

REPORT TO SUBCOUNCIL 16

1 ITEM NUMBER: 1 16 SUB 33/05/2022

2 SUBJECT

APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: ELECTRONIC DEVICES, TO PERMIT A MAXIMUM OF FIVE LIMITED GAMBLING MACHINES: LIGHTHOUSE BAR AND GRILL: ERF 26626, SHOP 15, MILNERTON MALL, CORNER OF LOXTON & KOEBERG ROADS, MILNERTON: PETER JOHN HEEGER

ONDERWERP

AANSOEK OM 'N SAKELISENSIE VIR GESONDHEID EN VERMAAK: ELEKTRONIESE TOESTELLE, OM 'N MAKSIMUM VAN VYF BEPERKTE DOBBELMASJINE TOE TE LAAT: LIGHTHOUSE BAR AND GRILL: ERF 26626, WINKEL 15, MILNERTON-SENTRUM, HOEK VAN LOXTON- EN KOEBERG WEG, MILNERTON: PETER JOHN HEEGER

ISIHLOKO

ISICELO SEPHEPHAMVUME LESHISHINI LEZEMPILO NOLONWABO: IZIXHOB
ZOMBANE, UKWENZELA KUVUMELEKE OOMATHSINI BOKUGEMBULA
ABANGADLULANGA KWISIHLANU: LIGHTHOUSE BAR AND GRILL: ISIZA 26626, SHOP
15, MILNERTON MALL, KWIKONA YELOXTON NEKOEBERG ROAD, MILNERTON: PETER
JOHN HEEGER

PURPOSE

To advise Subcouncil 16 that a Business Licence application has been received, and processed for **Health and Entertainment – Devices**, at the abovementioned premises and to seek the approval of the Subcouncil 16 for authority to issue the licence.

3 FOR DECISION BY

Subcouncil 16 is to consider the recommendation and make a decision in respect thereof to either approve or refuse the recommendation, in accordance with the delegations granted to Sub-Council – Delegation Part 25, Section 3(1) To grant licences for Health facilities or entertainment as provided for in terms of item 2 of schedule 1 of the Business Act, Act 71 of 1991, and to exercise all powers conferred on the Municipality in terms of Section 2(4) to 2(10) of the aforesaid Act.

4 EXECUTIVE SUMMARY

The application for a Business Licence was properly applied for and submitted by the applicant to the Department City Health for further processing.
The application was circulated to the necessary internal departments and to the South African Police Services, for comments/clearances. All commenting

departments/authorities have issued clearances, supporting the issuing of the business licence.

6 RECOMMENDATIONS:

It is recommended that:

- 6.1 The application received from Lighthouse Bar and Grill, for a business licence for health and entertainment electronic devices, to permit a maximum of five limited gambling machines on erf 26626, Shop 15, Milnerton Mall, corner of Loxton & Koeberg roads, Milnerton, **BE GRANTED** subject to the following standard endorsements for this category of licence:
- 6.1.1 This business licence must be displayed prominently in a conspicuous place in or on the premises so as to be visible to patrons, the public and Council officials at all times.
- 6.1.2 This business licence is not transferable from person to person or from business to business.
- 6.1.3 The premises must comply with the requirements of the Tobacco Products Control Act, Act 83 of 1993, at all times.
- 6.1.4 The Director: City Health reserves the right to call for any other requirements that may be deemed necessary.
- 6.1.5 The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements.
- 6.1.6 The premises must comply with the requirements of the Western Cape Noise Control Regulations, P.N. 200 of 2013, at all times.
- 6.1.7 The premises must comply with the fire requirements at all times.
- 6.1.8 Noise emissions from the building to a public space or street are not allowed.
- 6.2 Authority be granted to the Head: Environmental Health to sign and issue the Necessary licence in 6.1 above.

