



1. **ITEM NUMBER : 16 SUB 24/05/2022**

2. **SUBJECT**

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: MICAFFE - MILANO REF. NO.: LLA22040003

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-MICAFFE - MILANO: INOMBOLO YESALATHISO : LLA22040003
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: MICAFFE - MILANO: VERWYSINGSNO.: LLA22040003
(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

In terms of Councils System of Delegations (Part 24) to the Subcouncil Manager / Acting Subcouncil Manager:

SubCouncil 16 Manager in conjunction with Chairperson and Ward 115 Councillor in terms of sub delegated authority.

- a) During Council recess periods, the Subcouncil Manager or acting Subcouncil Manager, in consultation with the Chairperson and the relevant

Ward Councillor, be authorised to exercise the powers, functions and/or duties delegated to the Subcouncil in terms of part 24 of Council's System of Delegations;

- b) A report be submitted to the ensuing meeting of the Subcouncil to report on the exercising of such delegation;

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, the City Manager must comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, as amended.

The City Manager ruled that all liquor licenses received within the City from the various Designated Liquor Officers be received at a central venue.

The City Manager has delegated his authority to the Subcouncil, 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 MICAFFE - MILANO 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 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040003, for the business Micaffe - Milano **BE SUPPORTED**.

7. DISCUSSION

7.1 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 Subcouncil 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.

7.2 Sustainability Implications

No ☒ Yes ☐

7.3 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).

7.4 Staff Implications

Does your report impact on staff resources or result in any additional staffing resources being required?

No ☒ Yes ☐

7.5 POPIA Compliance

☐ It is confirmed that this report has been checked and considered for POPIA Compliance.

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7.6 Other Services Consulted

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

Details of applicant

- LLA22040003
- Emporio Milano PTY LTD
- 2020/169711/07
- Micaffe - Milano
- Consumption ON Premises
- Erf: 50 Bree Street Shop 50 The Barracks Cape Town

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

Ward 115 Councillor

Cllr McMahon commented on 10 May 2022.

APPLICATION SUPPORTED

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 115

No response received.

CPF:

No response received.

Other interest and effected parties:

The following Internal Departments and officials were consulted:

Town Planning

Comments received from Town Planning, Rudi Bester on 25 April 2022.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: General Business Zone (GB7) thus permits the operation of the proposed activity as a primary right.

Health:

Comments received from City Health, Nthabaleng Moloto on 14 April 2022.

APPLICATION SUPPORTED

The business is NOT LOCATED near Aged or Frail Care Centre, Rehab, Drugs / Alcohol Centre or School(s).

City Emergency Services

Comments received from Emergency Services, Moegamat Suruh Barendse on 26 April 2022.

APPLICATION SUPPORTED.

Law Enforcement Squad

Comments received from Law Enforcement Liquor Unit, Dufton Koopman on 22 April 2022.

APPLICATION SUPPORTED

The business is NOT LOCATED near Aged or Frail Care Centre, Rehab, Drugs / Alcohol Centre or School(s).

Other(church's): Yes Lutheran church 50m away

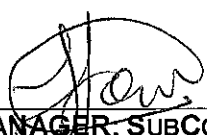
Parking: Street parking

Comments:

- Premises will operate as per city of cape town business trading hours by-law.
- Area is zone for business.
- Liquor will be consumed with meals.
- No loud music will be audible.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Girshwin Fouldien</i>
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E-MAIL ADDRESS	<i>girshwin.fouldien@capetown.gov.za</i>
DIRECTORATE	Corporate Services
DEPARTMENT	Area 1


MANAGER: SUBCOUNCIL 16
GIRSHWIN FOULDIE

TEL No 021 487 2055

DATE

11/05/2022


CHAIRPERSON: SUBCOUNCIL 16
ALD MATTHEW KEMPTHORNE

TEL No 021 487 2207

DATE

11/05/2022