



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

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SubCouncil 03

1. ITEM NUMBER: 03SUB 21/05/19

2. SUBJECT

**LIQUOR LICENCE APPLICATION: LLA19040018: THE CAPE PANORAMA
LODGE – WARD 1**

ISIHLOKO

**ISICELO SEPHEPHA-MVUME: LLA19040018: THE CAPE PANORAMA LODGE
– WARD 1**

ONDERWERP

**AANSOEK OM DRANKLISENSIE: LLA19040018: THE CAPE PANORAMA
LODGE – WARD 1**

3. PURPOSE

To comment on an application for a liquor license received in terms of section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Regulations, 2011.

4. FOR DECISION BY

SubCouncil.

Delegation

4(1) To comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, as amended.

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.

6. DISCUSSION

6.1 Section 37 of the Act address the Notice of Application process.

“(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.*

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

6.2.1 Details of applicant

LLA19040018
The Cape Panorama Lodge PTY LTD;
2004/004818/07
The Cape Panorama Lodge;
Consumption ON Premises
Erf: 22848 11 Heldersig Street, Panorama

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

Ward 1 Councillor: Cllr Cheryl Visser:

The ward councilor commented that in light of the comment from Planning, she is unable to support the application until the applicant has applied for a temporary departure to allow for sale of alcohol.

Community Organizations: As per CBO Database: no comment

Ward Committee: Elected Members of Ward 1: no comment

CPF: no comment

Other interest and effected parties:

An e-mail was sent to the applicant's lawyers on 10 April 2019, informing them of the Planning department's comments.

No response was received.

INTERNAL DEPARTMENTS:

Town Planning: Ms T Kotze

The existing guest house is regarded as a non-conforming use right that was established under the old Parow Zoning Scheme where a Guest House was permitted use under that scheme.

With the change over to the new MPBL, the property obtained a GR1 zoning that **does not permit** a guest house or sale of alcohol.

The applicant must apply for a temporary departure to allow for the sale of alcohol.

Health: Ms L Lawrence

Supported.

City Emergency Services: Mr N Benade

Supported.

Law Enforcement Squad: Ms M Holding

Supported.

Premises zoned as a single residential. Owner had a licence that lapsed due to late payment. Owner reapplied for zoning. Liquor will only be served to guests that stay overnight.

7. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from **The Cape Panorama Lodge** 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 03 recommends that the application for a a Consumption ON Premises Liquor Licence, reference no. LLA19040018, for the business The Cape Panorama Lodge **NOT BE SUPPORTED** for the following reasons:

- The existing guest house is regarded as a non-conforming use right that was established under the old Parow Zoning Scheme where a Guest House was a permitted use under that scheme. With the change over to the new MPBL, the property obtained a GR1 zoning that does not permit a guest house or sale of alcohol.
- Applicant must apply for a temporary departure to allow for the sale of alcohol.

FOR FURTHER DETAILS, CONTACT:

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DIRECTORATE	<i>Urban Management</i>
DEPARTMENT	<i>Area 1</i>

Comments:

SUBCOUNCIL MANAGER

Date _____

SUBCOUNCIL CHAIRPERSON

Date _____