



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Making progress possible. Together.

SUBCOUNCIL 20

1. ITEM NUMBER : **20SUB23/9/19**

2. SUBJECT

ON CONSUMPTION LIQUOR LICENCES APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY SUBCOUNCIL MANAGER, WARD COUNCILLOR AND CHAIRPERSON IN RESPECT OF: LLA19080004 CHECKERS CONSTANTIA CAFE, ERF: 14011, CONSTANTIA EMPORIUM, 55, LADIES MILE ROAD, CONSTANTIA

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

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.

**SUBCOUNCIL 20
RECEIVED**

29 AUG 2019

CITY OF CAPE TOWN

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:

- **LLA19080004**
- **Checkers Constantia Cafe**
- **Erf: 14011**
- **Constantia Emporium, 55, Ladies Mile Road, Constantia**
- **Shoprite Chckers PTY LTD**
- **1929/001817/07**

6.2.2 Sub-Council Manager confirmation: Advertising extent (community participation) -
Notices served on and received the following Comments:

- **Subcouncil Chairperson**
No Objection – Annexure A
- **Ward 62 Councillor**
Supported – Annexure B
- **Internal departments:**
 - ❖ **Planning and Building Development Management**
Supported – Annexure C
 - ❖ **Liquor Control**
Supported – Annexure E
 - ❖ **Law Enforcement**
Supported – Annexure D
 - ❖ **Environmental Health**
Supported – Annexure F

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 Checkers Constantia Cafe, Erf: 14011, Constantia Emporium, 55 Ladies Mile Road, Constantia, for the sale of liquor for Consumption ON Premises, Reference No LLA19080004 **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:

NAME	Richard White
CONTACT NUMBERS	021 444 8112
E-MAIL ADDRESS	Richard.White@capetown.gov.za
DIRECTORATE	Urban Management


Richard White
MANAGER: SUBCOUNCIL 20

2019
August
2019

Comment:
Delegation 4 (1)

From: Ian Iversen <ian.iversen@capetown.gov.za>

Sent: Monday, 19 August 2019 10:16

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

Subject: RE: Liquor Licence Application No : LLA19080004 Checkers Constantia Cafe

No objection to this application

Regards

Ian Iversen

Cllr. I R Iversen

Office 021 444 8117

Cell 083 629 7051

E-mail ian.iversen@capetown.gov.za

PA Ms Esmeralda Abrahams

Important Please copy Ms Abrahams in on all e-mails: Esmeralda.Abrahams@capetown.gov.za



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Making progress possible. Together.

COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20 Alphen Centre Constantia Main Road Constantia 7800			
Applicant Details	LLA19080004	Checkers Constantia Cafe	
APPLICATION	SUPPORTED	<input checked="checked" type="checkbox"/>	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre		
	Rehab, Drugs / Alcohol Centre		
	School(s)		
	Other		
PARKING			
REASONS FOR NOT SUPPORTING			
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			
NAME	LIZ BRUNETTE	SIGNATURE	<i>Liz Brunette</i>
ADDRESS	SUBCOUNCIL 20		
DATE	5/8/2019	CONTACT NUMBER	021 444 8118

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].

must reach this office before or on

2019/08/16

at close of business [16h00].

From: Pierre Evard <Pierre.Evard@capetown.gov.za>

Sent: Friday, August 16, 2019 3:19 PM

To: Michelle Walker <Michelle.Walker@capetown.gov.za>

Subject: RE: Liquor Licence Application No : LLA19080004 Checkers Constantia Cafe

Dear Celes

The property was the subject of a land use application and is zoned General Business Subzone GB1. The primary uses permitted in this zone include business premises which includes restaurants and the sale of alcoholic beverages. The use is therefore permitted.

Pierré Evard

Southern District
Development Management Department
Spatial Planning & Environment Directorate

Tel: 021 444 7726

Fax: 021 444 3803

Email: pierre.evard@capetown.gov.za

Web: www.capetown.gov.za

[Report a fault](#) | [Enquiry](#) |  0800 65 64 63 (free call 24/7)

COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20 Alphen Centre Constantia Main Road Constantia 7800			
Applicant Details	LLA19080004	Checkers Constantia Cafe	
APPLICATION	SUPPORTED	<input checked="" type="checkbox"/>	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no	
	Rehab, Drugs / Alcohol Centre	no	
	School(s)	nearby	
	Other	Church nearby	
PARKING			
REASONS FOR NOT SUPPORTING			
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			
NAME	Wayne Petersen Acting S/Inspector Station Commander Wynberg Law Enforcement (West) Tel: 021 761 8187 Fax to Email: 086 576 2862	SIGNATURE	
DATE	19/08/2019	CONTACT NUMBER	

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] must reach this office before or on **2019/08/16** at close of business [16h00].

COMMENT ON LIQUOR LICENSE APPLICATION FORM**Please complete the information below and return to Subcouncil SC20****Alphen Centre Constantia Main Road Constantia 7800**

Applicant Details	LLA19080004	Checkers Constantia Cafe		
APPLICATION	SUPPORTED	Yes	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	No		
	Rehab, Drugs / Alcohol Centre	No		
	School(s)	No		
	Other	None		
PARKING	Centre parking			
Comments	Premises zoned for business. Premise still under construction			
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				
LAW ENFORCEMENT LIQUOR UNIT				
NAME	S.Dishi	SIGNATURE	Original signed	
ADDRESS	Brackenfell			
DATE	2019/08/07	CONTACT NUMBER	021-44441142	

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]

must reach this office before or on **2019/08/15** at close of business [16h30].

COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20

Alphen Centre Constantia Main Road Constantia 7800

Applicant Details	LLA19080004	Checkers Constantia Cafe	
APPLICATION	SUPPORTED	<input checked="" type="checkbox"/>	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre		
	Rehab, Drugs / Alcohol Centre		
	School(s)	<input checked="" type="checkbox"/>	
	Other		
PARKING			
REASONS FOR NOT SUPPORTING			
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			
NAME	Naadiya Orrie	SIGNATURE	noorie
ADDRESS	Wynberg Environmental Health Office		
DATE	08/08/2019	CONTACT NUMBER	0214002773

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]

must reach this office before or on

2019/08/16

at close of business [16h00].