



**1. ITEM NUMBER : 08SUB18/03/2023**

**2. SUBJECT**

**WARD 84: LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: SENIOR ONION MEXIAN CAFE REF. NO.: LLA23020001**

**IWADI 84: ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE- SENIOR ONION MEXIAN CAFE: INOMBOLO YESALATHISO .: LLA23020001**

(H3064)

**WYK 84: AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: SENIOR ONION MEXIAN CAFE: VERWYSINGSNO.: LLA23020001**

(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:

SubCouccil 08 Manager in conjunction with Chairperson and Ward 84 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 SENIOR ONION MEXIAN CAFE 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 08 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA23020001, for the business Senior Onion Mexian Cafe **BE SUPPORTED**.

### ISINDULULO (H3064)

Kundululwe ukuba:

Kufuneka **KUQATSHELWE** ukuba isicelo sephepha-mvume lokuthengiswa kotywala esifunyenwe kwabe- Senior Onion Mexian Cafe, saye saqwalaselwa

ngokwesigunyaziso esigunyazisiweyo kwakhona isindululo esilandelayo saye sagqithiselwa kuGunyaziwe ongezoTywala ngokungqinelana noMthetho ongezoTywala waseNtshona Koloni wango-2008, njengoko ulungisiwe:

IBhungana-8 malindulule ukuba **MASIXHASWE** isicelo sePhepha-mvume lokuthengisa utywala kwizakhiwo ekuselelwa kuzo, inombolo yesalathiso ngu-LLA23020001, elingeshishini labakwa- Senior Onion Mexian Cafe.

## **AANBEVELING**

(H3064)

Daar word aanbeveel dat:

Daarvan **KENNIS GENEEM WORD** dat 'n aansoek om 'n dranklisensie wat van die Senior Onion Mexian Cafe 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 8 beveel aan dat die aansoek om 'n dranklisensie vir verbruik op die perseel, verwysingsnommer LLA23020001, vir die sakebedryf Senior Onion Mexian Cafe **GESTEUN WORD**.

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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

- LLA23020001
- Senior Onion Mexian Cafe
- 2022/717336/07
- Senior Onion Mexian Cafe
- Consumption ON Premises
- Erf: 2159 136 Main Road Units12,13, and 14 SS fountain Square 96/2008  
Remainder Erf 2159 Somerset West

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

Ward 84 Councillor  
In support of application.

Community Organizations: As per CBO Database

No response received during the public participation phase.

Ward Committee: Elected Members of Ward 84

No response received during the public participation phase.

CPF:

No response received during the public participation phase.

Other interest and effected parties:

No response received during the public participation phase.

The following Internal Departments and officials were consulted:

**Town Planning**

The proposal is supported by Development Management.

**Health:**

Application for Liquor Licence, LLA23020001 Senior Onion Mexian Cafe Consumption ON Premises, Erf: 2159 , 136 , Main Road Units12,13, and 14 SS fountain Square 96/2008 Remainder Erf 2159 , Somerset West. Your request from our department, dated 06 February 2023, regarding the above applications refers:

1. The applicant must comply with the Tobacco Products Control Act, 1993(Act No 83 of 1993) and Notice relating to Smoking of Tobacco Products in the public places, Regulation No R975 dated 29 September 2000.
2. Compliance with the Noise Control regulations PN 200/2013 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners.
3. Any noise producing plant or equipment must be adequately muffled so as not create a disturbing noise or noise nuisance to any of the surrounding property owners, churches, hospitals, educational buildings or offices.
4. Should the premises be used for a category of business which is required to be licenced in terms of the Business Act No 71 of 1991 i.e. Supply of Meals, Health and Entertainment, etc. then application must be made for the relevant business licence. Should food be prepared or handle then application must also be made for a Certificate of Acceptability for food in terms of Regulations R638 dated 22/06/2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 Act, 1972( Act 54 of 1972). These requirements come into effect once Council has approved the consent use application.

**City Emergency Services**

THIS DEPARTMENT HAS NO OBJECTIONS - WITH CONDITIONS: SEE COMMENT BELOW:

Relative to the above Liquor Licence Applications - Please be advised that this department has NO OBJECTION to the above Liquor Licence Applications –

Please take note that THE NO OBJECTION FROM THIS DEPARTMENT IS SUBJECT to the above Liquor Licence Applications complying with the National Building Regulations and The CCT By-law Relating to Community Fire Safety and or any other pertinent regulations.

There must be an Approved Fire Protection Plan for the Buildings / Structures on the property – And all the Fire Safety Requirements as per this Approved Fire Protection Plan for the Buildings / Structures on the property must be implemented:

NB)After Completion of The Building - The Fire Department has to do an Fire Safety Inspection at The Buildings to ensure that all of The Requirements as per The CCT Approved Fire Protection Plan has been Implemented – And if Compliant a No Objection Letter will be issued by The Fire Department

### **Law Enforcement Squad**

Application is supported. Additional comments below:

- Premises zoned for business.
- Premises applied for on consumption.
- Manager was made aware to comply with the City of Cape Town by-laws.
- There is enough parking for delivery.
- The premises is already operating as restaurant.
- Seating area and tables already in place.
- Centre Parking available

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### **ANNEXURES**

None

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Elaine Dampies
<b>CONTACT NUMBERS</b>	021 850 4107
<b>E-MAIL ADDRESS</b>	Elaine.dampies@capetown.gov.za
<b>DIRECTORATE</b>	Corporate Services
<b>FILE REF NO</b>	



Comment:

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**CHAIRPERSON – SUBCOUNCIL 8**

NAME **CLLR CHANTAL GERFONTEIN**

DATE **9 MARCH 2023**

REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.



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**SUBCOUNCIL MANAGER**

NAME **ERIKA WILLIAMS**

DATE **9 MARCH 2023**

Comment:

REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.