



1. ITEM NUMBER : 16 SUB 29/02/2020

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: BOOTLEGGER (GARDEN CENTRE) REF. NO.: LLA20010005

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-BOOTLEGGER (GARDEN CENTRE): INOMBOLO YESALATHISO .: LLA20010005 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: BOOTLEGGER (GARDEN CENTRE): VERWYSINGSNO.: LLA20010005 (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 77 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 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.

6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from BOOTLEGGER (GARDEN CENTRE) 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. LLA20010005, for the business Bootlegger (Garden Centre) **BE SUPPORTED**.

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, inspector, 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;

- LLA20010005
- K2019282511 (South Africa) PTY LTD;
- 2019/282511/07
- Bootlegger (Garden Centre);
- Consumption ON Premises
- Erf: 2905 22 Mill Street Shop 10A & 10B Gardens Shopping Centre Oranjezicht Cape Town;

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

Ward 77 Councillor;

Cllr Golding was consulted and his comments are included in the Subcouncil's recommendations.

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 77

No response received.

CPF: CT CPF

No response received.

Other interest and effected parties:

Internal departments:

Town Planning:

Comments received from Town Planning, Jodi Fullard on 29 January 2020.

APPLICATION SUPPORTED

Zoning: The subject property being Erf 2905, Oranjezicht, Cape Town is zoned for General Business Subzone (GB5) which permits a business premises.

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

Other: Businesses

Parking: On-street

Comments: This section therefore supports the application for a liquor licence for on-site consumption.

TOWN PLANNING

Jodi Fullard

2020/01/29

Health:

Comments received from City Health, Sandile Mphikampi on 30 January 2020.

APPLICATION SUPPORTED

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

Parking: Parking available in the Shopping Centre.

Comments: The premises has Applied for Business Licence (Sale Or Supply Of Meals)N/A

CITY HEALTH

Sandile Mpikampi

30/01/2020

City Emergency Services: 2020/01/16

Comments received from Emergency Services, Abdul-Aziz Fritz on 5 February 2020.

APPLICATION SUPPORTED: Premises is compliant

Law Enforcement Squad: 2020/01/16

Comments received from Law Enforcement Liquor Unit, S.J. Festus on 24 January 2020.

APPLICATION SUPPORTED

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

Parking: Secure Mall Parking

Comments: Premises is zoned for business. Form 3 on display. Liquor will be served with meals. Trading hours as per City of Cape Town By Laws. No loud music will be audible.

LAW ENFORCEMENT LIQUOR UNIT

S. J. Festus

21/01/2020

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	Johannes Brand (Acting)
CONTACT NUMBERS	021 444 4862
E-MAIL ADDRESS	Johannes.Brand@capetown.gov.za
DIRECTORATE	Urban Management
DEPARTMENT	Area 1


MANAGER: SUBCOUNCIL 16
JOHANNES BRAND (ACTING)

TEL NO 021 444 4862

DATE 13/2/2020


CHAIRPERSON: SUBCOUNCIL 16
MATTHEW KEMPTHORNE

TEL NO 021 487 2207

DATE 13/02/2020