



1. ITEM NUMBER : 16 SUB 35/06/19

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: FICTION REF. NO.: LLA19050004

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-FICTION: INOMBOLO YESALATHISO : LLA19050004 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: FICTION: VERWYSINGSNO.: LLA19050004 (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 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 FICTION 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. LLA19050004, for the business Fiction **CONDITIONALLY SUPPORTED:**

Subject to:

1. The applicant obtaining an appropriate business licence from the City of Cape Town.
2. Approved floor plan.

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;

- LLA19050004
- Birhed Properties PTY LTD;
- 2001/002710/07
- Fiction;
- Consumption ON Premises
- Erf: 4064 226 Long Street, First Floor & Second Floor Cape Town;

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

Ward 115 Councillor:

Cllr Bryant 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 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 22 May 2019.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: General Business Zone (GB6) thus permits the operation of the proposed activity as a primary right.

TOWN PLANNING

R. Bester

21/05/2019

Health:

Comments received from City Health, Thando Guzule, on 17 May 2019.

APPLICATION SUPPORTED

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

School(s): 650 meter

Parking: Street parking

CITY HEALTH

T. Guzule

17.05.2019

City Emergency Services: 2019/05/07

Comments received from City Emergency Services, Moegamat Surug Barendse on 10 May 2019.

Liquor licence is subject to application of business license and approved floor plan.

Law Enforcement Squad: 2019/05/07

Comments received from Law Enforcement Liquor Unit, B. April on 10 May 2019.

APPLICATION SUPPORTED

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

Parking: Street parking (long street)

Comments: Premises zoned for business. Fiction use to be a problematic premises regarding complying with City's bylaws and the selling and use of drugs according to Cape Town SAPS records. License may be granted if these negative elements are mitigated and premises have proper control from security point and admin to secure compliance.

LAW ENFORCEMENT LIQUOR UNIT

B. April

09/05/2019

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:

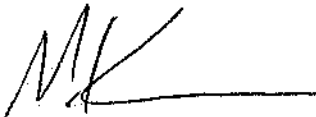
NAME	Marius Coetsee
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DIRECTORATE	Urban Management
DEPARTMENT	Area 1



MANAGER: SUBCOUNCIL 16
MARIUS COETSEE

TEL NO 021 487 2055

DATE 4/6/2019



CHAIRPERSON: SUBCOUNCIL 16
MATTHEW KEMPTHORNE

TEL NO 021 487 2207

DATE 04/06/2019