



CITY OF CAPE TOWN
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LIQUOR LICENCE REPORT

SubCouncil 21

1. ITEM NUMBER: **21SUB33/05/19**

2. SUBJECT

LIQUOR LICENCE APPLICATION: LLA19040005: JAZZMANS PLACE.

ISIHLOKO

ISICELO SEPHEPHA-MVUME: LLA19040005: JAZZMANS PLACE.

ONDERWERP

AANSOEK OM DRANKLISENSIE: LLA19040005: JAZZMANS PLACE.

3. PURPOSE

To comment on an application for a liquor license received in terms of section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Regulations, 2011.

4. FOR DECISION BY

SubCouncil.

Delegation

4(1) To comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, as amended.

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, 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: Subcouncils to receive such applications from the various Designated Liquor Officers.

6. DISCUSSION

6.1 Section 37 of the Act address the Notice of Application process.

“(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) where section 36(1)(c) applies—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain the comment of the ward Councillor;

(iii) comment on the application; and

(iv) allow for the consideration of the planning application in relation to the application for a liquor licence; or

(b) where section 36(1)(c) does not apply—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward Councillor; and

(iii) comment on the application.

6.2 The following application for liquor license has been received by Subcouncil:

6.2.1 Details of applicant;

LLA19040005
 Vuyisani Dyani;
 2009/218411/23
 Jazzmans Place;
 Consumption ON and OFF Premises
 Erf: 34246 143 Fountainhead Avenue, New Beginning, Blue Downs;

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

Ward 108 Councillor:

Councillor Thembisile Batembu - This application is **SUPPORTED**.

Community Organizations: As per CBO Database

No comments were received.

Ward Committee: Elected Members of Ward 108

No comments were received.

CPF:

No comments were received.

Other interest and effected parties:

No comments were received.

Internal departments:

Town Planning:

Asavela Gingcana - Assistant Professional Officer: Development Management (LUMS), SPATIAL PLANNING AND ENVIRONMENT DIRECTORATE: The application for a consent use in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law, 2015 in order to permit a place of entertainment (tavern), from portion erf 34246, 50 Connection Street, Fountain Village, Blue Downs, is **hereby approved** in terms of section 98 (b)iii of the City of Cape Town Municipal Planning By-Law, 2015 subject to the conditions contained in Annexure A.

The application for a permanent departure in terms of section 42(b) of the City of Cape Town Municipal Planning By-Law, 2015 in order to permit 0 in lieu of 3 parking bays for the proposed place of entertainment on erf 34246, 50 Connection Street, Fountain Village, Blue Downs, is **hereby approved** in terms of section 98(b)i of the City of Cape Town Municipal Planning By-Law, 2015.

Health:

Mveleli Peter - Senior Environmental Health Practitioner: The Environmental Health Department has no objection and SUPPORT this application.

City Emergency Services:

Patrick Lewis - Station Commander: Fire & Rescue Service: I was unable to locate the above premises. The applicant must contact me for an appointment.

Law Enforcement Squad: 2019/04/15

Marilyn Holding - Acting Assistant Chief, Liquor Unit/Vice Unit: This application is NOT SUPPORTED. There is no zoning, the premises is zoned for residential. The premises is flats, the trading hours they request is not in compliance with the Control of undertaking By-Law.

7. RECOMMENDATION

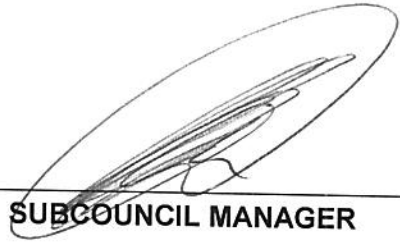
It is recommended that:

It be **NOTED** that an application for a liquor licence received from Jazzmans Place 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 21 recommends that the application for a a Consumption ON and OFF Premises Liquor Licence, reference no. LLA19040005, for the business Jazzmans Place be **SUPPORTED**.

