

6. DISCUSSION

6.1 Section 37 of the Act address the Notice of Application process. Section 37(4), (5) and (6) of the Act reads as follows:

"(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) where section 36(1)(c) applies—

- (i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;*
- (ii) obtain the comment of the ward councillor;*
- (iii) comment on the application; and*
- (iv) allow for the consideration of the planning application in relation to the application for a liquor licence; or*

(b) where section 36(1)(c) does not apply—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward councillor; and

(iii) comment on the application.

*(5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must or the municipality **may**, within the prescribed time, give notice of the application to—*

(a) neighbouring residents or such persons who in his, her or its judgement may be affected by, or have an interest in, the granting or refusal of the application; and

(b) the community policing forum, if any, of the area in which the premises are located.

(6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate."

6.2 The following application for liquor license has been received by Subcouncil:

6.2.1 Details of applicant:

- **LLA20010002**
- **Korean Soul Restaurant**
- **Erf 171785 and 144005**
- **Shop G8, Stadium on Main, Main Road, Claremont**
- **Cape to Korea PTY LTD**
- **2015/171876/07**

6.2.2 Sub-Council Manager confirmation: Advertising extent (community participation) -

Notices served on and received the following Comments:

- **Subcouncil Chairperson and Ward Councillor**
No Objection – **Annexure A**
- **Ward Committee Members**
Amrishi Punwasi – No Objection – **Annexure B**
Clare Burgess – No Objection – **Annexure C**
Debbie Wall-Smith – No Objection – **Annexure D**
Newlands Residents Association – No Objection – **Annexure E**
- **Internal departments:**
 - ❖ **Planning and Building Development Management**
Supported – **Annexure F**
 - ❖ **Law Enforcement**
Supported – **Annexure G**
 - ❖ **Liquor Control**
Supported – **Annexure H**
 - ❖ **Environmental Health**
Supported – **Annexure I**

7. RECOMMENDATION

Please insert the Decision that was taken at the Delegation Meeting

SUPPORTED

X

NOT SUPPORTED

That in considering the Subdelegation Rule part 24 4(1), the Subcouncil Manager in conjunction with the Chairperson and Ward Councillor recommended that the application for a liquor licence received from Korean Soul Restaurant, Erf 171785 and 144005, Shop G8, Stadium on Main, Main Road, Claremont for Consumption ON Premises, Reference No LLA20010002 **BE SUPPORTED**

1. That Subcouncil 20 **NOTES** the subdelegated decision taken in the matter.

If Not Supported, Note the following grounds for disqualification.

Criteria for granting licences

31.(1) The Liquor Licensing Tribunal or Presiding Officer, as the case may be, may not grant a licence, unless it or he or she is satisfied on the balance of probabilities that -

- (a) the granting thereof is in the public interest;
- (b) the applicant is of good character, and not disqualified from holding a licence in terms of section 35;
- (c) the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;
- (d) the applicant has the right to occupy the proposed licensed premises; and
- (e) the granting of the application does not prejudice -
 - (i) the residents of a residential area;
 - (ii) the residents of an institution for the aged or frail;
 - (iii) the learners of an educational institution who are under the age of eighteen (18) years;
 - (iv) the patients of an institution for drug or alcohol related dependencies; or
 - (iv) the congregants of a religious institution located in the vicinity of the proposed licensed premises."


Reasons for Non Support:

The granting of the application prejudices-

- (i) *the residents of a residential area;*
- (ii) *the residents of an institution for the aged or frail;*
- (iii) *the learners of an educational institution who are under the age of eighteen (18) years;*
- (iv) *the patients of an institution for drug or alcohol related dependencies; or*
- (i) *the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

FOR FURTHER DETAILS CONTACT:

NAME	Richard White
CONTACT NUMBERS	021 444 8112
E-MAIL ADDRESS	Richard.White@capetown.gov.za
DIRECTORATE	Urban Management


Richard White
MANAGER: SUBCOUNCIL 20

Comment:
Delegation 4 (1)

From: Ian Iversen <ian.iversen@capetown.gov.za>
Sent: Friday, 17 January 2020 10:19
To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>
Subject: RE: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

No objection

Regards

Ian Iversen

Cllr. I R Iversen

Office 021 444 8117
Cell 083 629 7051
E-mail ian.iversen@capetown.gov.za

PA Ms Esmeralda Abrahams
Important Please copy Ms Abrahams in on all e-mails: Esmeralda.Abrahams@capetown.gov.za



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Making progress possible. Together.

