
-MINUTE-
**OF THE SPECIAL SUBCOUNCIL 19 MEETING OF THE CITY OF CAPE TOWN HELD
IN THE COUNCIL CHAMBERS AT THE FISH HOEK MUNICIPAL OFFICES, CENTRAL
CIRCLE, FISH HOEK ON FRIDAY, 09 OCTOBER 2020 AT 2PM**

PRESENT:

Cllr Patricia Francke	DA	Chairperson
Cllr Felicity Purchase	DA	MAYCO: Transport
Cllr Aimee Kuhl	DA	
Cllr Simon Liell-Cock	DA	
Cllr Anthony Benadie	DA	
Cllr Nontsikelelo Ndalen	DA	

APOLOGY

None

OFFICIALS

Desiree Mentor	Subcouncil 19
Donna-Green Thompson	Subcouncil 19
Emmarentia Jacobs	Subcouncil 19
Marsha Heldsinger	Property Management
Michaela Williams	Subcouncil 19
Purden Witbooi	Subcouncil 19
Raquel Harrison	Subcouncil 19
Simeon Carelse	Property Management

PUBLIC

As per attendance register filed with the Minute.

ACRONYMS USED IN THE MINUTES

ALD	Alderman
CLLR	Councillor
DA	Democratic Alliance
CAPEX	Capital Expenditure
MAYCO	Mayoral Committee Member
MURP	Mayor's Urban Regeneration Programme
OPEX	Operating Expenditure

STANDARD BUSINESS

19SUB01/10/20 OPENING AND PRAYER/MOMENT OF SILENCE

The Subcouncil manager, Mrs Desiree Mentor welcomed all and informed that some of the attendees were struggling to log on via skype.

NOTED.

19SUB02/10/20 APOLOGIES/LEAVE OF ABSENCE

None.

ACTION: SECRETARIAT

FINANCIAL REPORTS AND IDP

19SUB03/10/20 THE GRANTS-IN-AID ALLOCATION: HUMANITARIAN FOOD RELIEF

The Subcouncil Manager, **Ms Desiree Mentor** introduced this item.

The councillors raised the following concerns:

- They had no knowledge of the organisation feeding the community of Ocean View;
- It was unfair if only a certain amount of people were fed in Ocean View, as there are many vulnerable areas in Subcouncil 19 that also need food relief.

In view of the above:

RESOLVED to Recommend that,

- a) Funding to the Peninsula School Feeding Association and Breadline Africa organisations **NOT BE SUPPORTED**

ACTION: SECRETARIAT / PAM NAIDOO

LIQUOR LICENSE: EXTENSION OF TRADING TIMES

**19SUB04/10/20 EXTENSION OF LIQUOR TRADING HOURS APPLICATION:
IN RESPECT OF: WCP/037427 TOERIES KOOP & LOOP
(OCEAN VIEW) FOR MONDAY TO SATURDAY EXTENDED
OFF-CONSUMPTION TRADING HOURS**

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received

from reference no **WCP/037427 TOERIES KOOP & LOOP (OCEAN VIEW)** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

**19SUB05/10/20 EXTENSION OF LIQUOR TRADING HOURS APPLICATION:
IN RESPECT OF: WCP/033259/A THE GOLDEN PHEASANT
FOR MONDAY TO SATURDAY EXTENDED OFF-
CONSUMPTION TRADING HOURS**

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received from reference no **WCP/033259/A THE GOLDEN PHEASANT** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

**19SUB06/10/2020 EXTENSION OF LIQUOR TRADING HOURS APPLICATION:
IN RESPECT OF: WCP/034939 SHARKI'S KOOP & LOOP FOR
MONDAY TO SUNDAY EXTENDED OFF-CONSUMPTION
TRADING HOURS**

RESOLVED that,

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;

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- Family violence (including gender-based violence) associated with alcohol consumption; and
 - Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received from reference no **WCP/034939 SHARKI'S KOOP & LOOP** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

