



CITY OF CAPE TOWN
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SUBCOUNCIL 20

1. ITEM NUMBER : 20SUB23/10/2020

2. SUBJECT

LIQUOR LICENCES APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY SUBCOUNCIL MANAGER AND
CHAIRPERSON IN RESPECT OF: LLA20080019 CRAFT HOUSE LIQUOR
PTY LTD, ERF: 144055, UNIT 5D, 60 WHITE ROAD, RETREAT

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.

SUBCOUNCIL 20
RECEIVED

22 SEP 2020

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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:

- **LLA20080019**
- **Craft House Liquor PTY LTD**
- **Erf: 144055**
- **Unit 5D, 60 White Road, Retreat**
- **2020/476124/07**

6.2.2 Sub-Council Manager confirmation: Advertising extent (community participation) -
Notices served on and received the following Comments:

- **Subcouncil Chairperson**
Supported – Annexure A
- **Ward 71 Councillor**
No comment received from the Ward Councillor
- **Subcouncil Manager**
Supported – Annexure E
- **Internal departments:**
 - ❖ **Planning and Building Development Management**
Supported – Annexure B
 - ❖ **Law Enforcement**
No Objection – Annexure D
 - ❖ **Liquor Control**
Supported – Annexure C

7. RECOMMENDATION

Please insert the Decision that was taken at the Delegation Meeting

SUPPORTED

☒

NOT SUPPORTED

☐

That in considering the Subdelegation Rule part 24 4(1), the Subcouncil Manager in conjunction with the Chairperson recommended that the application for a liquor licence received from Craft House Liquor PTY LTD, Erf 144055, Unit 5D, 60 White Road, Retreat, for the sale of liquor for Consumption Off Premises, Reference No LLA20080019 **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

22 September

2020 -

Comment:
Delegation 4 (1)

From: Ian Iversen <ian.iversen@capetown.gov.za>
Sent: Wednesday, 16 September 2020 20:37
To: Richard White <Richard.White@capetown.gov.za>
Cc: Celes Rene Allies <CelesRene.Allies@capetown.gov.za>; Brigitte Francis <Brigitte.Francis@capetown.gov.za>
Subject: RE: Liquor Licence Application No : LLA20080019

I support the application

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



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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	LLA20080019	Craft House Liquor PTY LTD	
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	The unit has a parking bay and internal bay /area for parking/loading		
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	3 Victoria Road, Wynberg, 7800		
DATE	2020-08-25	CONTACT NUMBER	021 444-9537

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 **2020/09/07** at close of business [16h30].

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	LLA20080019	Craft House Liquor PTY LTD	
APPLICATION	SUPPORTED	Yes	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	No	
	Rehab, Drugs / Alcohol Centre	No	
	School(s)	No	
	Other	Engedi Methodist church (20m)	
PARKING	No parking required		
REASONS FOR SUPPORTING	Premises zoned for general industrial 1. Premises will purely be used for storage only. No sales to the general public. All sales will be done on via online services. Deliveries included. No objections		
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			
LAW ENFORCEMENT LIQUOR UNIT			
NAME	B. April	SIGNATURE	Original signed
ADDRESS	Brackenfell civic centre, Old Paarl Road, Brackenfell		

From: Heinrich Ras
Sent: Tuesday, 25 August 2020 1:23 PM
To: Brigitte Francis
Subject: FW: Liquor Licence Application No : LLA20080019 Craft House Liquor (Pty) Ltd
Attachments: LLA20080019.pdf; LLA20080019A.pdf

Importance: High

Law Enf. Have no objection

H.P.Ras
Senior Inspector.
Wynberg Law Enforcement
Tel: 021 761 3923



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From: Brigitte Francis <Brigitte.Francis@capetown.gov.za>
Sent: Tuesday, August 25, 2020 12:39 PM
To: Penny East <Penny.East@capetown.gov.za>; lauraleeburford@gmail.com; lyannenaiker@gmail.com; 'harryccowley@yahoo.co.uk' <harryccowley@yahoo.co.uk>; info@thecurtaincompany.co.za; pam@littlewood.co.za; pegasus5@telkomsa.net; Gavin Heugh <Gavin.Heugh@capetown.gov.za>; Michelle Walker <Michelle.Walker@capetown.gov.za>; Heinrich Ras <Heinrich.Ras@capetown.gov.za>; Liquor Control <Liquor@capetown.gov.za>
Subject: FW: Liquor Licence Application No : LLA20080019 Craft House Liquor (Pty) Ltd
Importance: High

Dear Councillor, Members of the Ward Committee and Colleagues

Attached is the application for a liquor licence submitted by Play Station by Rush.

Should you support or have any objections, kindly respond by completing the template hereunder and reply to the email address Subcouncil.20@capetown.gov.za by 7 September 2020. You can also respond to me directly.

Subcouncil 20

DIRECTORATE: Urban Management

DEPARTMENT: AREA South

Alphen Centre Constantia Main Road Constantia 7800

From: Richard White
Sent: Tuesday, 22 September 2020 10:02
To: Brigitte Francis <Brigitte.Francis@capetown.gov.za>
Subject: RE: Liquor Licence Application No : LLA20080019

Application supported.

Regards

Richard White

Manager: Subcouncil 20
Urban Management: Area South
Alphen Centre, Main Road, Constantia
Tel: 021 444 8112 | **Fax:** 021 794 7692 | **Cell:** 082 726 9135 | **Email:**
Richard.White@capetown.gov.za | **Web:** www.capetown.gov.za

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