



REPORT TO SUBCOUNCIL 16

**1. ITEM NUMBER : Q4128**

**2. SUBJECT**

**APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: NIGHTCLUB OR DISCOTHEQUE:  
HALO ERF 2255, 71 LOOP STREET, CAPE TOWN: NEAL JULIAN SAUNDERSON**

**ONDERWERP**

**AANSOEK OM 'N SAKELISENSIE VIR GESONDHEID EN VERMAAK: NAGKLUB OF DISKOTEEK: HALO, ERF 2255,  
LOOPSTRAAT 71, KAAPSTAD 8001: NEAL JULIAN SAUNDERSON**

**ISIHLOKO**

**ISICELO SEPHEPHAMVUME LEZOSHISHINO KWEZEMPIOLO NEZOLONWABO: IMBUTHO YASEBUSUKU OKANYE  
UMJUXUZE WEDISO: HALO, KWISIZA2255, 71 LOOP STREET, EKAPA: KU NEAL JULIAN SAUNDERSON**

**3. PURPOSE**

To advise Sub-Council 16 that a Business Licence application has been received, and processed for Health and Entertainment – Night Club or Discotheque, at the abovementioned premises and to seek the approval of the Sub-Council 16 for authority to issue the license.

**4. FOR DECISION BY**

Sub-Council 16 is to consider the recommendation and make a decision in respect thereof to either approve or refuse the recommendation, in accordance with the delegations granted to Sub-Council – Delegation Part 25, Section 3(1) To grant licenses for Health facilities or entertainment as provided for in terms of item 2 of schedule 1 of the Businesses Act, Act 71 of 1991, and to exercise all powers conferred on the Municipality in terms of Section 2(4) to 2(10) of the aforesaid Act.

**5. EXECUTIVE SUMMARY**

The application for a Business Licence was properly applied for and submitted by the applicant to the City Health Department for further processing.

The application was circulated to the necessary internal departments for comments/clearances. All commenting departments/authorities have issued clearances, supporting the issuing of the business license.

## **6. RECOMMENDATIONS**

It is recommended that:

- 6.1.** The application received from Halo for a business Licence for Health and Entertainment: Night Club or Discotheque, on erf 2255, 71 Loop Street, Cape Town 8001, BE GRANTED subject to the following standard endorsements for this category of licence:
- 6.1.1 This business license must be displayed prominently in a conspicuous place in or on the premises so as to be visible to patrons, the public and Council officials at all times.
- 6.1.2 This business license is not transferable from person to person or from business to business.
- 6.1.3 The premises must comply with the requirements of the Tobacco Products Control Act, Act 83 of 1993, at all times.
- 6.1.4 The Director: City Health reserves the right to call for any other requirements deemed necessary.
- 6.1.5 The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements.
- 6.1.6 The premises must comply with the requirements of the Western Cape Noise Control Regulations, P.N. 200 of 2013, at all times.
- 6.1.6 The premises must comply with the fire requirements at all times.
- 6.1.8 No alterations, modifications or additions may be made to the sound amplification equipment as identified on [the NIA](#).
- 6.1.9 No alterations, modifications or additions may be made to the sound proofing material in the establishment.
- 6.1.10 Noise breakout through the roof may not cause a violation of the Western Cape Noise Control Regulations.
- 6.1.11 All doors that can result in sound breakout must be kept closed at all times or as practically possible.
- 6.1.12 No bass units may be added to the sound system.
- 6.1.13 The noise from the amplified music must remain compliant with the provisions of the Western Cape Noise Control Regulations, PN 200 of 2013. If found to be operating in violation of the said regulations, corrective provisions of Regulation 4(4) and

Regulation 13 of the said legislation will be applied.

- 6.1.14 Unannounced inspections may be carried out to determine compliance with the above conditions.
  - 6.1.15 The City's Noise Unit must be informed 30 days in advance, of any respective changes made to the premises or equipment.
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- 6.2 Authority be granted to the Head: Environmental Health to sign and issue the necessary licence in 6.1 above.

## **6. AANBEVELINGS:**

Daar word aanbeveel dat:

