CITY OF CAPE TOWN
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REPORT TO SubCouncil 16

1. **ITEM NUMBER : 16 SUB 30/11/19**

2. **SUBJECT**

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: I LOVE COFFEE REF. NO.: LLA19100015

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE- I LOVE COFFEE: INOMBOLO YESALATHISO .: LLA19100015
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: I LOVE COFFEE: VERWYSINGSNO.: LLA19100015
(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. Original decision taken by Subcouncil Manager in conjunction with Chairperson and Ward 115 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. 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: Subcouncils to receive such applications from the various Designated Liquor Officers.

4(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.

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6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from I LOVE COFFEE 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. LLA19100015, for the business I Love Coffee **CONDITIONALLY SUPPORTED:**

Subject to:
1. The applicant obtaining an appropriate business licence (Sale and Supply of Meals) from the City of Cape Town.
2. Submission of plans.

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7. DISCUSSION

7.1.1 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, inspector, 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."

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

7.1.3 Details of applicant;

- LLA19100015
- I Love Coffee Enterprise PTY LTD;
- 2015/133687/07
- I Love Coffee;
- Consumption ON Premises
- Erf: 146708 78 Strand Street Shop 3 Cape Town City Centre Cape Town;

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

Ward 115 Councillor;
Cllr Bryant was consulted and his comments are included in the Subcouncil's recommendations.

Community Organizations: As per CBO Database
Comments received from Muneeb Hendricks of CT CCID on 18 October 2019.
No objection from the CCID.

Ward Committee: Elected Members of Ward 115
No response received.

CPF: CT CPF
No response received.

Other interest and effected parties:

Internal departments:

Town Planning:
Comments received from Town Planning, Rudi Bester on 31 October 2019.
APPLICATION SUPPORTED
Zoning: The subject property is zoned: General Business Zone (GB7) thus permits the operation of the proposed activity as a primary right.
TOWN PLANNING
R. Bester
31/10/2019

Health:
Comments received from City Health, M. Isaacs on 20 October 2019.
APPLICATION NOT SUPPORTED
Reasons for NOT supporting: Premise does not have a sale and supply of meals business license therefore City Health cannot support this application.
CITY HEALTH
M. Isaacs
29 October 2019

City Emergency Services: 2019/10/18
Comments received from Emergency Services, Moegamat Suruh Barendse on 1 November 2019.
Subject to plans submission and application for business license.

Law Enforcement Squad: 2019/10/18
Comments from Law Enforcement Liquor Unit, Jean Mampofu on 31 October 2019.
APPLICATION SUPPORTED
The business is NOT LOCATED near Aged or Frail Care Centre or Rehab, Drugs / Alcohol Centre.
School(s): LELE Learning centre +- 130m away
Other: Evangelical Lutheran church +- 100m away
Parking: Garage Parking as well as on street parking
Comments: All in order
LAW ENFORCEMENT LIQUOR UNIT
I.V. Neethling
28/10/2019

7.2 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 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.

7.3 Sustainability Implications

No ☒ Ye ☐

7.4 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).

7.5 Staff Implications

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

No ☒ Yes ☐

7.6 Other Services Consulted

The following Internal Departments and officials were consulted:

Energy, Environmental and Spatial Planning
Planning and Building Development Management: (Gregory September)

City Health
Sub District: (Bettie Leedo)

Safety & Security
City Emergency Services: (Moegamat Suruh Barendse)

Safety & Security
Law Enforcement: (Marilyn Holding)

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	*Urban Management*
DEPARTMENT	*Area 1*

MANAGER: SUBCOUNCIL 16
LUCILLE MULLER (ACTING)

TEL NO 021 487 2005

DATE

CHAIRPERSON: SUBCOUNCIL 16
MATTHEW KEMPTHORNE

TEL NO 021 487 2207

DATE 12/11/2019