



REPORT To SubCouncil 05

1. **ITEM NUMBER:** 05SUB090920

2. **SUBJECT**

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: SAS REF. NO.: LLA20080013

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-SAS: INOMBOLO YESALATHISO .: LLA20080013 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: SAS: VERWYSINGSNO.: LLA20080013 (H3064)

3. **PURPOSE**

To report on an application for a liquor license received in terms of SECTION 57(1) ADDITIONAL STORAGE FACILITY of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 2010 and Western Cape Liquor Regulations, 2011 and to inform the Subcouncil of the outcome of public participation conducted on the application and recommendation submitted to the Liquor Authority in terms of sub delegated authority.

4. **FOR DECISION BY**

For information. Original decision taken by Subcouncil Manager in conjunction with Chairperson and Ward 24 Councillor in terms of sub-delegated authority.

5. EXECUTIVE SUMMARY

The Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 2010 and Western Cape Liquor Regulations, 2011 were implemented on 1 April 2012. In terms of the Act, certain obligations were put on the City Manager. The City Manager ruled that all applications for liquor licences received within the City be received at a central venue and delegated his authority to the Manager: Subcouncils to receive such applications from the various Designated Liquor Officers.

4 (1) To comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, as amended.

Where time or legal constraints do not allow the timeous submission of the matter to the Subcouncil, the Subcouncil manager, in conjunction with the Chairperson and relevant Ward Councillor, has the sub delegated authority to deal with the matter.

6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from SAS was considered in terms of sub delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

Subcouncil 05 recommends that the application for a Consumption OFF Premises Liquor Licence, reference no. LLA20080013, for the business SAS **BE SUPPORTED**

ISINDULULO

Kundululwe ukuba:

Kufuneka **KUQATSHELWE** ukuba isicelo sephepha-mvume lokuthengiswa kotywala esifunyenwe kwabe- SAS, saye saqwalaselwa ngokwesigunyaziso esigunyazisiweyo kwakhona isindululo esilandelayo saye sagqithiselwa kuGunyaziwe ongezoTywala ngokungqinelana noMthetho ongezoTywala waseNtshona Koloni wango-2008, njengoko ulungisiwe:

IBhungana-5 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA20080013, elingeshishini labakwa- SAS.

AANBEVELING (H3064)

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die SAS ontvang is, kragtens gedelegeerde bevoegdheid oorweeg is en dat die volgende aanbeveling ingevolge die Wes-Kaapse Drankwet, 2008, soos gewysig, aan die drankowerheid gestuur is:

Subraad 5 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA20080013, vir die sakebedryf SAS **GESTEUN WORD**

7. DISCUSSION

7.1.1 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, 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."*

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

7.1.3 Details of applicant;

- LLA20080013
- Susan and Stanleys Fine Wines PTY LTD;
- 2020/437524/07
- SAS;
- Consumption OFF Premises
- Erf: 166611 103/107 Aviation Crescent Airport City Business Park Matroosfontein;

7.1.4 Subcouncil Manager confirmation: Advertising extent (Community participation) - Notices served on and received the following Comments:

- Ward 24 Councillor:

The ward councillor support the applications

- Community Organizations: As per Community Organisation Database

No comment received

- Ward Committee: Elected Members of Ward 24

No comment received

- Community Police Forum (CPF):

No comment received

- Other interest and effected parties:

- The Chairperson, Cllr Courtney Van Wyk, indicated his support of the application.
- The PR Councillor, Cllr Abraham Griesel, indicated his support of the application.

- Good Morning Hillary

Thank you for your email below.

If it is only for storage and distribution and there are no policies binding proximity, Airport CID has no objection.

Rhonda Lewis
CID Manager

Internal departments:

Town Planning:

The applicant indicates that the liquor licence required is for warehousing purposes and wholesale which is in line with the zoning of the property for industrial purposes.

Support the application

Tess Kotze: Section Head Land Use Management

Health:

Support the application

Celeste Petersen
Principal Environmental Health Practitioner:Area Central - City Health

City Emergency Services:

No comment received

Law Enforcement Squad:

No comment received

7.2 Constitutional and Policy Implications

The Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 2010 and Western Cape Liquor Regulations, 2011 were implemented on 1 April 2012. The Act was implemented in phases. In terms of the Act, certain obligations were put on the City Manager. The City Manager ruled that all applications for liquor licenses received within the City be received at a central venue and delegated his authority to the Manager of Subcouncils to receive such applications from the various Designated Liquor Officers.

5 (1) To comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, as amended.

Where time or legal constraints do not allow the timeous submission of the matter to the Subcouncil, the Subcouncil manager, in conjunction with the Chairperson and relevant Ward Councillor, has the sub-delegated authority to deal with the matter.

7.3 **Sustainability Implications**

No ☒ Yes ☐

7.4 **Legal Implications**

Public participation was conducted by the Subcouncil Manager, the circulation was distributed to the Ward Councillor, Community Organizations (as per the Community Based Organisation Database), Ward Committee, Community Police Forums (CPF's) and Internal Departments: Town Planning, Health, City Emergency Services and Law Enforcement Squad (Liquor Control Unit).

7.5 **Staff Implications**

Does your report impact on staff resources or result in any additional staffing resources being required?

No ☒ Yes ☐

7.6 **Other Services Consulted**

The following Internal Departments and officials were consulted:

Energy, Environmental and Spatial Planning

Planning and Building Development Management: (Tess Kotze)

City Health

Sub District: (Celeste Petersen)

Safety & Security

City Emergency Services:

Safety & Security

Law Enforcement:

ANNEXURES

Annexure A: 2020.09.01 - Minutes - SAS Fine Wines

FOR FURTHER DETAILS CONTACT:

NAME	<i>Nomfundo Mdingi</i>
CONTACT NUMBERS	021 444 2963
E-MAIL ADDRESS	<i>Nomfundo.Mdingi@capetown.gov.za</i>
DIRECTORATE	<i>Urban Management</i>
DEPARTMENT	<i>Area 3</i>

nmfndingi

MANAGER: SUBCOUNCIL 5
NOMFUNDO MDINGI

TEL NO 021 444 2963

DATE 10/09/2020

Courtney Van Wyk

CHAIRPERSON: SUBCOUNCIL 5
COURTNEY VAN WYK

TEL NO 021 444 2974

DATE 10/09/2020