19SUB07/10/2020 EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP/035309 GLENCAIRN TOPS LIQUOR STORE FOR MONDAY TO SUNDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

RESOLVED that,

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received from reference no **WCP/035309 GLENCAIRN TOPS LIQUOR STORE** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

19SUB08/20/20 EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP/042163 PICK N' PAY LIQUOR FISH HOEK FOR MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

RESOLVED that,

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting

the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received from reference no **WCP/042163 PICK N' PAY LIQUOR FISH HOEK** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

LATE ITEMS

19SUB09/10/20 ANNUAL REVIEW OF ORGANISATIONAL PERFORMANCE MANAGEMENT SYSTEM (OPM)

RESOLVED that,

- 1) The annual review process of the Organisational Performance Management system be **NOTED**.

ACTION: SECRETARIAT

19SUB10/10/20 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT REMAINDER ERF 94311, SITUATED AT 45 DARTMOUTH ROAD, MUIZENBERG, ZONED SINGLE RESIDENTIAL 1 (SR1): CONVENTIONAL HOUSING, FOR RESIDENTIAL PURPOSES

RECOMMENDED that,

- a) In terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):
- b) Council resolves that Remainder Erf 94311, situated at 45 Dartmouth Road, Muizenberg, in extent approximately 497m² (see attached **Annexure A** for Plan LIS 2171), be regarded as not being required for the provision of the minimum level of basic municipal services; and
- c) Council confirms that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) has been considered;
- d) In terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations of 2008 (MATR), Council approves in principle the transfer of Remainder Erf 94311, situated at 45 Dartmouth Road, Muizenberg, as described in (a)(i); and
- e) Remainder Erf 94311, situated at 45 Dartmouth Road, Muizenberg, be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.

ACTION: SECRETARIAT / MARSHA HELDSINGER

**19SUB11/10/20 PROPOSED CLOSURE, APPROVAL IN-PRINCIPLE AND
APPROVAL FOR TRANSFER OF A PORTION OF ERF 7000 FISH
HOEK, BEING PUBLIC STREET, SITUATED AT RANGER ROAD,
FISH HOEK: DAVID CHARLES PARRY AND LINDA MARGARET
PARRY**

RECOMMENDED that,

- a) Council resolve that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, a portion of erf 7000 Fish Hoek being a portion of public street, situated at Ranger Road, Fish Hoek in extent approximately 162 m² as shown lettered ABCD on Plan LT 1513v0 (**Annexure "A"**) not be required to provide the minimum level of basic municipal services and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset;
- b) Council approve the granting of in-principle approval in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the transfer of a portion of Erf 7000 Fish Hoek being a portion of a public street, situated at Ranger Road, Fish Hoek, in extent approximately 162 m², as shown lettered ABCD on Plan LT 1513v0 (**Annexure "A"**);
- c) Council, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approve the closure of a portion of Erf 7000 Fish Hoek, being a portion of public street, situated at Ranger Road, Fish Hoek, in extent approximately 162 m² as shown hatched and lettered ABCD on plan LT 1513v0, attached as **annexure A**;
- d) That the transfer of a portion of Erf 7000 Fish Hoek being a portion of a public street, situated at Ranger Road, Fish Hoek, in extent approximately 162 m², as shown lettered ABCD on Plan LT 1513v0 (**Annexure "A"**), to David Charles Parry and Linda Margaret Parry, or their successor(s) in title, be approved subject inter alia to the following conditions, that:

