



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

LIQUOR LICENCE REPORT

SubCouncil 10

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1. ITEM NUMBER:

2. SUBJECT

LIQUOR LICENCE APPLICATION: LLA19010011: LIQUI - MOJA.

ISIHLOKO

ISICELO SEPHEPHA-MVUME: LLA19010011: LIQUI - MOJA.

ONDERWERP

AANSOEK OM DRANKLISENSIE: LLA19010011: LIQUI - MOJA.

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

Sub Council.

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: Sub councils 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 lodgment 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 Sub council:

6.2.1 Details of applicant;

LLA19010011
Lubabalo Gobanica;
7502106196080
Liqui - Moja;
Consumption OFF Premises
Erf: 35894 DADA STREET, HARARE 20 DADA STREET, HARARE;

6.2.2 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 comments received

Ward Committee: Elected Members of Ward 98
No comments received

CPF:
No comments received

Other interest and effected parties:
no comments received

Internal departments:

Town Planning:
Supported

Health:
conditional Support see attachment
Lena Stofile; Refer to the attached memo.

City Emergency Services: 2019/03/08
Supported

Law Enforcement Squad: 2019/03/15
Supported
Liquor Control: Premises not zoned for business. No parking. 2019/02/05

7. RECOMMENDATION

It is recommended that:

Liquor License Application: LLA19010011 SC10 Liqui - Moja

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It be **NOTED** that an application for a liquor licence received from Liqui - Moja 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 a Consumption OFF Premises Liquor Licence, reference no. LLA19010011, for the business Liqui - Moja **BE SUPPORTED**

FOR FURTHER DETAILS CONTACT:

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



Comments:

SUBCOUNCIL MANAGER

Date

09/04/2019

SUBCOUNCIL CHAIRPERSON

Date

Sharon B Makhuleni

From: Anele Gabuza
Sent: Thursday, 07 March 2019 13:35
To: Sharon B Makhuleni
Subject: RE: LIQUOR LICENCE APPLICATIONS

Dear Sharon

I just want to support both applications due to the fact that there is no school and crèche next them. Thank Regards.
Councillor A Gabuza.

From: Sharon B Makhuleni <Sharon.Makhuleni@capetown.gov.za>
Sent: Thursday, 07 March 2019 9:19 AM
To: Anele Gabuza <Anele.Gabuza@capetown.gov.za>
Cc: Mandlenkosi Sitonga <Mandlenkosi.Sitonga@capetown.gov.za>
Subject: LIQUOR LICENCE APPLICATIONS

Good day Councillor

This serves as a reminder that, I am still waiting for your comments on all 2 liquor applications that are within your ward.

Kindly forward your comments by no later than 10:00 this morning.

Kind Regards

Sharon
021 4447766



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
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DEVELOPMENT MANAGEMENT

ASAVELA GINGCANA
ASSISTANT PROFESSIONAL OFFICER

T: 021 360 3228 F: 021 360 1113
E: ASAVELA.GINGCANA@CAPETOWN.GOV.ZA
Case ID: 70423550

MEMORANDUM

18 February 2019

Attention: Sub-council Manager

Dear Sir/Madam

APPLICATION FOR LIQUOR LICENSE, REFERENCE NO: LLA19010011

The delegated authority on 27/06/2018 resolved the following:

1. That the application for a temporary land use departure in terms of Section 42(c) of the City of Cape Town Municipal Planning By-Law, 2015 to permit an off-site consumption liquor shop on erf 35894, 20 Dada Street, Khayelitsha, **be approved** in terms of section 98(c) of the City of Cape Town Municipal Planning By-Law, 2015 subject to the following conditions contained in Annexure A.