- 6.1. Die aansoek ontvang van Halo vir 'n sakelisensie vir gesondheid en vermaak: nagklub of diskoteek, op erf 2255, Loopstraat 71, Kaapstad 8001, TOEGESTAAN WORD, onderworpe aan die volgende standaard endossemente vir hierdie lisensiekategorie:
  - 6.1.1. Hierdie sakelisensie moet prominent vertoon word op 'n duidelik sigbare plek in of op die perseel sodat kliënte, die publiek en Raadsamptenare dit te alle tye kan sien.
  - 6.1.2. Hierdie sakelisensie is nie oordraagbaar tussen persone of ondernemings nie.
  - 6.1.3. Die perseel moet te alle tye aan die vereistes van die Wet op die Beheer van Tabakprodukte, Wet 83 van 1993, voldoen.
  - 6.1.4. Die direkteur: Stadsgesondheid behou hom die reg voor om enige ander vereistes te stel wat nodig geag word.
  - 6.1.5. Die goedkeuring van hierdie lisensie vrywaar nie die houer van voldoening aan enige ander lisensies, voorwaardes of statutêre vereistes nie.
  - 6.1.6. Die perseel moet te alle tye aan die vereistes van die Wes-Kaapse Geraasbeheerregulasies, P.K. 200 van 2013, voldoen.
  - 6.1.7. Die perseel moet te alle tye aan die brandweervereistes voldoen.
  - 6.1.8. Geen veranderinge, wysigings of toevoerings mag aan die klankversterktoerusting soos op die geraasimpakbepaling (NIA) geïdentifiseer, gemaak word nie.
  - 6.1.9. Geen veranderinge, wysigings of toevoerings mag aan die klankdigtingsmateriaal in die onderneming gemaak word nie.
  - 6.1.10. Geraas uit die dak mag nie n oortredeing van die Wes-Kaapse geraasbeheerregulasies veroorsaak nie.
  - 6.1.11. Alle deure wat kan veroorsaak dat klank ontsnap moet te alle tye toe gehou word of soveel as wat prakties moontlik is.

- 6.1.12 Geen baseenhede mag by die klankstelsel gevoeg word nie.
- 6.1.13 Die geraas van die versterkte musiek moet voldoen aan die bepalings van die Wes-Kaapse geraasbeheerregulasies, P.N 200 van 2013. Indien gevind word dat strydig met die genoemde regulasies omgegaan word, sal regstellende bepalings van regulasie 4(4) en regulasie 13 van genoemde wetgewing toe gepas word.
- 6.1.14 Verrassingsinspeksies kan gedoen word om nakoming van bogenoemde voorwaardes te bevestig.
- 6.1.15 Die Stad se geraaseenheid moet 30 dae voor die tyd in kennis gestel word van enige onderskeie veranderinge wat aan die perseel of toerusting gaan word.
- 6.2 Magtiging toegestaan word aan die hoof: omgewingsgesondheid om die nodige lisensie in 6.1 hier bo te onderteken en uit te reik.

## **6 IZINDULULO:**

Kundululwe ukuba:

- 6.1 MAKWAMKELWE isicelo sephephamvume lezoshishino kwezempiro nezolonwabo elifunyenwe kwabeHalo: iMbutho yasebusuku okanye uMjuxuzo, kwisiza erf 2255, 71 Loop Street, eKapa, ngokuxhomekeke kwezi ziqiniselo zilandelayo zolu hlobo lwephephamvume:
- 6.1.1. Eli phephamvume loShishino malubekwe kwindawo esekuhleni okanye kwisakhiwo eso ukuze sibonakale kubathengi/kubaxhasi benkonzo, kuluntu nakumagosa eBhunga, ngawo onke amaxesha.
- 6.1.2. Eli phephamvume loShishino alidlulisela komnye umntu okanye kwelinje ishishini.
- 6.1.3. Ezi zakhiwo kuyimfuneko ukuba zithobele imiqathango yoMthetho oLawula iiMveliso zeCuba ongunomb.83 wango1993, ngawo onke amaxesha.
- 6.1.4. UMLawuli wezeMpilo kwiSixeko unelungelo lokumisela nayo nayiphina imimiselo engeminye yomthetho, enokubonakala ifanelekile.
- 6.1.5. Ukuphunyezwa kwei phephamvume akumnikeyi umnini ilungelo amanye amaphephamvume, imiqathango okanye imimiselo yomthetho.
- 6.1.6. Izakhiwo kufuneka zirthobele imimiselo yeMigaqo yoLawulo lweNgxolo yaseNtshona Koloni engunomb.P.N. 200 yangowama2013, ngawo onke amaxesha.
- 6.1.7. Kufuneka kuthotyelwe yonke imimiselo engokuqhambuka komlilo, ngawo onke amaxesha.
- 6.1.8. Akuvumelekanga ukuba kwenziwe iinguqulelo, uhlaziyo okanye izongezelalo ngokujoliswe ekutsolisweni kwesandi sesixhobo, njengoko kuphawulwe kwiNI
- 6.1.9. Akuvumelekanga ukuba kwenziwe iinguqulelo, uhlaziyo okanye izongezelalo ngokujoliswe kwimathiriyeli engokuphumela kwesandi kwisakhekpo.
- 6.1.10. Ingxolo ephumela kuphahla akufunekanga ukuba ibengunobangela wolwaphulo leMigaqo

yoLawulo IweNgxolo yaseNtshona Koloni.

