

1. **ITEM NUMBER :** 19SUB13/05/23

2. **SUBJECT**

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: NY SLICE MUIZENBERG REF. NO.: LLA23030029

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE- NY SLICE MUIZENBERG: INOMBOLO YESALATHISO .: LLA23030029
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: NY SLICE MUIZENBERG: VERWYSINGSNO.: LLA23030029
(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 19 Manager in conjunction with Chairperson and Ward 64 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 NY SLICE MUIZENBERG 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 19 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA23030029, for the business NY Slice Muizenberg **CONDITIONALLY SUPPORTED**

Supported on condition that :

- a) Liquor is consumed on-site only.
- b) Approved building plan are submitted to Planning Department.
- c) Premises being made compliant with Fire Safety regulations.

ISINDULULO

(H3064)

Kundululwe ukuba:

Kufuneka **KUQATSHELWE** ukuba isicelo sephepha-mvume lokuthengiswa kotywala esifunyenwe kwabe- NY Slice Muizenberg, saye saqwalaselwa ngokwesigunyaziso esigunyazisiweyo kwakhona isindululo esilandelayo saye sagqithiselwa kuGunyaziwe ongezoTywala ngokungqinelana noMthetho ongezoTywala waseNtshona Koloni wango-2008, njengoko ulungisiwe:

IBhungana-19 malindulule ukuba **MASIXHASWE PHANTSI KWEMIQATHANGO** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA23030029, elingeshishini labakwa- NY Slice Muizenberg.

AANBEVELING

(H3064)

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die NY Slice Muizenberg ontvang is, kragtens gedelegeerde bevoegdheid oorweeg is en dat die volgende aanbeveling ingevolge die Wes-Kaapse Drankwet, 2008, soos gewysig, aan die drankowerheid gestuur is:

Subraad 19 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA23030029, vir die sakebedryf NY Slice Muizenberg **VOORWAARDELIK GESTEUN WORD**

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.

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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

- LLA23030029
- NY Slice Muizenberg PTY LTD
- 2023/565112/07
- NY Slice Muizenberg
- Consumption ON Premises
- Erf: 87118 149 Main Road Masonic Building Shop Muizenberg

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

Ward 64 Councillor
CONDITIONALLY SUPPORT

Community Organizations: As per CBO Database
No response received during the public participation stage.

Ward Committee: Elected Members of Ward 64

No response received during the public participation stage.

CPF:

No response received during the public participation stage.

Other interest and effected parties:

No response received during the public participation stage.

The following Internal Departments and officials were consulted:

Town Planning

SUPPORT

Health:

SUPPORT

City Emergency Services

NOT SUPPORTED

Law Enforcement Squad

No response received during the public participation stage.

ANNEXURES

(1) NOTE : *In these instances the author must please ensure that all annexures, files etc. referred to in the report are made available for scrutiny at the meeting. Such documents must be handed to the relevant Committee Officers on the day prior to the meeting.*

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Corporate Services
DEPARTMENT	Area South

MANAGER: SUBCOUNCIL 19

DESIREE MENTOR

TEL NO 021 444 9461 / 021 400 7495

DATE 12 MAY 2023