



1. ITEM NUMBER : 16 SUB 25/05/2023

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: FIRTSBET MILNERTON REF. NO.: LLA23040010

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-FIRTSBET MILNERTON: INOMBOLO YESALATHISO .: LLA23040010
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: FIRTSBET MILNERTON: VERWYSINGSNO.: LLA23040010
(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 16 Manager in conjunction with Chairperson and Ward 55 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 FIRTSBET MILNERTON 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 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA23040010, for the business Firtsbet Milnerton **BE SUPPORTED**.

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

- LLA23040010
- Banzostar PTY LTD
- 2016/131538/07
- Firtsbet Milnerton
- Consumption ON Premises
- Erf: 22384 6&7 Koeberg Road Milnerton Centre Milnerton

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

Ward 55 Councillor

Cllr Ah Sing commented on 19th April 2023.

APPLICATION SUPPORTED

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 55

No response received.

CPF:

No response received.

The following Internal Departments and officials were consulted:

Town Planning

Comments received from Town Planning, Thandokazi Jodwana on 2 May 2023.

APPLICATION SUPPORTED

The subject property is zoned as a General Business Sub-zoning 4 (GB4) which permits a place of entertainment.

The application is in line with the base zone and primary rights, from a land-use perspective we have no objection to the issuing of a Liquor License.

Health:

Comments received from City Health, Tabisile Mjobo on 28 April 2023.

APPLICATION SUPPORTED

Premises is in possession of a valid health and entertainment licence. There is no food preparation occurring. Business licence and Certificate of Acceptability are not required.

City Emergency Services

Comments received from City Emergency Services, Abdul-Aziz Fritz on 20 April 2023.

APPLICATION SUPPORTED

Law Enforcement Squad

Comments received from Law Enforcement Liquor Unit, Gershon Davids on 28 April 2023.

APPLICATION SUPPORTED

The business is NOT LOCATED near Aged or Frail Care Centre, Rehab, Drugs / Alcohol Centre or School(s).

Parking: Street

Comments:

- Premises is zoned for business.
- Premises situated in business centre.
- Premises will comply with city by-laws relating trading hours.
- Premises is few units away from Gonzos Pub.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|--|
| NAME | <i>Girshwin Fouldien</i> |
| CONTACT NUMBERS | <i>021 487 2055</i> |
| E-MAIL ADDRESS | <i>girshwin.fouldien@capetown.gov.za</i> |
| DIRECTORATE | <i>Corporate Services</i> |
| DEPARTMENT | <i>Area 1</i> |



MANAGER: SUBCOUNCIL 16
GIRSHWIN FOULDIE

TEL No *021 487 2055*

DATE

9/05/2023



CHAIRPERSON: SUBCOUNCIL 16
ALD MATTHEW KEMPTHORNE

TEL No *021 487 2207*

DATE

09/05/2023