



1. ITEM NUMBER : 03SUB 18/11/2020

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: DURBANVILLE VALLEY WINES PTY LTD REF. NO.: LLA20100023

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-DURBANVILLE VALLEY WINES PTY LTD: INOMBOLO YESALATHISO .: LLA20100023

(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: DURBANVILLE VALLEY WINES PTY LTD: VERWYSINGSNO.: LLA20100023

(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 70 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 license received from DURBANVILLE VALLEY WINES PTY LTD 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 03 recommends that the application for a Consumption Off (Internet Based Practice) Liquor Licence, reference no. LLA20100023, for the business Durbanville Valley Wines PTY LTD be **supported**.

ISINDULULO

(H3064)

Kundululwe ukuba:

Kufuneka **kuqatshelwe** ukuba isicelo sephepha-mvume lokuthengiswa kotywala esifunyenwe kwabe- Durbanville Valley Wines PTY LTD, saye saqwalaselwa ngokwesigunyaziso esigunyazisiweyo kwakhona isindululo esilandelayo saye sagqithiselwa kuGunyaziwe ongezoTywala ngokungqinelana noMthetho ongezoTywala waseNtshona Koloni wango-2008, njengoko ulungisiwe:

IBhungana-3 malindulule ukuba **masixhaswe** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA20100023, elingeshishini labakwa- Durbanville Valley Wines PTY LTD.

AANBEVELING

(H3064)

Daar word aanbeveel dat:

Daarvan **kennis geneem word** dat 'n aansoek om 'n dranklisensie wat van die Durbanville Valley Wines PTY LTD ontvang is, kragtens gedelegeerde bevoegdheid oorweeg is en dat die volgende aanbeveling ingevolge die Wes-Kaapse Drankwet, 2008, soos gewysig, aan die drankowerheid gestuur is:

Subraad 3 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA20100023, vir die sakebedryf Durbanville Valley Wines PTY LTD **gesteun word**.

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, inspect, 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;

- LLA20100023
- Durbanville Valley Wines PTY LTD
- 2020/482749/07
- Durbanville Valley Wines PTY LTD;
- Consumption Off (Internet Based Practice)
- Erf: 28 Van Riebeeckshof 2 Oude Westhof Medical Centre Oude Westhof;

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

Ward 70 Councillor Andrea Crous

Supported.

As Ward Councillor, upon my site inspection I discovered that this will be an online business operation.

Community Organizations: As per CBO Database

No comments received.

Ward Committee: Elected Members of Ward 70

No comments received

CPF:

No comments received

Other interest and effected parties:

No comments received.

Internal departments:

Town Planning:

Supported.

Erf detail: Erf 38524, Van Riebeeckshof, 28 Riebeeckshof is currently zoned Local Business Zone 1 in respect of the CoCT Development Management Scheme Regulations.

Land use rights: The following uses are permitted within Local Business Zoning (LB1): PRIMARY USES Office, dwelling house, boarding house, utility service, flats and additional use rights.

ADDITIONAL USE RIGHTS

Second dwelling, home occupation or house shop or bed and breakfast establishment or home child care subject to the development rules

CONSENT USES

Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house.

The proposed licence is made for off-consumption for online. This department therefore supports the proposal.

Note: No alcohol beverage to be stored, received or dispatched from the property.

Health:

Supported.

This Department has no objection to the proposed application to operate an online wine and spirit sales operation.

City Emergency Services:

Supported.

Law Enforcement Squad:

Supported.

Premises is an online business and will operate as per city of cape town trading hours by-law.

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: (Asanda Solombela)

City Health

Sub District: (Mhlangabezi Nogwanya)

Safety & Security

City Emergency Services: (Andries Moolman)

Safety & Security

Law Enforcement: (Liquor Control)

FOR FURTHER DETAILS, CONTACT:

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DEPARTMENT	Area 1

**Roxanne
Moses**

Digitally signed by
Roxanne Moses
Date: 2020.11.10
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Mrs Roxanne Moses

SUBCOUNCIL MANAGER: SUBCOUNCIL 3

Tel number: 021 444 4862



Councillor Hefen Carstens

SUBCOUNCIL CHAIRPERSON

021 444 4865

COMMENT:

1. Herewith confirm that the relevant delegation is quoted in item.
2. The recommendation is/are subject to Subcouncil decision

COMMENT: