



1. ITEM NUMBER : 16 SUB 48/11/2020

2. SUBJECT

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD
COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: G02 REF.
NO.: LLA20100044**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO
ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI
WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-
G02: INOMBOLO YESALATHISO .: LLA20100044
(H3064)**

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE
SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER
KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: G02:
VERWYSINGSNO.: LLA20100044
(H3064)**

3. PURPOSE

To report on an application for a liquor license received in terms of SECTION 36 NEW APPLICATIONS 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 115 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 licenses

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 G02 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 16 recommends that the application for a Consumption ON and OFF Premises Liquor Licence, reference no. LLA20100044, for the business G02 **CONDITIONALLY SUPPORTED:**

Subject to:

1. Completion of construction of the premises.
2. The applicant obtaining an appropriate business license (Sale and Supply of Meals) from the City of Cape Town.

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, inspector, 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;

- LLA20100044
- V and A Waterfront Holdings PTY LTD;
- 2006/024423/07
- G02;
- Consumption ON and OFF Premises
- Erf: 10256 Duncan Dock E- Berth The Port of Cape Town;

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

Ward 115 Councillor:

Ward Councillor position vacant.

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 115

No response received.

CPF: CT CPF

No response received.

Other interest and effected parties:

Internal departments:

Town Planning:

Comments received from Town Planning, Rudi Bester on 6 November 2020.

APPLICATION SUPPORTED

Zoning: Transport Zone 1- Duncan Dock E- Berth, The Port of Cape Town Part of working harbour namely Multi Purposed Terminal (commercial allocation ito of Port Development Framework). Thus proposal is seen as ancillary to uses.

TOWN PLANNING

R. Bester

06/11/2020

Health:

Comments received from City Health, Sigmund Badenhorst on 27 October 2020.

APPLICATION NOT SUPPORTED

The business is NOT LOCATED near Aged or Frail Care Centre, Rehab, Drugs / Alcohol Centre or School(s).

Parking: Adequate

Reasons for NOT supporting: The premises is still under construction and not operational yet. City Health cannot support the liquor licence application until the premises is in possession of a Sale or Supply of meals business licence.

CITY HEALTH

Sigmund Badenhorst

2020/10/26

City Emergency Services: 2020/10/22

Comments received from Emergency Services, Gregory Joseph Hendricks on 28 October 2020.

No objection to the application.

Law Enforcement Squad: 2020/10/22

Comments received from Law Enforcement Liquor Unit, Melanie Coetzee on 24 October 2020.

APPLICATION SUPPORTED

The business is NOT LOCATED near Aged or Frail Care Centre, Rehab, Drugs / Alcohol Centre or School(s).

Other: None

Parking: Secure Parking

Comments: Building is currently under construction. It is commonly known that there are several businesses selling liquor in the area.

LAW ENFORCEMENT LIQUOR UNIT

Melanie Coetzee

23/10/2020

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: (Gregory September)

City Health

Sub District: (Bettie Leedo)

Safety & Security

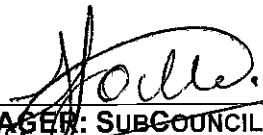
City Emergency Services: (Gregory Joseph Hendricks)

Safety & Security

Law Enforcement: (Marilyn Holding)

FOR FURTHER DETAILS CONTACT:

NAME	Girshwin Fouldien
CONTACT NUMBERS	021 487 2055
E-MAIL ADDRESS	girshwin.fouldien@capetown.gov.za
DIRECTORATE	Urban Management
DEPARTMENT	Area 1


MANAGER: SUBCOUNCIL 16
GIRSHWIN FOULDIE

TEL No 021 487 2055

DATE 10/11/2020


CHAIRPERSON: SUBCOUNCIL 16
MATTHEW KEMPTHORNE

TEL No 021 487 2207

DATE 10/11/2020