



1. **ITEM NUMBER :** 16 SUB 27/05/2023

2. **SUBJECT**

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: THE DUTCHES OF WISBEACH REF. NO.: LLA23040017

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE- THE DUTCHES OF WISBEACH: INOMBOLO YESALATHISO .: LLA23040017
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: THE DUTCHES OF WISBEACH: VERWYSINGSNO.: LLA23040017
(H3064)

3. **PURPOSE**

To report on an application for a liquor license received in terms of SECTION 66(2) REMOVALS 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 54 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 THE DUTCHES OF WISBEACH 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. LLA23040017, for the business The Dutches of Wisbeach be **CONDITIONALLY SUPPORTED**:

Subject to:

1. The license should be in operation till 23:00 given that it is a restaurant operation. There are no grounds and it is against the public interest for a 02:00 license to be granted.
2. At the rear of the property there should be no license granted for any external part of the property eg a balcony.
3. Windows at the rear of the property should remain closed during all hours of operation and post service in the evening.

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

- LLA23040017
- Theresa Beukes
- 5901270113081
- The Dutches of Wisbeach
- Consumption ON Premises
- Erf: 503 321 Main Road Sea Point

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

Ward 54 Councillor

Cllr Jowell commented on 9 May 2023.

APPLICATION CONDITIONALLY SUPPORTED based on the following:

1. The license should be in operation till 23:00 given that it is a restaurant operation. There are no grounds and it is against the public interest for a 02:00 license to be granted
2. At the rear of the property there should be no license granted for any external part of the property eg a balcony.
3. Windows at the rear of the property should remain closed during all hours of operation and post service in the evening.

Comments:

The previous location for the Duchess of Wisbeach resulted in numerous noise complaints from the surrounding properties. This new location has not had a restaurant before so I am concerned that a loud operation there will negatively impact the broader community of residents, many of which have young families.

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 54

No response received.

CPF:

No response received.

The following Internal Departments and officials were consulted:

Town Planning

Comments received from Town Planning, Rudi Bester on 21 April 2023.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: General Business Zone (GB1) thus permits the operation of the proposed activity as a primary right.

Health:

Comments received from City Health, Bulelani Jwampini on 24 April 2023.

APPLICATION NOT SUPPORTED

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

Reasons for NOT Supporting: Premises are still under renovation, therefore City Health cannot support the application.

City Emergency Services

Comments received from City Emergency Services, Cindy Theron on 5 May 2023.

Unable to comment on this application: premises still under construction

Law Enforcement Squad

Comments received from Law Enforcement Liquor Unit, Sonwabile Mbena on 4 May 2023.

APPLICATION SUPPORTED

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

Parking: Public street parking

Comments:

- Premises zoned for General Business 5
- Public street parking
- Both toilet facility available
- Premises under renovations

FOR FURTHER DETAILS CONTACT:

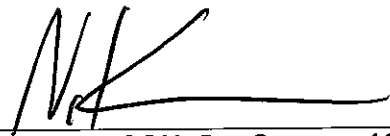
NAME	<i>Girshwin Fouldien</i>
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DIRECTORATE	<i>Corporate Services</i>
DEPARTMENT	<i>Area 1</i>



MANAGER: SUBCOUNCIL 16
GIRSHWIN FOULDIEN

TEL No 021 487 2055

DATE 9/05/2023



CHAIRPERSON: SUBCOUNCIL 16
MATTHEW KEMPTHORNE

TEL No 021 487 2207

DATE 09/05/2023