6 AANBEVELINGS:

Daar word AANBEVEEL dat:

- 6.1 Die aansoek ontvang van Lighthouse Bar and Grill om 'n sakelisenjie vir gesondheid en vermaak: elektroniese toestelle, om 'n maksimum van vyf beperkte dobbelmasjiene toe te laat op erf 26626, winkel 15, Milnerton-sentrum, hoek van Loxton- en Koebergweg, Milnerton, **TOEGESTAAN WORD**, onderworpe aan die volgende standaardendossemente vir hierdie lisenjiekategorie:
- 6.1.1 Hierdie sakelisenjie moet opvallend op 'n duidelik sigbare plek in of op die perseel vertoon word sodat kliënte, die publiek en raadsamptenare dit te alle tye kan sien.
- 6.1.2 Hierdie sakelisenjie is nie van persoon tot persoon of onderneming tot onderneming oordraagbaar nie.
- 6.1.3 Die perseel moet te alle tye aan die bepalings van die Wet op die Beheer van Tabakprodukte, Wet 83 van 1993, voldoen.

- 6.1.4 Die direkteur: Stadsgesondheid behou hom die reg voor om enige ander vereistes te stel wat nodig geag word.
- 6.1.5 Die goedkeuring van hierdie lisensie vrywaar nie die houer van voldoening aan ander lisensies, voorwaardes of statutêre vereistes nie.
- 6.1.6 Die perseel moet te alle tye aan die vereistes van die Wes-Kaapse Geraasbeheerregulasies, P.K. 200 van 2013, voldoen.
- 6.1.7 Die perseel moet te alle tye aan die brandvereistes voldoen.
- 6.1.8 Geen geraas mag uit die gebou na 'n openbare ruimte of straat ontsnap nie.
- 6.2 Magtiging aan die hoof: omgewingsgesondheid verleen word om die nodige lisensie in punt 6.1 hierbo te onderteken en uit te reik.

6 IZINDULULO:
Kundululwe ukuba:

- 6.1 **MAKWAMKELWE** isicelo esifunyenwe kwabeLighthouse Bar and Grill, sephephamvume loshishino kwezempilo nezolonwabo izixhobo zombane, ukuze kuvumeleke oomatshini bokugembula abangadulanga kwisihlanu kwisiza 26626, Shop 15, Milnerton Mall, kwikona yeLoxton neKoeberg Road, eMilnerton, ngokuxhomekeke kule miwathango imiselweyo ilandelayo yolu hlobo lwephephamvume:
 - 6.1.1 Eli phephamvume loshishino malibonakaliswe kwindawo esekuhleni/ebonakalayo okanye kwisakhiwo eso ukuze libonakale kubathengi/kubaxhasi benkozo, kuluntu nakumagosa eBhunga, ngalo lonke ixesha.
 - 6.1.2 Eli phepha-mvume loshishino akuvumelekanga ukuba litshintshelwe komnye umntu okanye ukusuka kwelinye ishishini ukuya kwelinye ishishini ukaya kwelinye.
 - 6.1.3 Isakhiwo esi kufuneka sithobele imimiselo//iimfuno zoMthetho oLawula iiMveliso zeCuba, onguNombolo 83 wango- 1993, ngalo lonke ixesha.
 - 6.1.4 Umlawuli kwezeMpilo zeSixeko unelungelo lokumisela nayo nayiphina imimiselo engeminye yomthetho, enokubonakala ifanelekile.
 - 6.1.5 Ukuphunyezwa kweli phephamvume, akumthinteli umnini lo ukuba angawathobeli amanye amaphephamvume, imiqathango okanye imimiselo yomthetho.
 - 6.1.6 Isakhiwo esi kufuneka sithobele iimfuno zeMigaqo yoLawulo lweNgxolo yaseNtshona Koloni, P.N. 200 yango-2013, ngalo lonke ixesha.
 - 6.1.7 Izakhiwo ezi kufuneka zithobele imigaqo yezomlilo ngalo lonke ixesha.
 - 6.1.8 Ayivumelekanga ingxolo evela kwesi sakhiwo eza kuphumela kwibala loluntu okanye esitalatweni.

6.2 Makunikezelwe igunya kuMlawuli oyintloko kwezeMpilo yokusiNgqongileyo ukuba ityikitye ize ikhuphe iphepha-mvume elifunekayo elikhankanywe kumhlathi 6.1 ngentla apha.

7 **DISCUSSION/CONTENTS**

The application for a Business Licence was properly applied for and submitted by the applicant to the Department City Health for further processing.

7.1 **Constitutional and Policy Implications**

The application complies with the requirements of the Constitution. Refusing the application on any grounds other than those listed in the Businesses Act, Act 71 of 1991 (as listed below) could be construed as to infringe on the Constitutional Rights of the applicant.

