



**1. ITEM NUMBER : 01SUB 14/05/23**

**2. SUBJECT**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: YIPIN XUAN RESTAURANT REF. NO.: LLA23040015**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-YIPIN XUAN RESTAURANT: INOMBOLO YESALATHISO .: LLA23040015**  
(H3064)

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: YIPIN XUAN RESTAURANT: VERWYSINGSNO.: LLA23040015**  
(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 01 Manager in conjunction with Chairperson and Ward 107 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.

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## 6. RECOMMENDATION

It is recommended that:

It be **NOTED** that an application for a liquor licence received from YIPIN XUAN RESTAURANT 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 01 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA23040015, for the business Yipin Xuan Restaurant **BE SUPPORTED**

### ISINDULULO

(H3064)

Kundululwe ukuba:

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

IBhungana-1 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA23040015, elingeshishini labakwa- Yipin Xuan Restaurant.

*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 Yipin Xuan Restaurant 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 1 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA23040015, vir die sakebedryf Yipin Xuan Restaurant **GESTEUN WORD**

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

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## **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.

The City of Cape Town is committed to respecting the privacy and personal rights of everyone who uses or enquires about our services. Protecting your privacy and personal information, as defined in the Protection of Personal Information Act, Act 4 of 2013, will be respected.

### 7.6 **Other Services Consulted**

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

Details of applicant

- LLA23040015
- Chen Lian Trading PTY LTD
- 2017/163172/07
- Yipin Xuan Restaurant
- Consumption ON Premises
- Erf: 28288 Link Road Parklands Mall Parklands

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

Ward 107 Councillor  
No Councillor

Community Organizations: As per CBO Database  
No Comment

Ward Committee: Elected Members of Ward 107  
No Comment

CPF:  
No Comment

Other interest and effected parties:  
No Comment

The following Internal Departments and officials were consulted:

**Town Planning**

Supported - No Objection,Zoned as a General Business Sub-zoning 3 which permits a place of entertainment

**Health:**  
Supported

**City Emergency Services**  
No Comment

**Law Enforcement Squad**

Supported- Premises is located at other Business premises with liquor licences  
Premises is zoned for business  
Form3 are on display  
Premises still busy with renovations  
Manager was informed to comply with the City trading hours and they understood

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**ANNEXURES**

**<sup>(1)</sup> 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.*

**PLEASE NOTE:** DELETE IF THIS IS NOT APPLICABLE

**FOR FURTHER DETAILS CONTACT:**

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<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>DEPARTMENT</b>	<i>Area 1</i>

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**MANAGER: SUBCOUNCIL 1**  
**WESSIE VAN DER WESTHUIZEN**

TEL NO     021 444 6037 OR 021 444 6039  
 \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
**CHAIRPERSON: SUBCOUNCIL 1**  
**NO CHAIRPERSON**

TEL NO \_\_\_\_\_

DATE \_\_\_\_\_