



**1. ITEM NUMBER :**

**2. SUBJECT**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: MASAKHE LIQUOR SHOP REF. NO.: LLA21050027**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-MASAKHE LIQUOR SHOP: INOMBOLO YESALATHISO .: LLA21050027 (H3064)**

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: MASAKHE LIQUOR SHOP: VERWYSINGSNO.: LLA21050027 (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 98 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.

---

## 6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from MASAKHE LIQUOR SHOP 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 10 recommends that the application for a Consumption OFF Premises Liquor Licence, reference no. LLA21050027, for the business Masakhe Liquor Shop  
**NOT BE SUPPORTED**

Not be supported, due to the following conditions:

The subject property, namely Erf 35394, Khayelitsha, 23, Qinqa Street, Harare is zoned for Single Residential Zone 2 purpose.

A land use management application for temporary land use departure in terms of section 42(c) of the Municipal Planning By-law, 2015 must be submitted in order to permit the sale of alcoholic beverage/ liquor shop (off-site alcohol consumption).

If the proposal is already in operation, then a separate application for the determination of an administrative penalty in terms of section 42(r) of the Municipal Planning By-Law, 2015 must also be submitted.

## ISINDULULO (H3064)

Kundululwe ukuba:

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

IBhungana-10 malindulule ukuba **MASINGAXHASWA** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA21050027, elingeshishini labakwa- Masakhe Liquor Shop.

*If there is a recommendation from the SubCouncil you will have to insert the translation or delete this text.*

## **AANBEVELING (H3064)**

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die Masakhe Liquor Shop 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 10 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA21050027, vir die sakebedryf Masakhe Liquor Shop **NIE GESTEUN WORD NIE**

*If there is a recommendation from the SubCouncil you will have to insert the translation or delete this text.*

---

## **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, inspect or, 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;

- LLA21050027
- Mothusiemang Ramapulane;
- 6412251501087
- Masakhe Liquor Shop;
- Consumption OFF Premises
- Erf: 23 Qinqa Street Harare Khayelitsha;

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

Ward 98 Councillor:  
Supported

Community Organizations: As per CBO Database  
No comment

Ward Committee: Elected Members of Ward 98  
No comments received

CPF:  
No comment

Other interest and effected parties:  
No comment

## **Internal departments:**

### Town Planning:

Not be supported

The subject property, namely Erf 35394, Khayelitsha, 23, Qinqa Street, Harare is zoned for Single Residential Zone 2 purpose.

A land use management application for temporary land use departure in terms of section 42(c) of the Municipal Planning By-law, 2015 must be submitted in order to permit the sale of alcoholic beverage/ liquor shop (off-site alcohol consumption).

If the proposal is already in operation, then a separate application for the determination of an administrative penalty in terms of section 42(r) of the Municipal Planning By-Law, 2015 must also be submitted.

### Health:

Supported

### City Emergency Services: 5/10/2021

No comment

### Law Enforcement Squad: 5/10/2021

Not Supported,

Premises zone for residential and there is no Parking available.

## **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 timely 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 ☒ Yes ☐

## **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: (Nasrudeen Floris)*

***City Health***

*Sub District: (Davis Daries)*

***Safety & Security***

*City Emergency Services: (Ismail Baker)*

***Safety & Security***

*Law Enforcement: (Siviwe Dishu)*

---

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Mandlenkosi Sitonga</i>
<b>CONTACT NUMBERS</b>	<i>021 444 7766 or 021 444 5932</i>
<b>E-MAIL ADDRESS</b>	<i>Mandlenkosi.sitonga@capetown.gov.za</i>
<b>DIRECTORATE</b>	<i>Urban Management</i>
<b>DEPARTMENT</b>	<i>Area 2</i>

---

**MANAGER: SUBCOUNCIL 10****MANDLENKOSI SITONGA**

TEL NO     021 444 7766 OR 021 444 5932

DATE

---

**CHAIRPERSON: SUBCOUNCIL 10****PATRICK MNGXUNYENI**

TEL NO     021 364 0810

DATE