7.2 **Sustainability Implications**

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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7.3 **Legal Implications**

The application complies with the requirements of the Businesses Act, Act 71 of 1991, which states in Section 2, Regulation (4) "A Licensing Authority shall, subject to the provisions of sub-section 6, issue a licence which is properly applied for unless-

- (a) In the case of a business referred to in item 1(1) or 2 of Schedule 1, the business premises do not comply with the requirements relating to Town Planning or the safety or health of the public of any law which applies to those premises.
- (b) In the case of a business referred to in item 2 of Schedule 1, the licensing authority is satisfied that:
 - (i) The Applicant, whether or not he is or will be in actual and effective control of the business, or
 - (ii) If another person is or will be so in control, that other person, is not a suitable person to carry on the business, whether by reason of his character, having regard to any conviction recorded against him, his previous conduct or for any other reason."

7.4 **Staff Implications**

No

Yes

7.5 **POPIA Compliance**

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

7.6 **Other Services Consulted**

The application was circulated to the following departments for comments:

7.6.1 The City Health Department Environmental Health and Specialised Environmental Health Services.

7.6.2 The Directorate Planning's Land Use Management and Building Development Department.

7.6.3 The Directorate Safety and Security's Emergency Services, Fire Safety Officer.

7.6.4 The South African Police Services.

All internal departments have issued clearances, supporting the issuing of Business Licence. A copy of the file will be made available for scrutiny at the Sub-Council Meeting.

ANNEXURES

Annexure A - Land-use Planning Clearance and Building Development.

**Annexure B - City Health - Environmental Health Clearance
- Mechanical Engineer Clearance**

Annexure C - Fire Safety Clearance

Annexure D - SAPS Report- 11/03/2022

Annexure E - Floor layout plan

FOR FURTHER DETAILS CONTACT:

NAME	Gavin Heugh
CONTACT NUMBERS	021 444 1739
E-MAIL ADDRESS	gavin.heugh@capetown.gov.za
DIRECTORATE	City Health
FILE REF NO	488672

Handwritten: 15/03/22

Handwritten: 23/03/2022

Handwritten: A-Zimba
25/03/2022

Handwritten signature: ANOLE ZIMBA
Acting - Director
City Health

Dr. Paul Nkomoza
DIRECTOR, CITY HEALTH

Comment:

DATE

Handwritten: 20/04/2022

Comment:

Mr. Ernest Sass
EXECUTIVE DIRECTOR: COMMUNITY SERVICES &
HEALTH

DATE

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

NON-COMPLIANT

LEGAL COMPLIANCE

[Compulsory to Insert name]

NAME

Comment:

TEL

DATE

Certified as legally compliant based on the contents of the report.

SUMMARY COMMENTS FROM DEPARTMENTS:

Department	Name:	Comment	Date:
Building Development	Clifford Marks	No Objections	22 September 2021
Health	Tabisile Mjobo	In Order	24 November 2021
Mechanical Ventilation	Robin Rhode	No Objections	13 October 2021
Fire Department	Abdul-Aziz Fritz	In Order	23 September 2021
SAP/Police Clearance	Peter John Heeger	Still in order	11 March 2022



CITY OF CAPE TOWN
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STAD KAAPSTAD

ANNEXURE : A
LAND USE PLANNING
CLEARANCE

**Business Licence: Land Use
Comments**

Application Number: 17/1/1/1 - 488672

Requirements: PVO - Johannes Franco Prins: Zoning General Business: shop, restaurant, café, take away permitted as of right. in order.

Client: **Capacity** Partnership

Name Surname Mr PETER JOHN HEEGER14/09

ID Number [REDACTED]

Address [REDACTED]

Tel. Office [REDACTED]

Tel. Other [REDACTED]

Business: **Tradename** LIGHTHOUSE BAR AND GRILL14/09

License Type 8004: HEALTH AND ENTERTAINMENT - DEVICES:
Business premises with three or more electronic machines

Residential Address SHOP 15, MILNERTON MALL, CNR LOXTON &
KOEBERG ROAD, Milnerton - 7561

Postal Address [REDACTED]

Erf Number 26626

Tel. Office [REDACTED]

Fax [REDACTED]

