



**1. ITEM NUMBER : 16 SUB 39/09/20**

**2. SUBJECT**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: OBZ CAFE REF. NO.: LLA20080007**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-OBZ CAFE: INOMBOLO YESALATHISO .: LLA20080007 (H3064)**

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: OBZ CAFE: VERWYSINGSNO.: LLA20080007 (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 57 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.

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## 6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from OBZ CAFE 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 Premises Liquor Licence, reference no. LLA20080007, for the business Obz Cafe **BE SUPPORTED**.

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## 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;

- LLA20080007
- Umamix PTY LTD;
- 2017/035403/07
- Obz Cafe;
- Consumption ON Premises
- Erf: 27010 115 Lower Main Road Observatory;

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

Ward 57 Councillor:

Comments received from Cllr Chapple on 13 August 2020.  
Application supported.

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 57

No response received.

CPF: OBSERVATORY CPF

No response received.

Other interest and effected parties:

**Internal departments:**

Town Planning:

Comments received from Town Planning, Rudi Bester 20 August 2020.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: General Business Zone (GB1) thus permits the operation of the proposed activity as a primary right.

TOWN PLANNING

R. Bester

20/08/2020

Health:

Comments received from City Health, Landile Bele on 24 August 2020.

APPLICATION NOT SUPPORTED

Reasons for Not supporting: Premises not in possession of sales and supply of meals and also certificate of acceptability.

CITY HEALTH

L. Bele

24/08/2020

City Emergency Services: 2020/08/12

Comments received from Emergency Services, John Jacobus Williams on 25 August 2020.

No objection to this application.

Law Enforcement Squad: 2020/08/12

Comments received from Law Enforcement Liquor Unit, D. Koopman on 19 August 2020.

APPLICATION SUPPORTED

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

Church's: None

Parking: Off street parking

Comments: Premises is in possession of an existing liquor licence. Liquor will be consume on premises and serviced with meals. No loud music will be audible from premises. Premises zoned for business. Trading hours as per City of Cape Town Liquor Trading By-Law

LAW ENFORCEMENT LIQUOR UNIT

D. Koopman

17 August 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 ☐

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### **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***

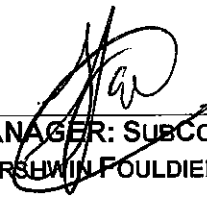
*City Emergency Services: (John Jacobus Williams)*

#### ***Safety & Security***

*Law Enforcement: (Marilyn Holding)*

**FOR FURTHER DETAILS CONTACT:**

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<b>DIRECTORATE</b>	Urban Management
<b>DEPARTMENT</b>	Area 1

  
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**MANAGER: SUBCOUNCIL 16**  
**GERSHWIN FOULDIE**

TEL No 021 487 2055

DATE

3/09/2020

  
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**CHAIRPERSON: SUBCOUNCIL 16**  
**MATTHEW KEMPTHORNE**

TEL No 021 487 2207

DATE

03/09/2020