



CITY OF CAPE TOWN
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GENERAL APPEALS COMMITTEE MEETING

20 MAY 2022

ITEM NUMBER: GENAP 04/05/22

SUBJECT / ISIHLOKO / ONDERWERP

CONFIRMATION OF MINUTES: 08 APRIL 2022

UKUQINISEKISWA KWEMIZUZU: 08 EKATSHAZIIMPUZI 2022

BEKRAGTIGING VAN NOTULE: 08 APRIL 2022

The minutes are submitted for confirmation.

**ANNEXURE: MINUTES OF THE GENERAL APPEALS COMMITTEE MEETING HELD
ON 08 APRIL 2022 FOR CONFIRMATION**

MINUTES

OF THE MEETING OF THE GENERAL APPEALS COMMITTEE HELD ON FRIDAY, 08 APRIL 2022 AT 10:00 VIA THE CITY'S DIGITAL PLATFORM (SKYPE).

PRESENT: COMMITTEE MEMBERS

DEMOCRATIC ALLIANCE (DA)

Ald F Purchase (Chairperson)
Cllr W Harris
Cllr S P Liell-Cock
Ald S Moodley
Ald M Nieuwoudt
Cllr M Nikelo

AFRICAN NATIONAL CONGRESS (ANC)

Cllr S C Thompson

GOOD

Cllr J Cupido

OTHER COUNCILLORS

Cllr B van Reenen

OFFICIALS

F Klaasen	Environmental Health
K Nicol	Office of the Speaker
N Meissenheimer	Executive Committee Services

PRESS

None

PUBLIC

M Thomas Ahmen & Hamman Attorneys

ABSENT WITH APOLOGY

Cllr N Matutu (Experienced connection problems)
Ald J van der Merwe

ABSENT WITHOUT APOLOGY

Cllr B Yeko

GENAP 01/04/22 OPENING AND MOMENT OF SILENCE

The Chairperson, Ald F Purchase welcomed the members and officials present at the meeting, whereupon a moment of silence was observed.

GENAP 02/04/22 APPLICATIONS FOR LEAVE OF ABSENCE

The following applications for leave of absence were received for this meeting:

Cllr N Matutu
Ald J van der Merwe

NOTED.

GENAP 03/04/22 DECLARATION OF INTEREST

None

GENAP 04/04/22 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 11 MARCH 2022

RESOLVED that the minutes of the meeting held on 11 March 2022, be confirmed.

ACTION: N MEISSENHEIMER

GENAP 05/04/22 SCHEDULE OF INVALID APPEALS

It was noted that no late appeals were received since the previous meeting held on 11 March 2022.

NOTED

GENAP 06/04/22 GENERAL DISCUSSION

Ald M Nieuwoudt advised that the criteria / factors for the approval of applications for extended liquor trading hours should be discussed in detail or the relevant Policy / By-Law be amended or be repealed to accommodate the changed criteria after consideration thereof. The Chairperson indicated that she would address the matter for discussion.

GENAP 07/04/22 APPLICATION FOR EXTENDED LIQUOR TRADING HOURS – AVENUE LIQUORS: ERF 8448, 61 5TH AVENUE, RAVENSMEAD

Mr F Klaasen of the Environmental Health Department elaborated on the subject report.

The Chairperson welcomed the appellant, Mr M Thomas of Ahmen & Hamman Attorneys and Ward Councillor B van Reenen.

Mr M Thomas was afforded the opportunity to motivate his appeal. He stated that this application is for the renewal of extended liquor trading hours. He was of the view that the Subcouncil did not apply its mind in the refusal for the extended liquor trading hours, as there have never been any issues with the previously granted extended trading hours.

Mr Thomas further stated that the objection from Subcouncil 4 was irrational and that the only objector was the Ward Councillor, who did not substantiate as to the reason for the refusal other than general public interest. He advised that the primary school is completely out of sight from the liquor outlet and emphasised that the school would not be operative during the extended trading hours. According to him, the play park is also out of sight from the liquor outlet. The extended hours requested is also not in line with the functioning of the church and no objections were received from the church. He mentioned that 4 families in the area are currently employed at this liquor outlet. He further stated that SAPS had received no complaints, any violation or transgression relating to the operation of this liquor outlet during the extended hours and that Law Enforcement, Fire and Safety - and the Health Department also supported the extension of liquor trading hours. Mr Thomas indicated that the subject property is zoned for business and conducts itself within the parameters of its liquor licence. Mr Thomas was of the view that trading on Sundays would support the 4 families employed at the liquor outlet in terms of an extra income, which was reduced during the lockdown period.

The Ward Councillor, Cllr B van Reenen indicated that the subject property has no consent use to sell liquor beverages and that the liquor outlet is located in close proximity to public amenities, namely a play park, which is used by children for recreational purposes, a church which should be respected and a primary school, which would make children susceptible to potential violence that is often associated with alcohol. She further mentioned that the social impact of increased alcohol consumption in the Ravensmead Community contributes to poverty and the irresponsible behaviour of parents to neglect their children. Crime in the area is also another factor to be considered, which is fuelled by access to and the consumption of alcohol. Cllr van Reenen stated that criminal incidents such as alcohol related homicides, accidents caused by drinking and driving, threat to peace and stability in the community is not in the public interest to extend the trading hours and therefore the appeal should be dismissed.