Licence Holder: **Holder** STANRIAAN (PTY) LTD

Name Surname Mr PETER JOHN HEEGER14/09

ID Number [REDACTED]

Residential Address [REDACTED]

Postal Address [REDACTED]

Tel. Other [REDACTED]

Processed By: Rochelle Jones

Captured Date Time: 9/14/2021 11:00:48 AM

BUILDING DEVELOPMENT

Business Licenses



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VIEW REPORTING OFFICIAL REQUIREMENTS

	Application Number	Reporting Official Department	Reporting Official	Assessment Date
Select	488672	Building Development	Clifford Marks	2021/09/22 12:00:00 AM
Select	488672	Fire	Abdul-Aziz Fritz	2021/09/23 12:00:00 AM
Select	488672	Health	Tabisile Mjobo	2021/11/24 12:00:00 AM
Select	488672	Mechanical Ventilation	Robin Rhode	2021/10/13 12:00:00 AM
Select	488672	SAPS	Reporting Official SAPS	

Application Number	488672
Reporting Official	Clifford Marks
Reporting Official: Department	Building Development
Reporting Official: District	Not Assigned
Reporting Official: Office	Western Office : Barkley Road, Maitland
Comments	Building Development has no objection to this application
Reporting Official: Email	clifford.marks@capetown.gov.za
Reporting Official: Tel	0214440570
Business License Official	Rochelle Jones
Business License Official: District	Western
Business License Official: Office	Western Office : Barkley Road, Maitland
Business License Official: Email	rochelle.jones@capetown.gov.za
Business License Official: Tel	0215507563

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ENVIRONMENTAL HEALTH

Business Licenses



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Select	488672	Mechanical Ventilation	Robin Rhode	2021/10/13 12:00:00 AM
Select	488672	SAPS	Reporting Official SAPS	

Application Number	488672
Reporting Official	Tabisile Mjobo
Reporting Official: Department	Health
Reporting Official: District	Not Assigned
Reporting Official: Office	Western Office : Berkeley Road, Maitland
Comments	environmental health has no objections
Reporting Official: Email	tabisile.mjobo@capetown.gov.za
Reporting Official: Tel	0214445675
Business License Official	Rochelle Jones
Business License Official: District	Western
Business License Official: Office	Western Office : Berkeley Road, Maitland
Business License Official: Email	rochelle.jones@capetown.gov.za
Business License Official: Tel	0215507563

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MECHANICAL VENTILATION

Business Licenses



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Select	488672	Health	Tabatse Mjoko	2021/11/24 12:00:00 AM
Select	488672	Mechanical Ventilation	Robin Rhode	2021/10/13 12:00:00 AM
Select	488672	SAPS	Reporting Official SAPS	

Application Number	488672
Reporting Official	Robin Rhode
Reporting Official: Department	Mechanical Ventilation
Reporting Official: District	Not Assigned
Reporting Official: Office	Western Office : Berkeley Road, Maitland
Comments	1. No Objection.
Reporting Official: Email	Robin.Rhode@capetown.gov.za
Reporting Official: Tel	0214003799
Business License Official	Rochelle Jones
Business License Official: District	Western
Business License Official: Office	Western Office : Berkeley Road, Maitland
Business License Official: Email	rochelle.jones@capetown.gov.za
Business License Official: Tel	0215507563

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FIRE SAFETY CLEARANCE

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Select	488672	Health	Tabisie Mjobo	2021/11/24 12:00:00 AM
Select	488672	Mechanical Ventilation	Robin Rhode	2021/10/13 12:00:00 AM
Select	488672	SAPS	Reporting Official SAPS	

Application Number	488672
Reporting Official	Abdul-Aziz Fritz
Reporting Official: Department	Fire
Reporting Official: District	Not Assigned
Reporting Official: Office	Western Office : Berkley Road, Maitland
Comments	In order at time of inspection. All Fire Fighting Equipment to be serviced annually. All exits to be kept clear of any obstructions.
Reporting Official: Email	abdul-aziz.fritz@capetown.gov.za
Reporting Official: Tel	0214006965
Business License Official	Rochelle Jones
Business License Official: District	Western
Business License Official: Office	Western Office : Berkley Road, Maitland
Business License Official: Email	rochelle.jones@capetown.gov.za
Business License Official: Tel	0215507563

[Print]

SAPS.

