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

Amrish 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 i	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, <u>may not grant a licence</u>, unless it or he or she is satisfied on the balance or 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	

- 5 Feb 2020.

Richard White

MANAGER: SUBCOUNCIL 20

Comment:

Delegation 4 (1)

From: lan lversen < lan.lversen@capetown.gov.za>

Sent: Friday, 17 January 2020 10:19

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

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

No objection

Regards

lan Iversen

Cllr. I R Iversen

Office 021 444 8117 Cell 083 629 7051

E-mail <u>lan.lversen@capetown.gov.za</u>

PA Ms Esmeralda Abrahams

Important Please copy Ms Abrahams in on all emails: <u>Esmeralda.Abrahams@capetown.gov.za</u>



Making progress possible. Together.

From: Amrish Punwasi <amrishpunwasi@gmail.com>

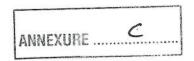
Sent: Thursday, 23 January 2020 08:24

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

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

no objection

Amrish



From: Clare Burgess <clarobel@telkomsa.net>

Sent: Friday, 24 January 2020 21:04

To: Celes Rene Allies < Celes Rene. 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

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COMMENT ON LIQUOR LICENSE APPLICATION FORM

Plea	ise complete the informa	ation below and	return to Subcoun	cil SC20		
	Alphen Centre Cons					
Applicant Details	LLA20010002	Korean Soul Restaurant				
APPLICATION	SUPPORTED	X NOT SUPPORTED				
	Aged or Frail Care Centre	No				
Please indicate whether the business is LOCATED near	Rehab, Drugs / Alcohol Centre	No				
	School(s)	No				
	Other	-				
PARKING	The atrium compl	complex has its own parking				
REASONS FOR SUPPORTING	The zoning permits the use					
NOTE: The detaile or commu	ed reasons for opposing nity issues and not mo	g an application ral opposition.	should be sound See Criteria abov	town planning e for guidelines		
	ORG/	ANISATION DETA	ILS			
NAME	Frances Currie		SIGNATURE	Viene		
ADDRESS	South	nern District	Office, Plumsto	ead		
DATE	31-01-2020 CONTACT NUMBER 021 4447727			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 < Celes Rene. 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



			17	
ANN	EXUP	{F	1	
1.78 A R. M.	-/\U:	Allen eres		

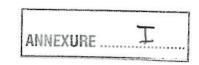
COMMENT ON LIQUOR LICENSE APPLICATION FORM

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	Aged or Frail Care Centre	no				
indicate whether the business is	Rehab, Drugs / Alcohol Centre	no				
	School(s)	no				
near	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		bra	ckenfell			
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 < Mogamat Ziyaad . 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