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- e) The property be sold for the sum of R135 000, exclusive of 15% Vat being R20 250 (in total R155 250) plus costs;
 - f) The sales price shall escalate at 8% per annum compounded annually on a pro rata basis commencing from date of valuation (i.e. as from 2019-08-01) until 2020-03-31. The escalated sale's price will from this date escalate at 5% per annum until date of registration;
 - g) The market value is to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 18 months from date of valuation (i.e. by 2021-02-01);
 - h) Occupational rental: An amount of R680 per month (excluding VAT) shall be payable from 2019-08-01, escalating at 8,0% per annum, until date of registration.
 - i) Subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority; including inter alia the following:
 - j) Subject to compliance with any other statutory requirements;
 - k) All costs related to the transaction be borne by the applicants;
 - l) Adherence to the requirements of the City of Cape Town's water by- law, with reference to:
 - m) Clause 9; 10; 11; 13; 19; 24; 25; 28;
 - n) Metering of water supplied;
 - o) Chapter 3; and
 - p) Schedule 1,
 - q) Any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.
 - r) Open Serve infrastructure will be affected, consequently the conditions below will apply:
 - s) Telecommunication services position are shown as accurately as possible but should be regarded as approximately only.

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- t) Should alteration or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.
 - u) This office is to be notified within 21 working days from this letter of acceptance and if any alteration proposal is available or if a recoverable work should commence.
 - v) This office should be notified within 30 days of completion of construction work. Confirmation is required on completion of construction as per agreed requirements.
 - w) Should open serve infrastructure be damaged while work is undertaken, our representative is to be contacted immediately.
 - x) All open serve rights remain reserved.

ACTION: SECRETARIAT / SIMEON CARELSE

19SUB12/10/20 LIQUOR LICENSE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: DAWN PATROL WINES REF NO.: LLA20090003

It be **NOTED** that an application for a liquor license received from DAWN PATROL WINES 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:

The application for consumption on premises Liquor License, reference no. LLA20090003, for the business DAWN PATROL WINES be **conditionally supported** subject to the following:

- 1) The applicant provides the approved Municipal plans as requested by the Fire Services
- 2) The applicant provides consent approval to permit the sale of alcohol beverages on site as requested by town planning.

19SUB13/10/20 THE GRANT-IN-AID: 2020/21

The Subcouncil Manager informed the meeting that two applications were received for Grant-In-Aid in Ward 61 (Advert closed on the 14 September 2020).

The applications were sent to the Grants Committee and on 02 October 2020 the Subcouncil Manager was informed that only one applicant was compliant.

RESOLVED to Recommend that,

A grant of R 200 000 be allocated to Living Hope Trust, as it was the only organisation that was compliant.

ACTION: SECRETARIAT

**19SUB14/10/20 EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN
RESPECT OF: WCP/041938 PICK N' PAY LIQUOR SIMONS
TOWN LIQUOR FISH HOEK FOR MONDAY TO SATURDAY
EXTENDED OFF-CONSUMPTION TRADING HOURS**

Councillors were of the opinion that the intention of limiting the hours that liquor could be sold from off-consumption premises, was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy, specifically for wine farms and speciality liquor outlets and not to extend the hours of liquor purchases to the general public. Their reasoning was that citizens found it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.

The risks and nuisances associated with alcohol sales and consumption were well-known and widespread across the Country. The effects were not only experienced at the immediate sales location but also in the surrounding suburbs.

The Councillors reasons were as follows:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

The Minister of Local Government, in court (August 2020), stated that over 50 % of hospital trauma admissions per week, were linked to alcohol consumption.

It was therefore unanimously agreed that it was not in the public interest to approve and grant extension of the trading days and hours.

RESOLVED that,

the application for extension of liquor licence trading hours received from reference no **WCP/041938 PICK N' PAY LIQUOR SIMONS TOWN** be **REFUSED** for the reasons stipulated below:

- Drunk-driving road deaths were one of the highest in the world;
- Anti-social behaviour, violence and crime;
- Family violence (including gender-based violence) associated with alcohol consumption; and
- Alcoholism amongst the street people was a major societal challenge.

ACTION: SECRETARIAT / SAMANTHA MORRIS

CLOSING ITEMS

NEXT MEETING DATE

MEETING CLOSING

The Chairperson concluded the meeting with a word of thanks to all councillors, officials and public present.

The meeting ended at 5am.

CHAIRPERSON

DATE