

Liquor Licence Application

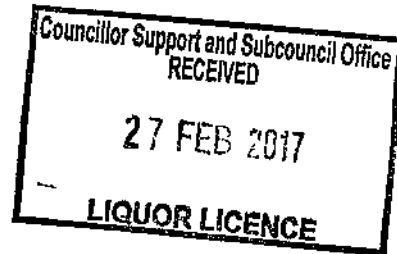
Application Reference No	LLA1703001		
Section	2017/02/27	Received MSC	2017/02/27
Documents Received and Attached			
Application	Y	Notice section 37(2)	Y
Plan of the Premises	Y	Right of occupation	Y
Site Plan	Y	ID or Registration	Y
Premises Description	Y	Notice of Application	Y
Colour Photographs	Y	Application Fee	Y
Representation	Y	Zoning Certificate	Y
SAPS Office	Wynberg Police Station	Date Received	2017/02/22
Applicants Name	The Forum Company PTY LTD		
Applicants ID or Reg No	2003/014377/07		
Kind of Licence	Consumption ON Premises		
Business Name	Embassy Hill		
Proposed Address	Erf: 864, Southern Cross Drive Constantia , 89&91 , Southern Cross Drive , Constantia		
SubCouncil Name	SC20	Ward	62
Date Submitted to SC	2017/02/27		



**BESTUURSDIENSTE
MANAGEMENT SERVICES**

24 February 2017

The Ward Councillor
City of Cape Town
Liquor Licence Applications
Sub Council 20
Ward 62



Dear Sir/Madam

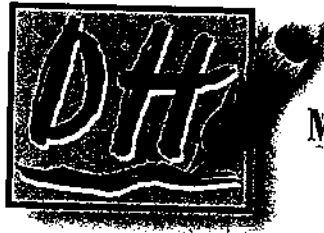
**WESTERN CAPE LIQUOR ACT (ACT NR 4 OF 2008, AS AMENDED) :
APPLICATION IN TERMS OF SECTION 36 OF THE ACT FOR A LIQUOR
LICENCE : EMBASSY HILL, ERF 864, 89 & 91 SOUTHERN CROSS DRIVE,
CONSTANTIA, CITY OF CAPE TOWN, SUB COUNCIL 20, WARD 62**

Attached please find a copy of the abovementioned application in terms of section 36 of the Western Cape Liquor Act, (Act nr 4 of 2008, as amended), for a liquor licence, for your kind attention.

Please be so kind to email writer a copy of your report to erica.dhman@gmail.com and/or info.dhman@gmail.com.

Yours faithfully


DM HOOGENHOUT



**BESTUURSDIENSTE
MANAGEMENT SERVICES**

FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

ORIGINAL TO BE LODGED WITH AUTHORITY AND TWO COPIES WITH DESIGNATED LIQUOR OFFICER

Date stamp of designated liquor officer receiving the application

SUID-AFRIKAANSE POLISDIENSTE
AANGEWESDE POLISDIENST W. NUNEN

2017 -02- 22

LIQUOR OFFICER
DESIGNATED LIQUOR OFFICIAL
SOUTH AFRICAN POLICE SERVICE

Date stamp of Authority

For official use

Application fee

Receipt No

Payment date

Name of business :	Embassy Hill
Applicant :	The Forum Company (Pty) Ltd
Kind of licence :	A licence for the sale of liquor for consumption ON the premises
Municipal area :	City of Cape Town, Sub Council 20, Ward 62

Description of Document	Annexure
Application	Form 4
Plan of the premises	A
Site Plan	B
Description of the premises	C
Colour photographs	D
Representations in support of application	E
Proof of notices in terms of Section 37(2)	F
Proof of right of occupation	G
Proof of identity documents or registration of applicants or members/ shareholders of the legal entity	H
Other documents that must be attached to the application	I
Resolution	J

Application prepared by :

Postal Address :

Physical Address :

Telephone numbers :

Office :

Mobile :

Fax number :

Email :

DM Hoogenhout
PO Box 721, Strand, 7139
Cortlandt Place G03, 37 Main Road, Strand

021 853 5785
082 900 6029
086 684 9523
info.dhman@gmail.com

Netbank Limited
Reg No. 1951/000009/06
STRAND CBD
14 FEB 2017
T3 (640)



