



CITY OF CAPE TOWN  
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## SUBCOUNCIL 20

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1. ITEM NUMBER : 20SUB21/02/2020

2. SUBJECT

ON CONSUMPTION LIQUOR LICENCES APPLICATION: DECISION  
TAKEN UNDER SUBDELEGATED AUTHORITY BY SUBCOUNCIL  
MANAGER, WARD COUNCILLOR AND CHAIRPERSON IN RESPECT  
OF: LLA20010003 HONG RESTAURANT, ERF 171785 AND 144005, SHOP  
G5, STADIUM ON MAIN, MAIN ROAD, CLAREMONT

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 Subcouncil of the outcome of comments received on the application and submitted to the Liquor Authority in terms of sub delegated authority.

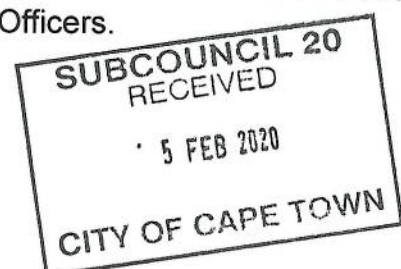
4. FOR DECISION BY

Subcouncil Manager in conjunction with the Chairperson and Ward Councillor in terms of the subdelegated authority for delegation Part 24-Section 4 (1) To comment on applications for liquor licenses in terms of the Western Cape Liquor Act, 2008

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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 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.



## 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:

- **LLA20010003**
- **Hong Restaurant**
- **Erf 171785 and 144005**
- **Shop G5, Stadium on Main, Main Road, Claremont**
- **Blue Marlin Restaurant and Take Away CC**
- **2009/125133/23**

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**  
Newlands Residents Association – No Objection – **Annexure D**
- **Internal departments:**
  - ❖ **Planning and Building Development Management**  
Supported – **Annexure E**
  - ❖ **Law Enforcement**  
Supported – **Annexure F**
  - ❖ **Liquor Control**  
Supported – **Annexure G**
  - ❖ **Environmental Health**  
Supported – **Annexure H**

## 7. RECOMMENDATION

*Please insert the Decision that was taken at the Delegation Meeting*

SUPPORTED

☒

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 Hong Restaurant, Erf 171785 and 144005, Shop G5, Stadium on Main, Main Road, Claremont for Consumption ON Premises, Reference No LLA20010003 **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, may not grant a licence, unless it or he or she is satisfied on the balance of 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:**

<b>NAME</b>	Richard White
<b>CONTACT NUMBERS</b>	021 444 8112
<b>E-MAIL ADDRESS</b>	<a href="mailto:Richard.White@capetown.gov.za">Richard.White@capetown.gov.za</a>
<b>DIRECTORATE</b>	Urban Management

  
**Richard White**  
**MANAGER: SUBCOUNCIL 20**

5 Feb

2020

Comment:

Delegation 4 (1)

**From:** Ian Iversen <[ian.iversen@capetown.gov.za](mailto:ian.iversen@capetown.gov.za)>  
**Sent:** Saturday, 18 January 2020 10:44  
**To:** Celes Rene Allies <[CelesRene.Allies@capetown.gov.za](mailto:CelesRene.Allies@capetown.gov.za)>  
**Subject:** RE: Liquor Licence Hong Restaurant Application No : LLA20010003

No objection

Regards

Ian Iversen

Cllr. I R Iversen

Office 021 444 8117  
Cell 083 629 7051  
E-mail [ian.iversen@capetown.gov.za](mailto:ian.iversen@capetown.gov.za)

PA Ms Esmeralda Abrahams  
Important Please copy Ms Abrahams in on all e-mails: [Esmeralda.Abrahams@capetown.gov.za](mailto:Esmeralda.Abrahams@capetown.gov.za)



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**From:** Amrish Punwasi <amrishpunwasi@gmail.com>

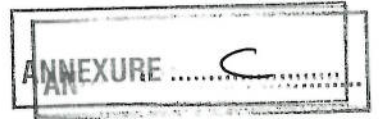
**Sent:** Thursday, 23 January 2020 08:37

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

**Subject:** Re: Liquor Licence Hong Restaurant Application No : LLA20010003

no objection

Amrish



**From:** Clare Burgess <clarobel@telkomsa.net>  
**Sent:** Friday, 24 January 2020 21:04  
**To:** Celes Rene Allies <CelesRene.Allies@capetown.gov.za>  
**Subject:** RE: Liquor Licence Hong Restaurant Application No : LLA20010003

Dear Celes

I have no objection to this application.