Business Licenses



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Select	488672	Health	Tabile Mjobo	2021/11/24 12:00:00 AM
Select	488672	Mechanical Ventilation	Robin Rhode	2021/10/13 12:00:00 AM
Select	488672	SAPS	Reporting Official SAPS	

Application Number	488672
Reporting Official	Reporting Official SAPS
Reporting Official: Department	SAPS
Reporting Official: District	Western
Reporting Official: Office	Western Office : Berkley Road, Maitland
Comments	SAPS clearance obtained
Reporting Official: Email	treasure.smith@capetown.gov.za
Reporting Official: Tel	0214001586
Business License Official	Rochelle Jones
Business License Official: District	Western
Business License Official: Office	Western Office : Berkley Road, Maitland
Business License Official: Email	rochelle.jones@capetown.gov.za
Business License Official: Tel	0215507563

[.help.]

ANNEXURE! D
SAPS REPORT.

**Extract from
South African Police Service
Criminal Database**

Host request reference: 2018497668
User reference: 20211514
Search date / time: 2022/03/10 15:02:23
SA ID / Passport number: [REDACTED]
First names: PETER JOHN
Surname: HEEGER
Gender: MALE
Date of birth: [REDACTED]
Country of birth: SOUTH AFRICA
Address: [REDACTED]
Previous charges declared: NO
Search Type: Gambling License
Reason for enquiry: Gambling License Screening
Fingerprints taken at: CENTURY CITY WESTERN CAPE
Barcode number:
Receipt number:
Result: No illicit activity identified

The result is a reflection of the status of the applicant on the South African Police Service Criminal Database on the search date / time as indicated above and should be used accordingly. Illicit Activity after the search date / time will therefore not form part of this result. No Illicit Activity and Possible Illicit Activity reports can be authenticated on the www.AFISwitch.co.za website.

Notice: THIS IS NOT A POLICE CLEARANCE CERTIFICATE

A Police clearance Certificate is also known as a Behaviour Certificate, Certificate of Good Conduct, Certificate of Character and a No Objection Certificate. In South Africa a Police Clearance Certificate is solely issued by the South African Police Service Criminal Record Centre.

Printed On: 2022/03/11 11:11:03

afiswitch

ANNEXURE: E
FLOOR LAYOUT PLAN

<input checked="" type="checkbox"/>	GAMING MACHINE AND STOOL WITH PLUG POINT
<input type="checkbox"/>	AGE RESTRICTION SIGNAGE
(18)	GAMING SIGN
(LPM)	DESIGNATED GAMING AREA
<input type="checkbox"/>	GAMING AREA m ²

