



**1. ITEM NUMBER : 16 SUB 39/11/20**

**2. SUBJECT**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER  
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD  
COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: OLD BANK HOTEL  
REF. NO.: LLA20100016**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO  
ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI  
WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-  
OLD BANK HOTEL: INOMBOLO YESALATHISO .: LLA20100016  
(H3064)**

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE  
SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER  
KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: OLD  
BANK HOTEL: VERWYSINGSNO.: LLA20100016  
(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 timely 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 OLD BANK HOTEL 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. LLA20100016, for the business Old Bank Hotel **CONDITIONALLY SUPPORTED:**

Subject to:

1. Completion of construction of the premises
  2. Inspection of the premises after completion.
  3. The applicant obtaining an appropriate business licence (Sale and Supply of Meals) from the City of Cape Town.
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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, 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."

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

7.1.3 Details of applicant;

- LLA20100016
- Lion Roars Hotels and Lodges PTY LTD;
- 2004/024354/07
- Old Bank Hotel;
- Consumption ON Premises
- Erf: 4507-RE 85 St Georges Mall previously known as St Geotges Street 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 is vacant.

Community Organizations: As per CBO Database

Comments received from Signarama, John & Lorraine Dawson on 9 October 2020.  
Application supported.

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 15 October 2020.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: General Business Zone (GB7) thus permits the operation of the proposed activity as a primary right.

TOWN PLANNING

R. Bester

15/10/2020

Health:

Comments received from City Health, Sigmund Badenhorst on 21 October 2020.

APPLICATION NOT SUPPORTED

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

Parking: CBD Area.

Reasons for NOT Supporting: Premises is still under construction (8th floor-Restaurant & bar are) and not operating yet. The Hotel will be operational as from 1 Nov 2020. (The rooms have been completed.) City Health cannot support the liquor licence application until the premises is ready for an inspection and in possession of a Sale or Supply of meals business licence.

CITY HEALTH

Sigmund Badenhorst

2020/10/21

City Emergency Services: 2020/10/07

Comments received from Emergency Services, Moegamat Suruh Barendse on 21 October 2020.

Unable to comment , building still under construction(see attachment)

Law Enforcement Squad: 2020/10/07

Comments received from Law Enforcement Liquor Unit, Y. Potberg 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: Central Methodist church +/-100m

Parking: Street parking

Comments: The premises is under construction, the reception will be on the 8th floor, as well as the restaurant. The storage will be on the first floor, the premises will have 54 rooms and all of them will have mini Bars.

LAW ENFORCEMENT LIQUOR UNIT

Y. Potberg

13/10/2020

## **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**

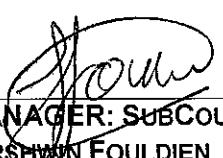
*City Emergency Services: (Moegamat Suruh Barendse)*

### **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

29/10/2020

  
CHAIRPERSON: SUBCOUNCIL 16  
MATTHEW KEMPTHORNE

TEL No 021 487 2207

DATE

29/10/2020