



1. ITEM NUMBER : 06SUB13/10/20

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: BRAND EXPOSED REF. NO.: LLA20090012

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-BRAND EXPOSED: INOMBOLO YESALATHISO .: LLA20090012 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: BRAND EXPOSED: VERWYSINGSNO.: LLA20090012 (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 22 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 BRAND EXPOSED 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 06 recommends that the application for a Consumption Off (Internet Based Practice) Liquor Licence, reference no. LLA20090012, for the business Brand Exposed **BE SUPPORTED**.

ISINDULULO (H3064)

Kundululwe ukuba:

Kufuneka **KUQATSHELWE** ukuba isicelo sephepha-mvume lokuthengiswa kotywala esifunyenwe kwabe- Brand Exposed, saye saqwalaselwa ngokwesigunyaziso esigunyazisiweyo kwakhona isindululo esilandelayo saye sagqithiselwa kuGunyaziwe ongezoTywala ngokungqinelana noMthetho ongezoTywala waseNtshona Koloni wango-2008, njengoko ulungisiwe:

IBhungana-6 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA20090012, elingeshishini labakwa- Brand Exposed.

AANBEVELING (H3064)

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die Brand Exposed 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 6 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA20090012, vir die sakebedryf Brand Exposed **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;

- LLA20090012
- Brand Exposed Events and Branding PTY LTD;
- 2012/055175/07
- Brand Exposed;
- Consumption Off (Internet Based Practice)
- Erf: 42 Stellenberg Road Unit 730 Millenium Park also known as G30 Millenium Park Parow Industria Cape Town;

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

Ward 22 Councillor:

No comments received during the public participation process.
Meeting to be held in terms of subdelegated authority with the Subcouncil Manager, Ward Councillor and Chairperson on Friday, 25 September 2020.

Community Organizations: As per CBO Database

No comments received during the public participation process.

Ward Committee: Elected Members of Ward 22

No comments received during the public participation process.

CPF: Not applicable

No comments received during the public participation process.

Other interest and effected parties:

No comments received during the public participation process.

Internal departments:

Town Planning:

The business is internet orders related and the premises used for storage and distribution which is permitted under an Industrial Zoning. This office has no objection against the granting of the licence subject to it being for storage (warehousing) and distribution only. No sales directly to the public to occur at the premises.

Health:

Supported: Yes

Please indicate whether the business is LOCATED near:

- Aged or Frail Care Centre: No
- Rehab, Drugs / Alcohol Centre: No
- School(s): No

Parking: Yes

City Emergency Services: 2020/09/25

No objections.

Law Enforcement Squad: 2020/09/16

Supported: Yes

Please indicate whether the business is LOCATED near:

- Aged or Frail Care Centre: None
- Rehab, Drugs / Alcohol Centre: None
- School(s): None
- Other: None

Parking: Secure Parking

Reasons for Supporting: Premises is zoned for business. Premises are located in a industrial area. Licence holder will be operating a online business.

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: (Tess Kotze)

City Health

Sub District: (Fredl Klaasen)

Safety & Security

City Emergency Services: (Jacobus Kellerman)

Safety & Security

Law Enforcement: (Liquor Control)

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	<i>Urban Management</i>
DEPARTMENT	<i>Area Central</i>



MANAGER: SUBCOUNCIL 6
PAT JANSEN

TEL NO 021 444 3717

DATE 13/10/2020



DIRECTOR: AREA CENTRAL
WILFRED SCHREVIAN EVAN
SOLOMONS-JOHANNES

TEL NO 021 400 3131 (OPTION 0)

DATE 14. 10. 2020



CHAIRPERSON: SUBCOUNCIL 6
MERCIA KLEINSMITH

TEL NO 021 444 3721

DATE 15.10.2020