FOR FURTHER DETAILS, CONTACT:

NAME	Pieter Grobler
CONTACT NUMBERS	021 400 2345
E-MAIL ADDRESS	Pieter.Grobler@capetown.gov.za
DIRECTORATE	Urban Management
DEPARTMENT	Area 2



SUBCOUNCIL MANAGER

Comments:

Date



SUBCOUNCIL CHAIRPERSON

Date

20/05/2019

ANNEXURE A: **CONDITIONS IMPOSED**

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 34246, 50 Connection Street, Fountain Village, Blue Downs**

"By-law" & "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015

"Item" refers to the relevant section in the Development Management Scheme

"DIR:DM" means Director: Development Management

CASE ID: 70420106

1. APPROVALS GRANTED INTERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW

- 1.1 Consent use to permit a place of entertainment (tavern-on-site consumption) on a portion of the subject property.
- 1.2 Permanent departure to permit 0 in lieu of 3 parking bays for the proposed place of entertainment on erf 34246, 50 Connection Street, Blue Downs.

2. CONDITIONS TO BE IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW AS PART OF THE TEMPORARY LAND USE APPROVAL

DEPARTMENT: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT

- 2.1 This approval is granted for a period of 3 years only.
- 2.2 The operator must be the owner of the subject property and must reside on the subject property.
- 2.2 The permitted use will be limited to a tavern (on site consumption) facility only.
- 2.2 That the extent of the activity shall be limited to the 23m² portion of the existing dwelling as indicated on drawing no 56916/01 dated July 2017. Building in accordance with the aforementioned plans, indicating the place of entertainment area, shall be submitted within one month of receiving the final approval of this application.
- 2.3 The use permitted shall only operate between 09:00 and 22:00 from Sunday to Thursday and 09:00 to 00:00 from Friday and Saturday.
- 2.4 No juke box or loud music shall be permitted on the premises.
- 2.5 Delivery vehicles delivering goods to tavern shall not exceed 3500kg.
- 2.6 A refuse bin shall at all times be placed at the entrance to the property for the use of patrons/customers and the owner shall ensure on a daily basis that the street is kept clean within a 50m distance from the subject property.

Mitchell's Plain/Khayelitsha District
Stocks & Stocks Complex
Cnr of Nilazane & Ntlakohlaza Streets
Ilitha Park, Khayelitsha
Private Bag X93
Bellville
7535
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Isithili Sase Mitchells/Khayelitsha
Stocks & Stocks Complex
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Cnr of Nilazane & Ntlakohlaza Streets
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Privaatsak X93
Bellville
7535

- 2.7. Delivery trucks, patron vehicles or vehicles owned by the applicant shall not obstruct traffic or obstruct the entrance to the driveway of neighbours.
- 2.8. Signage will be erected by the operator at the tavern to discourage loitering by patrons of the tavern.
- 2.9. The operator shall not be allowed to consume alcohol during business hours while operating the tavern.
- 2.10. The operator shall not sell alcohol to any pregnant woman or any person(s) under the age of 18 years, where such person was sent by an elder or not.
- 2.11. The operator/owner shall be responsible for any damages to the property of abutting neighbours as a result of misbehaviour caused by patrons of the tavern/on site consumption facility.
- 2.13. The operator shall submit building plans and the facility will comply with Fire and Health requirements.

STANDARD HEALTH REQUIREMENTS

- 2.14. The Noise Control Regulations P.N. 627/1998 as promulgated under the Environmental Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners.
- 2.15. Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application must be made for the relevant business license. Should food be prepared or handled, then application must also be made for a Certificate of Acceptability for food premises in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972. These requirements come into effect once the City has approved the land use application.
- 2.16. The owner/lessee/operator shall ensure compliance with the provisions of the Tobacco Products Control Amendment Act 12 of 1991.

SOLID WASTE MANAGEMENT

- 2.17. Council's standard requirements and guidelines pertaining to the removal of solid waste and refuse storage facilities shall be complied with.