



1. **ITEM NUMBER : 16 SUB 48/06/2022**

2. **SUBJECT**

**LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: TAISHAN BROTHERS RESTAURANT PTY LTD REF. NO.: LLA22050006**

**ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-TAISHAN BROTHERS RESTAURANT PTY LTD: INOMBOLO YESALATHISO : LLA22050006**  
(H3064)

**AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: TAISHAN BROTHERS RESTAURANT PTY LTD: VERWYSINGSNO.: LLA22050006**  
(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 77 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 TAISHAN BROTHERS RESTAURANT PTY LTD 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. LLA22050006, for the business Taishan Brothers Restaurant PTY LTD be **CONDITIONALLY SUPPORTED**:

Subject to:

1. Applicant obtaining an appropriate business licence and Certificate of Acceptability from the City of Cape Town.
  2. Applicant complying with all building and safety requirements as indicated by the Emergency Services.
- 

## 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 Compliance**

☐ It is confirmed that this report has been checked and considered for POPIA Compliance.

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

- LLA22050006
- Tieqiang Tan
- EB1647402
- Taishan Brothers Restaurant PTY LTD
- Consumption ON Premises
- Erf: 4 De Lorentz Street Unit 58 Trevis cc Gardens Cape Town

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

Ward 77 Councillor

Cllr Higham commented on 1 June 2022.

APPLICATION CONDITIONALLY SUPPORTED subject to compliance with building and safety regulations.

Community Organizations: As per CBO Database

No response received.

Ward Committee: Elected Members of Ward 77

No response received.

CPF:

No response received.

Other interest and effected parties:

None

The following Internal Departments and officials were consulted:

**Town Planning**

Comment received from Town Planning, Rudi Bester on 24 May 2022.

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, Athenkosi Ndandani on 17 May 2022.

APPLICATION NOT SUPPORTED

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

School(s): 20m Jan van Riebeeck High School

Other: Accommodation facilities

Parking: Street Parking

Reasons for NOT SUPPORTING: Premise is not in possession of a Business License and Certificate Of Acceptability

**City Emergency Services**

Comments received from Emergency Services, Moegamat Suruh Barendse on 31 May 2022.

APPLICATION NOT SUPPORTED

Comments:

1. Approved building plans required
2. Approved gas plans required
3. Bar and Chain required
4. COC canopy
5. 2nd Exit required
6. SANS 1039 alarm system required
7. Obstruction of or rendering component escape of escape route less effective
8. Non-approved locking device fitted to access of escape door
9. Failure to place required SANS 1186 approved signage throughout an escape route and above exits
10. Permit vegetation/combustible material to overgrow/accumulate on premises in a manner likely to cause a Fire Hazard or other threatening danger
11. Failure to comply with instruction to apply for temporary/permanent Population Certificate
12. Storage/use of Flammable Gas in excess of 19kg/Flammable Liquid of a danger group (i-iv) in excess of 200 litre, without obtaining a Flammable Substance Certificate

**Law Enforcement Squad**

Comments received from Law Enforcement Liquor Unit, G. Maxim on 18 May 2022.

APPLICATION SUPPORTED

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

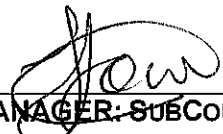
Parking: Street parking

Comments:

1. Area zoned for business
2. Street parking available
3. Premises bar area already in place
4. Seating area already in place
5. Toilet facilities both male and female available
6. Storage area in place
7. Application for on consumption only
8. Applicant will adhere to all municipal by-laws and requirements

**FOR FURTHER DETAILS CONTACT:**

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

  
\_\_\_\_\_  
**MANAGER: SUBCOUNCIL 16**  
**GIRSHWIN FOULDIE**

TEL No 021 487 2055

DATE

06/06/2022

  
\_\_\_\_\_  
**CHAIRPERSON: SUBCOUNCIL 16**  
**ALD MATTHEW KEMPTHORNE**

TEL No 021 487 2207

DATE

06/06/2022