



CITY OF CAPE TOWN
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SUBCOUNCIL 20

1. ITEM NUMBER : 20SUB28/01/2020

2. SUBJECT

ON AND OFF CONSUMPTION LIQUOR LICENCES
APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY
BY SUBCOUNCIL MANAGER, WARD COUNCILLOR AND CHAIRPERSON IN
RESPECT OF: LLA19110011 OBLIVION BAR & KITCHEN, ERF: 53563, 22
CHICHESTER ROAD, KENILWORTH

3. PURPOSE

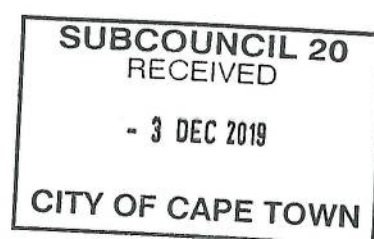
To report on an application for a liquor license received in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 2010 and Western Cape Liquor Regulations, 2011 and to inform the Subcouncil of the outcome of comments received on the application 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.



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:

- **LLA19110011**
- **Oblivion Bar & Kitchen**
- **Erf: 53563**
- **22 Chichester Road, Kenilworth**
- **Oblivian CC**
- **2001/034960/23**

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 58 Councillor**
No Objection – Annexure B
- **Community Based Organizations: As per CBO Database:**
No Objection - Kenilworth Residents Association – Annexure C
No Objection – Greater Lynfræ Civic Association – Annexure D
- **Ward Committee: Elected members of Ward 58:**
No Objection - Peter Linnegar – Annexure C
- **Internal departments:**
 - ❖ **Planning and Building Development Management**
Supported – Annexure E
 - ❖ **Law Enforcement**
Supported – Annexure F
 - ❖ **Environmental Health**
Supported – Annexure G

7. RECOMMENDATION

Please insert the Decision that was taken at the Delegation Meeting

SUPPORTED

X

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 Oblivion Bar & Kitchen, Erf: 53563, 22 Chichester Road, Kenilworth, for the sale of liquor for Consumption On and Off Premises, Reference No LLA19040026 **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

3 December
2019

Comment:
Delegation 4 (1)

From: Ian Iversen <ian.iversen@capetown.gov.za>
Sent: Monday, 18 November 2019 16:07
To: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>
Subject: RE: Liquor Licence Application No : LLA19110011 - Oblivian Bar and Restaurant Kenilworth

No objection

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
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From: Sharon Cottle <Sharon.Cottle@capetown.gov.za>

Sent: Wednesday, 20 November 2019 18:56

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

Subject: RE: Liquor Licence Application No : LLA19110011 - Oblivian Bar and Restaurant Kenilworth

Dear Celes

I have no objection to this liquor application.

Kind Regards

Sharon Cottle

Member of the Mayoral committee for Corporate Services

Councillor: Ward 58

Cell: 082 436 3069

E-mail: Sharon.Cottle@capetown.gov.za



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Useful links:

[Report a fault \(C3\)](#)

[Water restrictions](#)

[Weekly dam levels](#)

ANNEXUREC.....

From: Pete Linnegar <petelinnegar@yahoo.com>

Sent: Monday, 18 November 2019 16:28

To: Subcouncil 20 <Subcouncil.20@capetown.gov.za>

Subject: Re: Liquor Licence Application No : LLA19110011 - Oblivian Bar and Restaurant Kenilworth

No objection from KRA.

Pete Linnegar

From: chairman@glca.co.za <chairman@glca.co.za>

Sent: Monday, 18 November 2019 11:46

To: Subcouncil 20 <Subcouncil.20@capetown.gov.za>

Subject: RE: Liquor Licence Application No : LLA19110011 - Oblivian Bar and Restaurant Kenilworth

Hi,

GLCA has no objections to this renewal.

Roy

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	LLA19110011	Oblivion Bar & Kitchen	
APPLICATION	SUPPORTED	X	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre		
	Rehab, Drugs / Alcohol Centre		
	School(s)		
	Other		
PARKING	There is no onsite 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	K McGilton	SIGNATURE	
ADDRESS	Plumstead Planning Office, 1st floor, 2 Victoria Rd, Plumstead		
DATE	2019-11-26	CONTACT NUMBER	021 4449537

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 **2019/12/02** 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	LLA19110011	Oblivian Bar & Kitchen		
APPLICATION	SUPPORTED	X	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no		
	Rehab, Drugs / Alcohol Centre	no		
	School(s)	Yes		
	Other	n/a		
PARKING	yes			
REASONS FOR NOT SUPPORTING	None			
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	H.P.Ras Senior Inspector. Wynberg Law Enforcement		SIGNATURE	
ADDRESS				
DATE	26 November 2019		CONTACT NUMBER	Tel: 021 761 3923

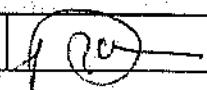
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COMMENT ON LIQUOR LICENSE APPLICATION FORM

Please complete the information below and return to Subcouncil SC20

Alphen Centre Constantia Main Road Constantia 7800

Applicant Details	LLA19110011	Oblivion Bar & Kitchen		
APPLICATION	SUPPORTED	X	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	none		
	Rehab, Drugs / Alcohol Centre	none		
	School(s)	Yes but the school is within the radius of 250m distance from the Restaurant which is Livingston High school and Rosmead Primary School which is also within the radius of 84m		
	Other	A church of Nazarene is located within the radius of 241m away from the Restaurant.		
PARKING	Parking is being provided			
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	Lucia Mahloane	SIGNATURE		
ADDRESS	Wynberg Town Hall, Lower Maynard Road, Wynberg			
DATE	19/11/2019	CONTACT NUMBER	021 400 2779	

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2019/12/02

at close of business [16h00].