From: Amrish Punwasi <amrishpunwasi@gmail.com>

Sent: Thursday, 23 January 2020 08:24

To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>

Subject: Re: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

no objection

Amrish

ANNEXUREC.....

From: Clare Burgess <clarobel@telkomsa.net>

Sent: Friday, 24 January 2020 21:04

To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>

Subject: RE: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

Dear Celes

I have no objection to this application.

Regards

Clare Burgess

Rep Environment Ward 59 Com

From: Debbie Wall-Smith <debbie@coreproperty.co.za>

Sent: Sunday, 19 January 2020 11:25

To: Subcouncil 20 <Subcouncil.20@capetown.gov.za>

Subject: Re: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

I have no objection

From: Admin NRA <admin@newlandsresidents.org.za>
Sent: Thursday, 16 January 2020 11:35
To: Subcouncil 20 <Subcouncil.20@capetown.gov.za>
Subject: Re: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

The NRA has no objection to this application.

Kind regards

Jo

Jo Devine,

NRA Administrator

admin@newlandsresidents.org.za

Post Net #339 | Private Bag X1005 | 7735 Claremont

www.newlandsresidents.org.za

COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20

Alphen Centre Constantia Main Road Constantia 7800

Applicant Details	LLA20010002	Korean Soul Restaurant		
APPLICATION	SUPPORTED	X	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	No		
	Rehab, Drugs / Alcohol Centre	No		
	School(s)	No		
	Other	-		
PARKING	The atrium complex has its own parking			
REASONS FOR SUPPORTING	The zoning permits the use			
NOTE: The detailed reasons for opposing an application should be sound town planning or community issues and not moral opposition. See Criteria above for guidelines				
ORGANISATION DETAILS				
NAME	Frances Currie	SIGNATURE		
ADDRESS	Southern District Office, Plumstead			
DATE	31-01-2020	CONTACT NUMBER	021 4447727	

For ease of reference community organisations/residents may submit comments to this office, to aid in the decision taken by this SubCouncil. Written comment in respect of the attached notice[s] of application[s]

must reach this office before or on **2020/01/30** at close of business [16h30].

From: Heinrich Ras <Heinrich.Ras@capetown.gov.za>
Sent: Friday, 17 January 2020 10:14
To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>
Subject: FW: Liquor Licence Korean Soul Restaurant Application No : LLA20010002
Importance: High

Law Enforcement Wynberg have no objection.

H.P.Ras
Senior Inspector.
Wynberg Law Enforcement
Tel: 021 761 3923



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Making progress possible. Together.

COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20
Alphen Centre Constantia Main Road Constantia 7800

Applicant Details	LLA20010002	Korean Soul Restaurant		
APPLICATION	SUPPORTED	yes	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no		
	Rehab, Drugs / Alcohol Centre	no		
	School(s)	no		
	Other	Claremont main road mosque		
PARKING	Centre parking			
REASONS FOR NOT SUPPORTING	Premises is zoned for business and will trade as per municipal bylaw			
NOTE: The detailed reasons for opposing an application should be sound town planning or community issues and not moral opposition. See Criteria above for guidelines				
LAW ENFORCEMENT LIQUOR UNIT				
NAME	Y Potberg	SIGNATURE	Original signed	
ADDRESS	brackenfell			
DATE	20/01/2020	CONTACT NUMBER	021 444 1142	

For ease of reference community organisations/residents may submit comments to this office, to aid in the decision taken by this SubCouncil. Written comment in respect of the attached notice[s] of application[s] must reach this office before or on **2020/01/30** at close of business [16h30].

From: Ziyaad Samaai <MogamatZiyaad.Samaai@capetown.gov.za>
Sent: Friday, 31 January 2020 16:28
To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>
Cc: Gavin Heugh <Gavin.Heugh@capetown.gov.za>
Subject: RE: Liquor Licence Korean Soul Restaurant Application No : LLA20010002

Good day Celes

I would have no objection to the approval of the above application on condition that they make application for business license and certificate of acceptability.

Regards

Ziyaad Samaai
Environmental Health Practitioner –City Health Department
Community Services and health Directorate
Tel: 021 400 2780 | **Office Tel:** 021 400 6367