



1. ITEM NUMBER: 24SUB 17/05/2019

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: JAMBO'S PLACE. REF. NO.: LLA19020012:

ISIHLOKO

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-JAMBO'S PLACE, INOMBOLO YESALATHISO .: LLA19020012:

ONDERWERP

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: JAMBO'S PLACE: VERWYSINGSNO.: LLA19020012:

3. PURPOSE

To report on an application for a liquor license received in terms of section 37 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 Sub council 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 Sub council Manager in conjunction with Chairperson and Ward 96 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. 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.

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 Sub council, 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 **Jambo's Place** 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 24 recommends that the application for a a Consumption ON Premises Liquor Licence, reference no. LLA19020012, for the business **Jambo's Place BE SUPPORTED**

### ISINDULULO

Kundululwe ukuba:

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

IBhungana-24 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA19020012, elingeshishini labakwa- **Jambo's Place** .

### AANBEVELING

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die Jambo's Place 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:

Sub-raad 24 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA19020012, vir die sakebedryf **Jambo's Place, 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;

LLA19020012  
Johannes Watrive;  
6903126096089  
Jambo's Place;  
Consumption ON Premises  
Erf: 43583 QUQUZELE STREET, UMRHABULO TRIANGLE 36 QUQUZELE  
STREET Khayelitsha;

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

**Ward 96 Councilor:**

I am in full support of the applicatin for this place as long they adhere to the rules and regulations stated by the liquor board and ensure that the wil be no problems and complaints by the citizens for any robberies, drug smuggling and any wrong doing including the trading hours stipulated.

**Community Organizations: As per CBO Database**

Mamane Holdings - Bongani Mamane - 2019/02/08 - supported

**Ward Committee: Elected Members of Ward 96**

No comment received.

**CPF: As per the Subcouncil 24 Organisation Database**

No comment received.

**Other interest and effected parties:**

No comment received.

**Internal departments:**

**Town Planning:**

Supported see attached town planning document.

**Health:**

The above application with reference LLA 19020012 refers.

This department has the following conditions on the above mentioned applications:

1. Applicant must comply with the Noise Control Regulations P.N. 200/ 2013 as promulgated under the Environment Conservation ACT, 1989 (Act 73 of 1989) by not creating a disturbing noise and/ or noise nuisance to surrounding property owners.
  2. The premises must be made to comply with the requirements of the Tobacco products Control Act, 1993 Act No. 83 1993) and Notice Relating to smoking of Tobacco products in public places, Regulation No R975 date 29 September 2000.
  3. An application must be made for the relevant business licence with the Environmental Health Office of the City of CapeTown for the sale and supply of meals as indicated on the proposed Food menu.
  4. Application must also be made for a Certificate of Acceptability for food premises in terms of Regulations R638 dated 22 June 2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), and the premises must be made to comply there to.
  5. An integrated waste management approach must be used that is based on waste minimization and should incorporate reduction, recycling, re-use and disposal where appropriate.
  6. The kitchen (with fire place) must be adequately ventilated to the external air.
  7. A wash hand basin must be provided in the kitchen.
  8. A refuse bin with a close fitting lid must be provided in the kitchen.
- Please note the following:
- Masibulele Educare centre is situated approximately 111m from the applicant.
- Sandanezwe Educare centre is situated approximately 283 from the applicant.
- Inakho Educare centre is situated approximately 334 m from the applicant.
- Khayelitsha High School is situated approximately 386 m from the applicant.
- Impedulo primary school is situated approximately 714 m from the applicant.
- The Salvation Church is situated approximately 434 m from applicant.

**City Emergency Services: 2019/02/07**

Supported

**Law Enforcement Squad: 2019/02/07**

Supported: Yes

Aged or Frail Care Centre: None

Rehab: Drugs/Alcohol Centre: None

Schools: Impedulo Primary School ± 350 meters

Other: Reformed Presbyterian Church ± 400 meters

Parking: 2 off street parking spots. Parking opposite road in alley.

Comments:

Comments: Premises have a temporary departure issued by City of Cape Town to operate a bar & restaurant. If parking across the road will be utilised premises need to apply for permission.

## **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 Councilor, 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: (Gerhard Hanekom & Asavela Gingcana)*

**City Health**

*Sub District: (Thobeka Makeleni)*

**Safety & Security**

*City Emergency Services: (Denzel Ramedies)*

**Safety & Security**

*Law Enforcement: (Cameron Isaacs)*

---

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Goodman Rorwana
<b>CONTACT NUMBERS</b>	021 444 7533 /2 /1
<b>E-MAIL ADDRESS</b>	GoodmanLulamile.Rorwana@capetown.gov.za
<b>DIRECTORATE</b>	Urban Management
<b>DEPARTMENT</b>	Area 2



**SUBCOUNCIL MANAGER**

Comments:

Date

04 April 2019