not shared with any other business or establishment. The toilets must be separate for each gender and clearly marked.

(k) **CLASS B**

- (l) For any premises of an area between 100-200 square meters which shall only sit or stand not more than 200 customers at any single given time. **If customers exceed this number, this is an offence under this Act and must be enforced.**
- (m) Minimum **four** toilets for female and **four** toilets for male and a urinal. These toilets must only be for use of the customers and

application a licence from this Board.

4. TEMPORARY ALCOHOLIC DRINKS ON –LICENCE

This is the licence applicable to persons holding parties or events where an alcoholic drink will be sold. This includes events such as football or other matches, racing clubs event at Migaa estate among others.

To qualify for this licence, the event must not be exceeding six hours in a day. If it exceeds this time, the person must apply for the other licences.

Nonetheless, this licence only authorizes a person to sell an alcoholic drink within the following hours-

Shall only sell an alcoholic drink during the authorized hours.

- (a) 5pm-11pm on week days.
- (b) 2pm-11pm on weekends and public holidays

not shared with any other business or establishment. The toilets must be separate for each gender and clearly marked.

(n) CLASS A

(o) For any premises on an area above 200 square meters.

(p) Minimum of **five** toilets for female and **five** toilets for male and a urinal. These toilets must only be for use of the customers and not shared with any other business or establishment. The toilets must be separate for each gender and clearly marked.



ALCOHOLIC DRINKS OFF-LICENSES – TYPES AND CONDITIONS

(This is a licence given to a person to take away- not to consume at the point of sale:

Please note that wines and spirits shops any form of such shops are prohibited under the Act and therefore, no such licence is considered at any time.)

**TYPES OF ALCOHOLIC DRINKS OFF-
LICENCES**

1. WHOLESALE

This licence applies to any person who intends to sell alcoholic drink as a wholesaler. The following conditions must be met-

- (a) Submit a written authority to sell an alcoholic drink from a licenced manufacturer or distributor;
- (b) Must not be a flat used as a residential area;
- (c) Must not sell anything else other than the alcoholic drink. This means that the person cannot sell any other goods or products within the premises other than the licenced alcoholic drink;
- (d) The premises must not be less than 20 square feet;
- (e) No alcoholic drink would be stored outside the premises

**GENERAL CONDITIONS FOR ALL THE
ALCOHOLIC DRINKS OFF –LICENCE**

- 1. **ALL** applicants must fill Form B declaring that they will only sell the authorized alcoholic drinks that they have listed and in the event of failure to do so, they agree to have their licenses withdrawn.
- 2. The premises is not located within 300 meters from a learning institution or 200 meters from the residential area. However, if a premises is located near such areas, it must have the following:
 - (q) A wall or a barrier of such quality or standard to separate the residential areas or school in a manner to ensure that persons below the age of eighteen years do not access an alcoholic drink;
 - (r) No advert for alcoholic drink may be placed on the wall or barrier;
 - (s) a written consent in **Form L** signed by at least 85 per cent of all the residents of that area which will be confirmed during inspection and public hearing.
- 3. Premises is in good repair, clean and wholesome condition;
- 4. A well ventilated and well- lit premises.
- 5. Must put in measures to ensure that person be **person below the age of eighteen years are not accessing the alcoholic drinking from their premises. This would be an offence under this Act.**

- (f) Shall only sell an alcoholic drink on wholesale

2. DEPOT AND DISTRIBUTORS

This is the licence given to persons who want to establish a depot and or distribute an alcoholic drink. **Please note that you cannot not have a licence to distribute if you do not have a depot. In addition, the following conditions must be met-**

- (a) Must not be in a flat used as a residential area;
- (b) Must submit a written authority to store and distribute from a licenced manufacturer;
- (c) Shall only sell an alcoholic drink on wholesale;

3. SUPERMARKETS

This is licence applicable to supermarkets for retailing an alcoholic drink. The following conditions must be met-

- (a) Should submit authority to sell the alcoholic drink from a licensed manufacturer, wholesaler or distributor.
- (b) Have portioned or clearly separated the area for the sale of liquor from the sale of other items within the supermarket.
- (c) Have put measure to ensure that area for sale of liquor is not accessed by persons below the age of eighteen years.
- (d) Shall not place any advertisement of the alcoholic drinks on the barrier or partition that has been put to separate the alcohol from the other items of the supermarket.
- (e) They put the prescribed warning sign in a conspicuous place restricting access to persons below the age of eighteen years.
- (f) Shall only sell an alcoholic drink within the following hours-
 - 5pm-11pm on week days.
 - 2pm-11pm on weekends and public holidays

4. MANUFACTURERS

This is a licence applicable to manufacturers for manufacturing of an alcoholic drink. The following conditions must be met-

- a) The manufacturing company after being granted the authority to manufacture, **MUST** apply for an alcoholic drinks licence under Form E before starting to manufacture any alcoholic drink.

- b) The premises shall not be within an area declared an alcohol free zone or within a residential area or near a learning institution.

- c) Must submit a copy of their membership certificate as proof of being a member of a national umbrella body of manufacturers recognized by the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA).

- (c) Must be in line with the County Government development and land planning Policies.

- (d) Must not be against the public interest.

(e) Must also submit certifications from –

- Kenya Bureau of Standards (KEBS)
- Excise licence from the Kenya Revenue Authority (KRA)
- Licence from NACADA
- List of the licenced alcoholic drink and their ingredients

5. IMPORTERS

(a) Shall comply with all the conditions of wholesalers. In addition, they shall submit the following-

- Kenya Bureau of Standards (KEBS)
- Excise licence from the Kenya Revenue Authority (KRA)
- NACADA applicable licences

6. TEMPORARY BREWING

This is a licence applicable to temporary brewers of an alcoholic drink. The following conditions must be met-

(a) The brewer shall apply for every occasion of brewing.

<p>(b) The brewer shall also disclose the following:</p> <ul style="list-style-type: none">➤ Name and type of the traditional brew.➤ Ingredients used or to be used to brew.➤ Quantity intended to be brewed➤ Place of consumption of the brew. <p>(c) In addition, the Sub-County Committee shall prior to grant of the licence ensure that the brew meets the quality standards set out in the Standards Act and KEBS</p> <p>(d) <u>Please note that a person who fails to comply with the provisions of the Alcoholic Drinks Control Act shall be deemed to manufacture illicit brew which is an offence under the Act.</u></p>	
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ALL PERSONS GRANTED A LICENCE MUST

- a. Keep records of the source of the alcoholic drinks
- b. Display their licences
- c. Display their list of brands being sold
- d. Ensure that persons below the age of eighteen do not access or are not assisted to access an alcoholic drink
- e. Comply with all the conditions of the licence, including the hours for sale of an alcoholic drink.
- f. Ensure that they comply with conditions set out by residents

ALL APPLICATIONS SHALL BE ACCOMPANIED BY –

- i. Information on the nature, orientation and other justification for the establishment of the manufacturing plant or the establishment for sale of an alcoholic drink.
- ii. Plot number and physical address of the premises to house the proposed establishment.
- iii. Details of the sizes and related infrastructure to support the proposed business.
- iv. The type and class of licence applied for.
- v. Evidence of compliance with the laws relating to physical planning and building code, public health and environmental laws.
- vi. Signed declaration in the prescribed form of commitment not to sell illicit or unlicensed alcoholic drinks.
- vii. The fees prescribed.