The Chairperson thanked Mr Thomas and Ward Councillor B van Reenen for their presence, whereupon they were excused from the

virtual meeting.

The inputs and the appeal submitted by the appellant and Ward Councillor as contained in the report on the agenda, were duly considered and discussed by the members of the General Appeals Committee.

Ald S Moodley indicated that the appellant did not present compelling reasons to trade on specifically Sundays and therefore proposed that extended liquor trading hours be granted for Saturday and extended hours be limited until 14H00 on Sunday.

Cllr S Thompson was of the view that people misuse their money on alcohol instead of buying food for their families.

Cllr S Liell-Cock indicated that he has evaluated this application in terms of Clause 9 of the relevant By-Law and stated that there is no motivation from the appellant whether it is in the public interest to approve extended hours. He further mentioned that he has read a number of documents, including the Western Cape Governments White Paper on the Alcohol-related harms reduction policy and found the following:

- that 53% of fatal and 73% of non-fatal interpersonal violence injuries tested positive for alcohol in urban South Africa
- That the prevalence of Foetal Alcohol Syndrome in the Western Cape was 46 per 1000 in 1997 and 75 per 1000 in 1999 - a trend which shows it is getting worse.
- that among grade 8 to 10 learners in Cape Town the odds of repeating a grade was found to be 60% higher for learners who consumed alcohol.
- that during the Covid-19 lockdown the minister of health stated in court that more than 50% of trauma related admissions at hospitals were alcohol related.
- that 1 in 10 deaths in South Africa can be attributed to alcohol abuse.
- That the direct financial burden on the state significantly exceeds the direct financial income.
- That the harmful effects of alcohol abuse are visited primarily on poorer communities.

Cllr S Liell-Cock said that this is just a sample of the harmful effects of alcohol, which is extensively documented, as the negative financial consequences to the South African Government and the South African people. He questioned if extending the trading hours is in the public interest? He indicated that no evidence could be found that the extension of the licensed trading hours is in the public interest. In contrast the WCG's White Paper, the World Health Organisation and Global research provided clear evidence that reducing the days and

hours of alcohol availability is a “best by” in addressing the harmful effects of alcohol abuse.

Cllr S Liell-Cock stated that this is in contradiction with the White Paper’s recommendations, as well as to global best practice and research findings. He was of the view that there is no motivation dealing with the risks and nuisances, mitigation measures or possible benefits on the surrounding community and on this basis, he did not believe that this application is in the public interest and therefore did not support the appeal.

Ald M Nieuwoudt expressed her view on the split zoning of the subject property and indicated that the appellant should re-apply for a consent use to sell liquor beverages. The location of the establishment is also not on a suitable / preferred site to trade liquor, as it resides in a residential area. Cllr J Cupido indicated that the school and play park are in close proximity of the subject property, and made reference to the struggles faced by the respective community and therefore did not support the appeal. Cllr M Nikelo expressed the view that the issue of unemployment should be considered and that the economic activity in the area not be shut down.

Ald S Moodley indicated that the would support the application, subject to extended liquor trading hours to be granted on Saturday and extended hours be limited until 14H00 on Sunday.

Cllr W Harris supported the Ward Councillor in her views not to grant the extended liquor trading hours. Ald F Purchase indicated that none of the comments made by the appellant were sufficient motivation to grant the extended liquor trading hours.

Cllr S Liell-Cock, Ald M Nieuwoudt, Cllrs J Cupido, S Thompson, M Nikelo, W Harris and Ald F Purchase dismissed the appeal.

RESOLVED WITH 7 VOTES IN FAVOUR that:

- (a) the appeal submitted by the appellant, Mr M Thomas [Ahmen & Hamman Attorneys] in respect of Avenue Liquors, Ravensmead for off-consumption, **BE DISMISSED** for the following reasons:
- The liquor outlet is not in the general interest of the public.
 - The premises is in close proximity to religious institutions, a play park and Webner Primary School.
- (b) the decision taken by Subcouncil 4, in terms of Part 24.4(2) of the Delegations to Subcouncils, the subdelegation rule was exercised by the Ward Councillor and Subcouncil Manager on 20 December 2021 and 16 February 2022 to refuse the application for extended liquor trading hours on Monday to

Saturday from 18H00 to 20H00 and Sunday from 11H00 to 18H00 in respect of Avenue Liquors on Erf 8448, 61 5th Avenue, Ravensmead, **BE CONFIRMED.**

ACTION: C ROSS, F KLAASEN, A LUCAS

GENAP 08/04/22 OUTSTANDING MATTERS

None

THE MEETING ENDED AT 10:56.

**ALD F PURCHASE
CHAIRPERSON**

DATE