



1. ITEM NUMBER : 01SUB 19/11/2020

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: COLALA (BLOUBERG) REF. NO.: LLA20100001

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-COLALA (BLOUBERG): INOMBOLO YESALATHISO .: LLA20100001 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: COLALA (BLOUBERG): VERWYSINGSNO.: LLA20100001 (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 23 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 COLALA (BLOUBERG) 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 01 recommends that the application for a Consumption ON and OFF Premises Liquor Licence, reference no. LLA20100001, for the business Colala (Blouberg) **BE SUPPORTED**

ISINDULULO (H3064)

Kundululwe ukuba:

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

IBhungana-1 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA20100001, elingeshishini labakwa- Colala (Blouberg).

AANBEVELING (H3064)

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die Colala (Blouberg) 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 1 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA20100001, vir die sakebedryf Colala (Blouberg)

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;

- LLA20100001
- Colala PTY LTD;
- 2018/425034/07
- Colala (Blouberg);
- Consumption ON and OFF Premises
- Erf: 4398 2 Coral Road Cnr Coral Road and Marine Circle Table View;

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

Ward 23 Councillor; Cllr Nora Grose

I approve this application with careful consideration of the COVID-19 Level 1 and subsequent regulations.

Community Organizations: As per CBO Database

No comment received.

Ward Committee: Elected Members of Ward 23

R BARNES - SAFETY & SECURITY :

I am uncomfortable supporting this application. On consumption as it is a restaurant I understand. Off consumption I am not sure about. Is it a bottle store or a restaurant.

In addition to this off-sales, there is a "place of worship" (church) across the road and next door to that, a day care centre.

There is not enough information to support the off-sales component of the application for me to lend support while the supporting information from Section 5 to 8 come across as simply words that the reader must accept as fact.

I find reference to Khayelitsha in section 7.3 offensive and discriminatory. There are very successful businesses and business people living and working in Khayelitsha. By stereotyping, the people of Khayetisha, the writer proposes to further his cause.

I support the on-consumption but not the off-consumption. However, the writer according to 5.1, may not deem me fit to decide.

CPF:

No comment received

Other interest and effected parties:

No comment received

Internal departments:

Town Planning:
Supports the application

Health:
Supports the application

City Emergency Services: 2020/11/23
No comment received

Law Enforcement Squad: 2020/11/23
Supports the application.

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: (Nontsikelelo Ntutha)

City Health

Sub District: (Masande Mbeshu)

Safety & Security

City Emergency Services: ()

Safety & Security

Law Enforcement: (Liquor Control)

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Urban Management
DEPARTMENT	Area 1

MANAGER: SUBCOUNCIL 1

WESSIE VAN DER WESTHUIZEN

TEL NO 021 444 6037 OR 021 444 6039

DATE

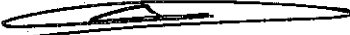

CHAIRPERSON: SUBCOUNCIL 1

NORA GROSE

TEL NO 081 56 99 66 5

DATE

13/11/2020



MR K SNIPPERS

Acting Subcouncil 1 Manager

DATE

13/11/2020 _____



CLLR N GROSE

Chairperson Subcouncil 1



DATE

13/11/2020 _____
