



1. ITEM NUMBER : 16 SUB 28/05/2022

2. SUBJECT

LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: PIZZERIA ON BREE PTY LTD REF. NO.: LLA22040013

ISICELO SEPHEPHA-MVUME LOKUTHENGISA UTYWALA: ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI NGUMPHATHI WEBHUNGANA, UCEBA WEWADI NOSIHLALO NGOKUJOLISWE KWABE-PIZZERIA ON BREE PTY LTD: INOMBOLO YESALATHISO .: LLA22040013
(H3064)

AANSOEK OM DRANKLISENSIE: BESLUIT GENEEM DEUR DIE SUBRAADSBESTUURDER, DIE WYKSRAADSLID EN DIE VOORSITTER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID TEN OPSIGTE VAN: PIZZERIA ON BREE PTY LTD: VERWYSINGSNO.: LLA22040013
(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 24) to the Subcouncil Manager / Acting Subcouncil Manager:

SubCouncil 16 Manager in conjunction with Chairperson and Ward 115 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 24 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 PIZZERIA ON BREE 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. LLA22040013, for the business Pizzeria On Bree PTY LTD **NOT BE SUPPORTED**

The Subcouncil does not support the application due to the following:

1. The applicant obtaining an appropriate business licence from the City of Cape Town.
2. Plans to be submitted for approval.
3. Obstruction of or rendering component escape of escape route less effective.
4. Non-approved locking device fitted to access of escape door.
5. Failure to place required SANS 1186 approved signage throughout an escape route and above exits.

6. Fire suppression equipment not visible or clearly demarcated with SANS 1186 approved signage.
 7. Failure to comply with instruction to apply for temporary/permanent Population Certificate.
 8. Sans 1039 alarm system required.(manual break glass unit).
 9. Second exit required.
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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 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

- LLA22040013
- Pizzeria On Bree
- 2022/286248/07
- Pizzeria On Bree PTY LTD
- Consumption ON Premises
- Erf: 173122 231 Bree Street Cape Town

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

Ward 115 Councillor
No response received.

Community Organizations: As per CBO Database
No response received.

Ward Committee: Elected Members of Ward 115
No response received.

CPF:
No response received.

Other interest and effected parties:
OBJECTION received from Barend Van Rensburg on 14 April 2022.
CONDITIONAL SUPPORT from Sabine Palfie on 14 April 2022.

The following Internal Departments and officials were consulted:

Town Planning

Comment received from Town Planning, Rudi Bester on 26 April 2022.

APPLICATION SUPPORTED

Zoning: The subject property is zoned: Mix Use Zone (MU2) thus permits the operation of the proposed activity as a primary right.

Health:

Comments received from City Health, Athenkosi Ndandani on 19 April 2022.

APPLICATION NOT SUPPORTED

The business IS LOCATED 80m from a church.

Parking: Street Parking

Reasons for NOT supporting: Premise is not in possession of a Business License.

City Emergency Services

Comments received from Emergency Services, Moegamat Suruh Barendse on 29 April 2022.

APPLICATION NOT SUPPORTED

Reasons for NOT supporting:

1. Plans to be submitted for approval.
2. Obstruction of or rendering component escape of escape route less effective.
3. Non-approved locking device fitted to access of escape door.
4. Failure to place required SANS 1186 approved signage throughout an escape route and above exits.
5. Fire suppression equipment not visible or clearly demarcated with SANS 1186 approved signage.
6. Failure to comply with instruction to apply for temporary/permanent Population Certificate.
7. Sans 1039 alarm system required.(manual break glass unit).
8. Second exit required.

Law Enforcement Squad

Comments received from Law Enforcement Liquor Unit, Sonwabile Mbena on 26 April 2022.

APPLICATION SUPPORTED

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

Parking: Public parking/ street parking


Comments:

- Area zoned for business
- Public parking/ street parking
- Both male and female toilets are available
- Bar area available
- Seating area available
- Storage available

- According to the manager this liquor application will only be used for on consumption
- According to the manager no liquor will be sold to persons under the age of 18 years
- Manager was made aware of City of Cape Town's By-laws (trading hours) and will adhere to it
- Form 3B Displayed

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 FOULDIEN

TEL No *021 487 2055*

DATE *11/05/2022*


CHAIRPERSON: SUBCOUNCIL 16
ALD MATTHEW KEMPTHORNE

TEL No *021 487 2207*

DATE *11/05/2022*