MEDRABANK 45

Netbank Limited Reg No 1951/000009/06
135 Rivonia Campus, 135 Rivonia Road,
Sandown, Sandton, 2196, South Africa

VAT Registration No. 4320116074

NCC Contact telephone 0860555111

-----0000000000-----
10578 D 3617 640 3 14/02/2017 12:33
STRAND CBD

-----0000000000----- (H)
CURRENT ACCOUNT
WESTERN CAPE LIQUOR AUTHORITY
0000001452 069883/0 43907984 1 250,00
Cash/Kontant 1 250,00
Cheques/Tjeks 0
NAR.MW SECT 36 EMBASSY HILL
R 100 12 1 200,00
R 50 1 50,00
Enjoy your day Geniet die dag
-----0000000000-----

Embassy Hill
Sect 36

FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

1. APPLICANT'S DETAILS

1.1 Full name **THE FORUM COMPANY (PTY) LTD**

1.2 Identity number **NOT APPLICABLE**

1.3 Date of birth (if applicant is a natural person)

1.4 Registration number/reference/authorisation **2003/014377/07** (if applicant is not a natural person)

1.5 Address **WANDERERS BUILDING
THE CAMPUS, 57 SLOANE STREET
BRYANSTON** Postal code **2021**

1.6 Address for service of documents **PO BOX 721
STRAND** Postal code **7139**

1.7 Address for service of documents after application is determined **PO BOX 721
STRAND** Postal code **7139**

1.8 Contact details of applicant (or, if applicant is juristic person, of contact person) :
Name **JONATHAN LAWSON**

Telephone numbers
Office **087 365 3888**
Mobile **072 362 0888**
Home or other

1.9 Fax number

1.10 E-mail address **iono.lawson@theforum.co.za**

1.11 Nominated Manager (if applicant is a juristic person) :
Full name **JONATHAN LAWSON**

1.12 Identity number **7 8 1 1 0 8 5 1 2 7 0 8 5**

1.13 Address **403 CHEZMONT
12 BOWER ROAD, WYNBERG** Postal code **7800**

1.14 Telephone numbers
Office **087 365 3888**
Mobile **072 362 0888**
Home or other

1.15 Fax number

1.16 E-mail address **iono.lawson@theforum.co.za**

FORM 4
APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

2. QUALIFICATION OF APPLICANT

2.1 Is the applicant someone who -

(a) has within sixty (60) months prior to lodgement of the application been sentenced to imprisonment without the option of paying a fine?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(b) has within sixty (60) months prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor Authority?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(c) is an unrehabilitated insolvent?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(d) is a minor?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(e) was the holder of a licence which was cancelled in terms of the provisions of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(f) is a spouse or life partner of a person described in (a), (b) or (e) above?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(g) anyone who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

2.2 In the case of an applicant who is not a natural person :

Is any member, shareholder, trustee, beneficiary or partner of the applicant a person as described in paragraph 2.1 (a), (b) or (e)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
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2.3 If any of the questions in paragraph 2.1 or 2.2 have been replied to in the affirmative, provide full details. (Use a separate annexure if necessary)

NOT APPLICABLE

FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

3. FINANCIAL INTEREST

3.1 State the name, identity number and address of each person, including the applicant who has any financial interest in the business and in each case the nature and extent of such interest.

(Use an annexure if necessary)

[If the applicant is a public company, statutory institution or co-operative as contemplated in the Co-operatives Act, 2005 (Act 14 of 1981), it is sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.]