Regards  
Clare Burgess  
Rep Environment Ward 59 Com



**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 Hong Restaurant Application No : LLA20010003

The NRA has no objection to this application.

Kind regards

Jo

Jo Devine,

NRA Administrator

[admin@newlandsresidents.org.za](mailto:admin@newlandsresidents.org.za)

Post Net #339 | Private Bag X1005 | 7735 Claremont

[www.newlandsresidents.org.za](http://www.newlandsresidents.org.za)

COMMENT ON LIQUOR LICENSE APPLICATION FORM		
Please complete the information below and return to Subcouncil SC20		
Alphen Centre Constantia Main Road Constantia 7800		
LLA200010003	Hong Restaurant	
SUPPORTED	X	NOT SUPPORTED
Aged or Frail Care Centre	X	
Rehab, Drugs / Alcohol Centre	X	
School(s)	X	
Other	-	
The atrium complex has its own parking		
The zoning permits the use		
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		
ORGANISATION DETAILS		
Frances Currie	SIGNATURE	<i>Frances Currie</i>
Southern District Office, Plumstead		
31-01-2020	CONTACT NUMBER	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]		

ANNEXURE .....

F

**From:** Heinrich Ras <Heinrich.Ras@capetown.gov.za>  
**Sent:** Friday, 17 January 2020 10:01  
**To:** Celes Rene Allies <CelesRene.Allies@capetown.gov.za>  
**Subject:** FW: Liquor Licence Hong Restaurant Application No : LLA20010003  
**Importance:** High

Law Enforcement do not have any objections pertaining to this establishments application.

**H.P.Ras**  
**Senior Inspector.**  
**Wynberg Law Enforcement**  
**Tel: 021 761 3923**



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## COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20  
Alphen Centre Constantia Main Road Constantia 7800

<b>Applicant Details</b>	LLA20010003	<b>Hong Restaurant</b>	
<b>APPLICATION</b>	<b>SUPPORTED</b>	<b>yes</b>	<b>NOT SUPPORTED</b>
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	<b>no</b>	
	Rehab, Drugs / Alcohol Centre	<b>no</b>	
	School(s)	<b>no</b>	
	Other	<b>Claremont main road mosque</b>	
<b>PARKING</b>	<b>Centre parking</b>		
<b>REASONS FOR NOT SUPPORTING</b>	<b>Premises is zoned for business and it just move from the one shop to the other</b>		
<b>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</b>			
<b>LAW ENFORCEMENT LIQUOR UNIT</b>			
<b>NAME</b>	<b>Y Potberg</b>	<b>SIGNATURE</b>	<b>Original signed</b>
<b>ADDRESS</b>	<b>Brackenfell</b>		
<b>DATE</b>	<b>20/01/2020</b>	<b>CONTACT NUMBER</b>	<b>021 444 1142</b>

**From:** Ziyaad Samaai <[MogamatZiyaad.Samaai@capetown.gov.za](mailto:MogamatZiyaad.Samaai@capetown.gov.za)>  
**Sent:** Friday, 31 January 2020 16:28  
**To:** Celes Rene Allies <[CelesRene.Allies@capetown.gov.za](mailto:CelesRene.Allies@capetown.gov.za)>  
**Cc:** Gavin Heugh <[Gavin.Heugh@capetown.gov.za](mailto:Gavin.Heugh@capetown.gov.za)>  
**Subject:** RE: Liquor Licence Hong Restaurant Application No : LLA20010003

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