Yours faithfully

for DIRECTOR: PLANNING & BUILDING DEVELOPMENT MANAGEMENT

Mitchell's Plain/Khayelitsha District
Stacks & Stocks Complex
Cnr of Nilaxane & Nilakohlaza Streets
Ilitha Park, Khayelitsha
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ANNEXURE A: CONDITIONS IMPOSED

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 35894, 20 Dada Street, Harare, Khayellisha**

"By-law" & "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015

"Item" refers to the relevant section in the Development Management Scheme

"ED:EESP" means Executive Director: Energy, Environment and Spatial Planning

CASE ID: 70374032

1. TEMPORARY LAND USE DEPARTURE GRANTED INTERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW

- 1.1 Temporary land use departure to permit a liquor shop/off-site consumption on a portion of the subject property.

2. CONDITIONS TO BE IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW AS PART OF THE TEMPORARY LAND USE APPROVAL

DEPARTMENT: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT

- 2.1 This approval is granted for a period of 5 years only.
- 2.2 The operator must be the owner of the subject property and must reside on the subject property.
- 2.2 The permitted use will be limited to a liquor shop/off site consumption facility only.
- 2.2 That the extent of the activity shall be limited to the 26m² portion of the existing dwelling as indicated on drawing no Gobingca09014. Building in accordance with the aforementioned plans, indicating the temporary use areas, shall be submitted within one month of receiving the final approval of this application.
- 2.3 Delivery vehicles delivering goods to liquor shop shall not exceed 3500kg.
- 2.4 No juke box or loud music shall be permitted on the premises.
- 2.5 The use permitted shall only operate between 08:00 and 21:00 from Mondays to Sunday.
- 2.6 A refuse bin shall at all times be placed at the entrance to the property for the use of patrons/customers and the owner shall ensure on a daily basis that the street is kept clean within a 50m distance from the subject property.

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- 2.7. Delivery trucks, patron vehicles or vehicles owned by the applicant shall not obstruct traffic or obstruct the entrance to the driveway of neighbours.
- 2.8. Signage will be erected by the operator at the liquor shop to discourage loitering by patrons of the liquor shop.
- 2.9. The operator shall not be allowed to consume alcohol during business hours while operating the liquor shop.
- 2.10. The alcohol sold on the premises shall not be sold per glass and only in the original enclosed container of the manufacturer.

STANDARD HEALTH REQUIREMENTS

- 2.10. The Noise Control Regulations P.N. 627/1998 as promulgated under the Environmental Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners.
- 2.11. Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application must be made for the relevant business license. Should food be prepared or handled, then application must also be made for a Certificate of Acceptability for food premises in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972. These requirements come into effect once the City has approved the land use application.
- 2.12. The owner/lessee/operator shall ensure compliance with the provisions of the Tobacco Products Control Amendment Act 12 of 1991.

SOLID WASTE MANAGEMENT

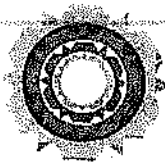
- 2.13. Council's standard requirements and guidelines pertaining to the removal of solid waste and refuse storage facilities shall be complied with.

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Miss Ayabonga Mshizana
Environmental Health Practitioner: Area 2 Khayelitsha

T: 021 444 2350/43
E: Ayabonga.mshizana@capetown.gov.za
Reference: LLA19010011

DATE : 08 February 2019
TO : The Manager
Ward 98
Sub Council 10

APPLICATION FOR A LIQUOR LICENCE: Erf. 35894, 20 Dada Street, Harare, 7784.
Application LLA19010011 refers.

This department has no objection to the approval of the above mentioned application subject to the following being complied with: -