- 6.1.11 Onke amacango angabe abangumphmela wokuqhambuka kwesandi, kufuneka agcine evaliwe ngawo onke amaxesha, kangangoko kuyimfuneko.
- 6.1.12 Akuvumelekanga ukuba kongezwe iiyunithi ezingesandi esindyondyayo kwisixokelelwane sesandi.
- 6.1.13 Ingxolo ephuma kumculo we-emplifaya kufuneka igcinwe ithobela imimiselo engeMigaqo yoLawulo IweNgxolo yaseNtshona Koloni engunomb. PN 200 yangowama2013. Ukuba kuye kwafunyaniswa usebenza ngokwaphulwa kwale migaqo sele ikhankanyiwe, Kuyakuthi kusetyenziswe imimiselo yolungiso eso senzo, ekuMgaqo 4(4) nekuMgaqo13 omthetho osele ukhankanyiwe.
- 6.1.14 Kungaqhutywa uhlolo olungalindelekanga ukuze kuqondwe ngokumalunga nokuthobela le miqathango esele ikhankanywe ngentla apha.
- 6.1.15 Icandelo (iyunithi) ejongene nolawulo IweNgxolo kufuneka yasiswe kwangaphambi kweentsuku ezingama30, ukuba kuye kwenzeka utshintsho kwimimiselo esele ikhankanyiwe ngokujoliswe kwizakhiwo okanye kwizixhobo.
- 6.2 Makunikezelwe igunya kwiNtloko Makunikezelwe igunya kwiNtloko yezeMpilo yokuSingqongileyo ukuba ityikitye kwaye ikhuphe iphephamvume elifanelekileyo eliku6.1 ngentla apha.

## 7 DISCUSSION/CONTENTS

The application for a Business Licence was properly applied for and submitted by the applicant to the City Health Department for further processing.

### 7.1 Constitutional and Policy Implications

The application complies with the requirements of the Constitution. Refusing the application on any grounds other than those listed in the Businesses Act, Act 71 of 1991 (as listed below) could be construed as to infringe on the Constitutional Rights of the applicant.

### 7.2 Sustainability implications

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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### **7.3 Legal Implications**

The application complies with the requirements of the Businesses Act, Act 71 of 1991, which states in Section 2(4) "A Licensing Authority shall, subject to the provisions of sub-section 6 issue a licence which is properly applied for unless-

- (a) In the case of a business referred to in item 1(1) or 2 of Schedule 1, the business premises do not comply with the requirements relating to Town Planning or the safety or health of the public of any law, which applies to those premises.
- (b) In the case of a business referred to in item 2 of Schedule 1, the licensing authority is satisfied that:
  - (i) The Applicant, whether or not he is or will be in actual and effective control of the business, or
  - (ii) If another person is or will be so in control, that other person, is not a suitable person to carry on the business, whether by reason of his character, having regard to any conviction recorded against him, his previous conduct or for any other reason.

### **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.

### **7.6 Other Services Consulted**

The application was circulated to the following departments for comments:

7.6.1. Community Services and Health Directorate: City Health Department (Environmental Health and Specialized Environmental Health section)

7.6.2. Spatial Planning and Environment Directorate: Land Use Management and Building Development Department

7.6.3. Safety and Security & Emergency Services Directorate

All internal departments have issued clearances, supporting the issuing of the Business License.

## **ANNEXURES**

**Annexure A - Application**

**Annexure B - Land-Use Planning Clearance and Building Development.**

**Annexure C - City Health - Environmental Health Clearance**

**Annexure D - Mechanical Engineer Clearance**

**Annexure E - Fire Safety Clearance**

**Annexure F - SAPS Police Clearance**

**Annexure G - Environmental Noise Survey Report**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Gavin Heugh
<b>CONTACT NUMBERS</b>	021 444 1739
<b>E-MAIL ADDRESS</b>	<a href="mailto:Gavin.Heugh@capetown.gov.za">Gavin.Heugh@capetown.gov.za</a>
<b>DIRECTORATE</b>	Community Services and Health
<b>FILE REF NO</b>	Lic 502854

Comment:

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**Dr. Paul Nkurunziza**  
DIRECTOR: CITY HEALTH

DATE

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Comment:

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**Ms. Zukiswa Mandlana**  
EXECUTIVE DIRECTOR: COMMUNITY SERVICES & HEALTH

DATE

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REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

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**LEGAL COMPLIANCE**

Mr. John Laing Smale

Non-Compliant

NAME

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Comment:

TEL

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DATE

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**SUMMARY COMMENTS FROM DEPARTMENTS:**

<b>Department</b>	<b>Name:</b>	<b>Comment</b>
Building Development	Phomolo Thekisoe	All in order
Fire Department	Moegamat Suruh Barendse	No Objections
Health	Noluvo Yali	No Objections
Mechanical Ventilation	Asanda Dubula	No Objections
SAP/Police Clearance	NealJulian Saunderson	In order of time of application submission.
Noise Impact Assessment	Halo	All in order