



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

REPORT TO SUBCOUNCIL 05

1. **ITEM NUMBER:** 05SUB 14/10/2017

2. **SUBJECT / ISIHLOKO / ONDERWERP:**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT
OF: CHARLESVILLE LIQUORLAND: REF. NO.: LLA1708020**

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 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 31 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. 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.

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, 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.”

The following application for liquor license has been received by Subcouncil:

Details of applicant;

- LLA1708020
- Charlesville Liquorland
- Jelly Jumpers PTY LTD
- Consumption OFF Premises
- Erf: 142724 Charlesville Shopping Centre Shop 9B &10 cnr Charles Calvert Road & Vahala Drive Charlesville City of Cape Town cnr Charles Calvert Road & Vahala Drive Charlesville City of Cape Tow

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

- Ward 31 Councillor – 2017/08/14:

Ward Councillor will comment regarding the application when report is tabled at Subcouncil meeting

- Community Organizations: 2017/08/14 - As per Community Based Organisations Database

Notice of application was sent via SMS and email to the registered community Organisations for Ward 31. No comments received

- Ward Committee: 2017/08/14 - Elected Members of Ward 31

Notice of application was sent via SMS and email to the elected ward committee members for Ward 31. No comments received

- Community Police Forum (CPF): - 2017/08/14

Notice of application was sent via SMS and email to Graham Lindhorst (CPF Ward 31). No comments received

- Other interest and effected parties:

From: Cllr Courtney van Wyk (Subcouncil 5 Chairperson)

Supports the application

- **Internal departments:**

Town Planning: 2017/08/14

From: Zweledinga Mfeya

Comments Received: 2017/08/18

Erf 142724, Charlesville is General business (GB1). Business premises is permitted as primary right on this zone, therefore this office have no objection

Health: 2017/08/14

No comments received

City Emergency Services: 2017/08/14

No comments received

Law Enforcement Squad: 2017/08/14

From: S. J. FESTUS

Comments received: 2017/08/15

The application is supported. Close secure parking. Business move premises in the same mall.

7. RECOMMENDATION

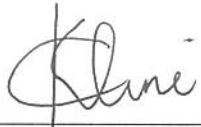
It is recommended that:

It be **NOTED** that an application for a liquor licence received from Charlesville Liquorland 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 05 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA1708020, for the business Charlesville Liquorland **BE SUPPORTED**

FOR FURTHER DETAILS CONTACT:

NAME	Andrea Kline
CONTACT NUMBERS	021 444 2965
E-MAIL ADDRESS	Andrea.Kline@capetown.gov.za
DIRECTORATE	Area-Based Service Delivery – Area 3



ACTING MANAGER: SUBCOUNCIL 05
ANDREA KLINE

TEL NO 021 444 2965

DATE 12/10/2017



CHAIRPERSON: SUBCOUNCIL 05
COURTNEY VAN WYK

TEL NO 021 444 2974

DATE 12/10/2017