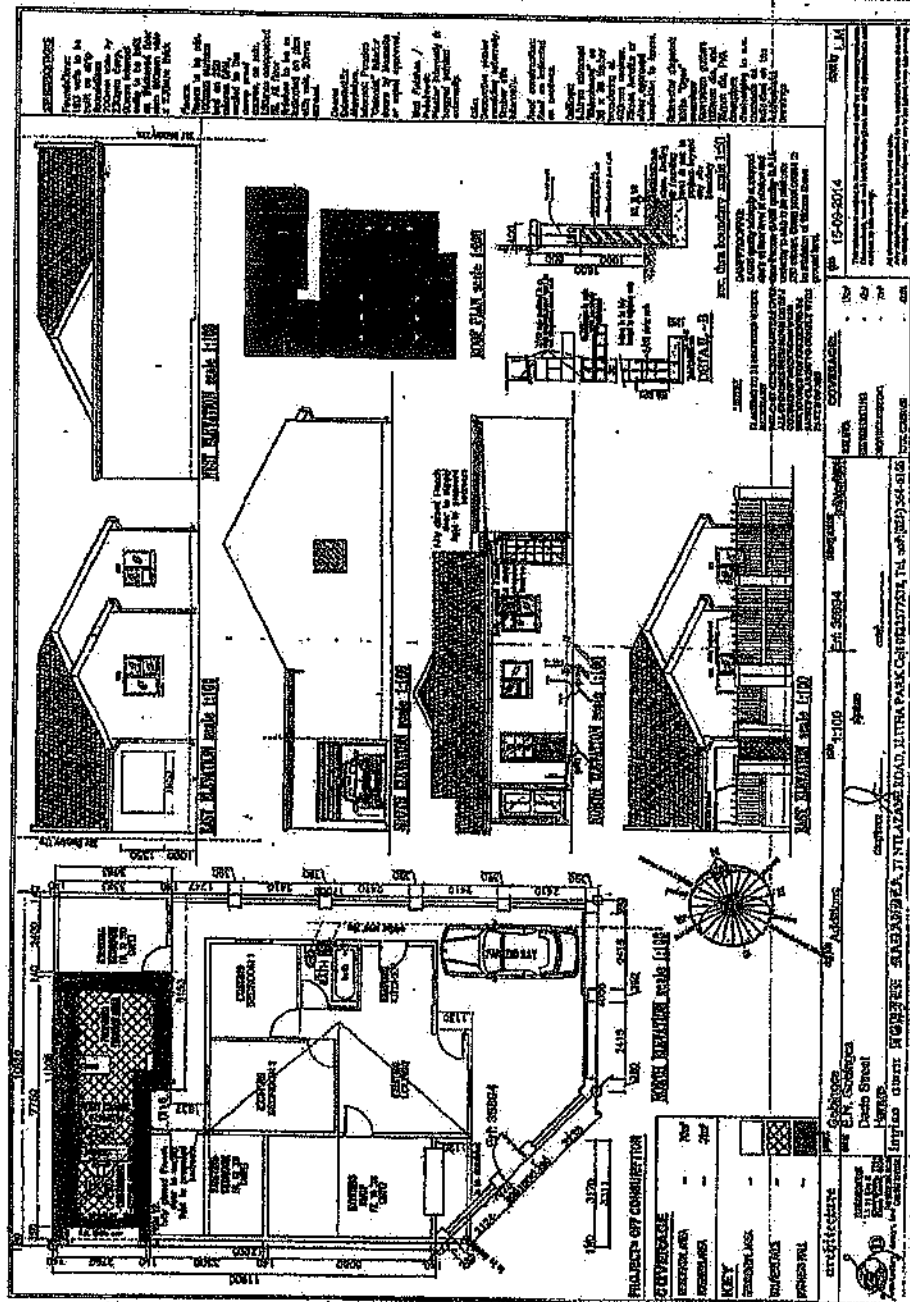
- 1) Compliance with the Noise Control Regulations P.N. 200/2013 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance and/or exceeding the '50dBA limit for machinery in residential areas'. Any noise producing plant or equipment must be adequately muffled so as not to create a disturbing noise; a noise nuisance or exceeding the 50dBA limit for machinery in residential areas.
- 2) Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, no 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc. then application must be made for the relevant business license. Should food be prepared or handled, then application must also be made for a Certificate of Acceptability for food premises in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972. These requirements come into effect once the City has approved the land use application.
- 3) The premises must be made to comply with the requirements of the Tobacco Products Control Act, 1993 (Act No 83 of 1993) and Notice Relating to Smoking of Tobacco Products in public places, Regulation No R975 dated 29 September 2000. In this regard, guidelines for the design of designated smoking areas and requirements for artificial ventilation that serves smoking areas can be obtained from the City's local Environmental Health Practitioner.
- 4) An integrated waste management approach must be used that is based on waste minimization and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill site, licensed in terms of Section 20 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

Factors to be considered:

- Sivuyile Educare is located +- 15m from the proposed application. The premise is currently closed.
- A portion of the house is leased-out as a mini food premise (store).

