



1. ITEM NUMBER : 16SUB 35/12/2022

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: PHOENIX CHAMPAGNE LOUNGE REF. NO.: LLA22110016

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-PHOENIX CHAMPAGNE LOUNGE: INOMBOLO YESALATHISO : LLA22110016 (H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: PHOENIX CHAMPAGNE LOUNGE: VERWYSINGSNO.: LLA22110016 (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 25) 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 25 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 PHOENIX CHAMPAGNE LOUNGE 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. LLA22110016, for the business Phoenix Champagne Lounge be **CONDITIONALLY SUPPORTED**:

Subject to:

1. The applicant obtaining an appropriate business licence from the City of Cape Town
2. The applicant complying with all fire requirements as per the Emergency Services
3. Submission of approved building plans

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 Notice

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

The City of Cape Town is committed to respecting the privacy and personal rights of everyone who uses or enquires about our services. Protecting your privacy and personal information, as defined in the Protection of Personal Information Act, Act 4 of 2013, will be respected.

7.6 Other Services Consulted

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

Details of applicant

- LLA22110016
- Phoenix Champagne Lounge PTY LTD
- 2020/918142/07
- Phoenix Champagne Lounge
- Consumption ON Premises
- Erf: 2547 161 Longmarket Street Unit 101 First Floor 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 6 December 2022.

APPLICATION CONDITIONALLY SUPPORTED: On getting all fire regulations passed and obtaining a Business Licence in 60 days

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 115

No response received.

CPF:

No response received.

The following Internal Departments and officials were consulted:

Town Planning

Comments received from Town Planning, Rudi Bester on 16 November 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, Noluvo Yali on 28 November 2022.

APPLICATION NOT SUPPORTED

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

Parking: No

Reasons for NOT Supporting: Premises not in possession of a Business Licence

City Emergency Services

Comments received from Emergency Services, Moegamat Suruh Barendse on 29 November 2022.

APPLICATION NOT SUPPORTED

Comments:

Approved building plans required

Approved gas plans required

Rails requires

Emergency lighting required

Obstruction of or rendering component escape of escape route less effective

Permit vegetation/combustible material to overgrow/accumulate on premises in a manner likely to cause a Fire Hazard or other threatening danger

Application for business license required.

Law Enforcement Squad

Comments received from Law Enforcement Liquor Unit, S.J. Festus on 25 November 2022.

APPLICATION SUPPORTED

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

Churches: None

Parking: Off Street Parking

Comments:

Business in possession of an Events Liquor license until 29 January 2023 issued by the liquor Authority.

Premises zoned GR7 to be use as place of Entertainment.

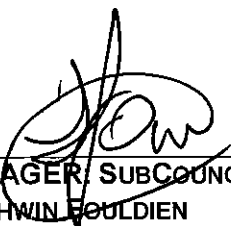
Liquor will only be served onsite and not for off consumption as per liquor license condition.

No liquor will be served or sold to children under the age of eighteen (18).

Trading Hours as per the City of Cape Town Liquor Trading Hours By Laws.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Girshwin Fouldien</i>
CONTACT NUMBERS	<i>021 487 2055</i>
E-MAIL ADDRESS	<i>girshwin.fouldien@capetown.gov.za</i>
DIRECTORATE	<i>Corporate Services</i>
DEPARTMENT	<i>Area 1</i>



MANAGER, SUBCOUNCIL 16
GIRSHWIN FOULDIEN

TEL No 021 487 2055

DATE

7/12/2022



CHAIRPERSON: SUBCOUNCIL 16
ALD MATTHEW KEMPTHORNE

TEL No 021 487 2207

DATE

7/12/2022