SLOTS

No. 1 Waterford Place
Century Boulevard
Century City
Johannesburg
2001

P.O. Box 6251, Braamfontein 2024
Tel: (021) 552 7380
Fax: (021) 552 7380

PROXIMITY PLAN

SCALE: 1:100

FLOOR AREA: 188.5m²

GAMING AREA: 24.3m²

GAMING AREA IN %: 12.9%

NUMBER OF LPM's: 5

Erf Number: 28626

OWNER: MANUEL LOURENQO

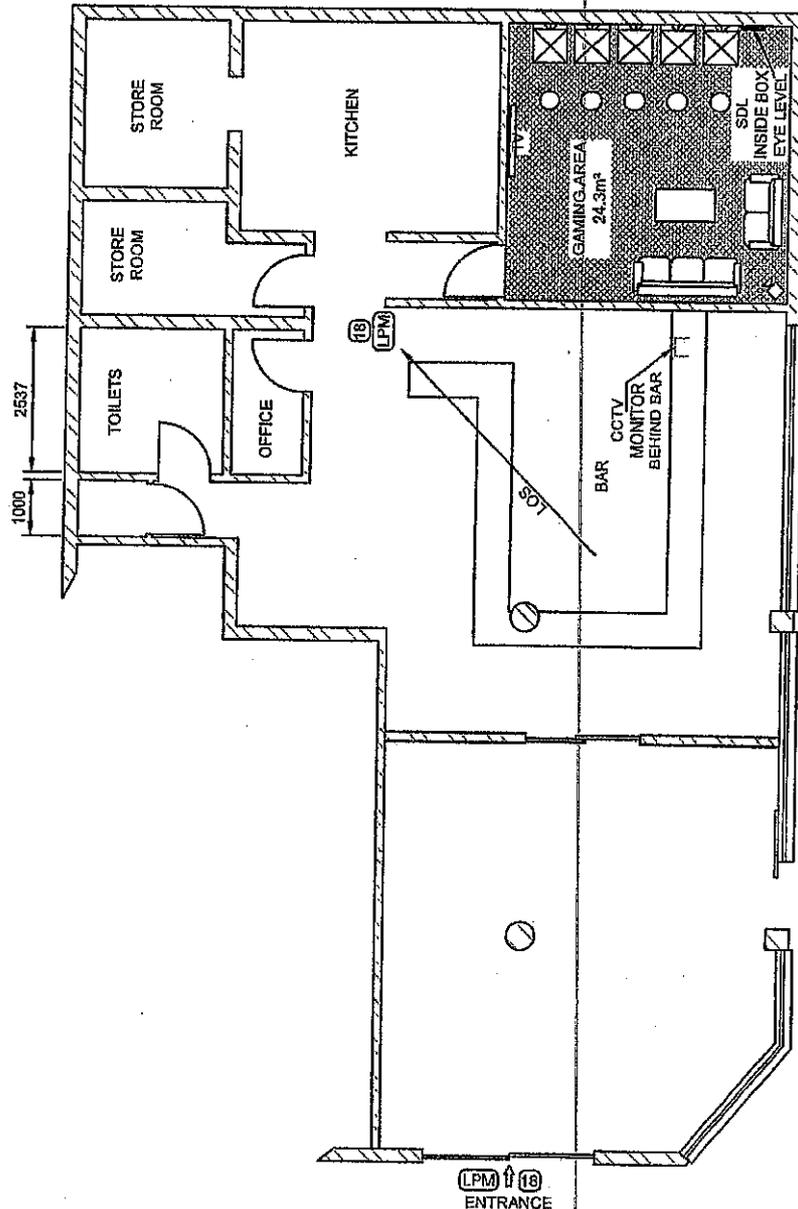
CONTACT No: 021 551 2413

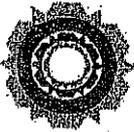
TRADING HOURS: 10AM - 2 AM

SITE NAME:
Lighthouse Pub & Grill

ADDRESS:
**Shop 15
Milnerton Mall
Loxton Road
Milnerton**

Revision: K	Status: Asbuilt	Date: 29-05-2019	Drawn By: DS
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CITY OF CAPE TOWN
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STAD KAAPSTAD

ENVIRONMENTAL HEALTH

Marlon Penman
Business Licence Officer

T: +27 21 550 7563 F: +27 21 550 7623
E: marlon.penman@capetown.gov.za

CONSENT FORM

APPLICATION FOR HEALTH FACILITIES OR ENTERTAINMENT LICENCE IN TERMS OF SCHEDULE 1 OF THE BUSINESSES ACT NO.71 OF 1991.

In providing the required information, I acknowledge and consent to its use for the following purposes:

1. All information provided will be used for the purpose of determining the suitability of the Applicant and to assess all matters relevant to this application.
2. The information may accordingly be shared or disclosed to all parties and institutions in the course of the business license application process and in consideration of the application.
3. This application and supporting documentation are considered by Sub-Councils at a meeting that is open to the public and the media.

I, (print name)..... PETER JOHN HEEGER, the undersigned, confirm that I have read and understood the contents of this Application and as contained above.

Signature of Applicant

Date 07.09.2021

DIRECTOR
Capacity of Applicant

[Http://Citymystics.CapeTown.Gov.Za/Personal/Mpanman/Personal Documents/Novell 1/LICENCE REPORTS TO COUNCIL/TEMPLATES/CONSENT FORM FOR APPLICANT.Docx](http://Citymystics.CapeTown.Gov.Za/Personal/Mpanman/Personal Documents/Novell 1/LICENCE REPORTS TO COUNCIL/TEMPLATES/CONSENT FORM FOR APPLICANT.Docx)

ROYAL ASCOT BLOCK A FIRST FLOOR
BRIDLE WAY MILNERTON 7441 PO BOX 35 MILNERTON 7435
www.capetown.gov.za