PRINCIPAL ENVIRONMENTAL HEALTH PRACTITIONER

ANNEXURE B



Mitchell's Plain/Khayelitsha District
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Sharon B Makhuleni

From: Ismail Baker
Sent: Friday, 08 March 2019 13:57
To: Sharon B Makhuleni; Onele Ndesi; Rashied Isaacs
Subject: RE: LIQUOR LICENCE APPLICATIONS

Good day

Comment from DRM Area East:

As long as the applicants adhere to the specific requirements as laid down by the relevant authorities and its requirements, DRM has no comment.

From: Sharon B Makhuleni <Sharon.Makhuleni@capetown.gov.za>
Sent: Friday, 08 March 2019 09:14
To: Onele Ndesi <Onele.Ndesi@capetown.gov.za>; Rashied Isaacs <Moegamat.Isaacs2@capetown.gov.za>
Cc: Ismail Baker <Ismail.Baker@capetown.gov.za>
Subject: RE: LIQUOR LICENCE APPLICATIONS

Good day Colleagues

Thanks, Mr Ndesi for the explanation, I need to know will your department be able to comment in new liquor applications or not so in future I do not sent your dept. such emails.

Kind Regards

Sharon

From: Onele Ndesi
Sent: Thursday, 07 March 2019 15:21
To: Rashied Isaacs <Moegamat.Isaacs2@capetown.gov.za>; Sharon B Makhuleni <Sharon.Makhuleni@capetown.gov.za>
Cc: Ismail Baker <Ismail.Baker@capetown.gov.za>
Subject: RE: LIQUOR LICENCE APPLICATIONS

Good day Colleagues

We comment on anything that has an impact on wellbeing of community or infrastructure at large. If there is no foreseeable issues or problems, it is no comment from Disaster Management. However, we do not speak for any law enforcement agency.

Kind regards,

Onele Ndesi

AREA HEAD: DISASTER RISK MANAGEMENT

Disaster Risk Management Centre, Melton Rose
Albert Philander street, 7100

Tel: 021 444 9478

Fax: 086 576 1290

Email: onele.ndesi@capetown.gov.za

Web: www.capetown.gov.za

Sharon B Makhuleni

From: Liquor Control
Sent: Friday, 15 March 2019 14:45
To: Sharon B Makhuleni
Cc: Liquor Control
Subject: FW: LIQUOR APPLICATIONS
Attachments: LLA19010011.pdf; LLA19020014.pdf; LLA19020015.pdf; New Microsoft Word Document.docx

Good Afternoon Sharon

See comments below and pictures attached.

Thank you and kind regards

Marilyn Holding
Acting Assistant Chief
Area South
Liquor Unit/Vice Unit
021 444 1141
0834160834

From: Indonesia Neethling
Sent: 14 March 2019 04:42 PM
To: Liquor Control
Subject: FW: LIQUOR APPLICATIONS

Good Day Regional

Please find below comments for Siwas Restaurant

Premises	: Supported
Aged Or Frail Centre	: None
Rehab, Drugs / Alcohol Centre	: None
Schools	: None
Others	: None
Comments approved	: Premises applied for temporary land use departure which was
Parking	: Off Street Parking indicated by applicant as well as a field across the road where patrons can park. The applicant indicated that local patrons will walk to the premises.

From: Liquor Control
Sent: 12 March 2019 07:26 PM