ONLY APPLICANT THE FORUM COMPANY (PTY) LTD AND 4 DIRECTORS BEING CRISPIN PETER ROBERT CHEADLE, ID 840608 5119 08 0, MANDISA PENELOPE NTLOKO, ID 671214 0545 08 2, KIM ROBERTS, 751105 0062 08 1 AND GLYNIS JUDITH HYSLOP, ID 560103 0193 08 0, WILL HAVE A FINANCIAL INTEREST IN THE BUSINESS

3.2 If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 3.1 above -

(a) has a controlling interest in the company, close corporation or trust?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
(b) is a partner in the partnership?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
(c) is the main beneficiary under the trust?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

3.3 If any of the questions in paragraphs 3.2 (a) to (c) have been replied to in the affirmative provide full details (Use an annexure if necessary)

SAME AS IN 3.1

FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

4. APPLICATION DETAILS

4.1 State the type of licence applied for **A LICENCE FOR THE SALE OF LIQUOR FOR CONSUMPTION ON THE PREMISES**

4.2 State the kind of liquor the applicant intends selling under the licence **ALL KINDS OF LIQUOR**

4.3 Under what name is the business to be conducted : **EMBASSY HILL**

4.4 Address of the premises to be licensed with reference to the number of the erf, street, apartment, shop or farm as the case may be **ERF 864
89 & 91 SOUTHERN CROSS DRIVE
CONSTANTIA
CITY OF CAPE TOWN, SUB COUNCIL 20, WARD 62**

4.5 Does the applicant own the premise? **YES** **NO**

If no, give details of the owner and the applicant's right of occupation - **EMBASSY HILL (PTY) LTD
AGREEMENT OF LEASE**

Owner's name **EMBASSY HILL (PTY) LTD**

Owner's address **57 SLOANE STREET
BRYANSTON**

Applicant's right of occupation **AGREEMENT OF LEASE**

Duration of right of occupation **MONTH TO MONTH BASIS**

4.6 In the case of an application for a licence which permits consumption of liquor on the premises, state in which portion of the premises liquor will be served and consumed. **AS INDICATED ON THE PLAN ANNEXURE "A"**

4.7 Is the application made in respect of a premises which -

(a) have not yet been erected?	YES	<input checked="" type="checkbox"/> NO
(b) are already erected but require additions or alterations to make them suitable for the purposes of the proposed business?	YES	<input checked="" type="checkbox"/> NO
(c) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for the purposes of the proposed business?	<input checked="" type="checkbox"/> YES	NO

FORM 4
APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE
[Reg. 9(4)]

4.8 If the answer to a question in paragraph 4.7 (a) or (b) was "yes", please state -

(a) the date on which such erections, additions or alterations will be commenced with

NOT APPLICABLE

and

(b) the period which will be required for the erection, additions or alterations.

NOT APPLICABLE

4.9 Trading hours sought during which it is proposed liquor may be sold or consumed on the licensed premises :

AS PER LOCAL AUTHORITY

4.10 Jobs created

(a) How many persons will be employed by the business?

8 (EIGHT) (15 TEMPORARY WITH EVENTS)

(b) How many will be employed in a management capacity?

2 (TWO)

(c) How many persons will be employed specifically in the regard to the sale of liquor?

4 (FOUR)



FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

5. DETAILS OF JURISTIC PERSON

(To be filled in if applicant is a company, close corporation, trust or partnership)

5.1 Registered Name **THE FORUM COMPANY (PTY) LTD**

5.2 Registration Number **2003/014377/07**

5.3 Date of registration **2 4 0 6 0 3**

(Proof of registration to be attached as Annexure)

5.4 Details of shareholders, members, trustees or partners and in the case of a public company, the details of the directors (use annexure if necessary)

Full name **CRISPIN PETER ROBERT CHEADLE**
Physical address **15 EMPIRE PLACE
SANDHURST SANDTON** Postal code **2012**
Postal address **15 EMPIRE PLACE
SANDHURST SANDTON** Postal code **2012**
Identity number **8 4 0 6 0 8 5 1 1 9 0 8 0**

Full name **MANDISA PENELOPE NTLOKO**
Physical address **10 PITT ROAD, 2 STONEHILL
BRYANSTON EAST** Postal code **2021**
Postal address **10 PITT ROAD, 2 STONEHILL
BRYANSTON EAST** Postal code **2021**
Identity number **6 7 1 2 1 4 0 5 4 5 0 8 2**

Full name **KIM ROBERTS**
Physical address **28 VENICE, ELM STREET
CRAIGAVON** Postal code **2191**
Postal address **28 VENICE, ELM STREET
CRAIGAVON** Postal code **2191**
Identity number **7 5 1 1 0 5 0 0 6 2 0 8 1**

Full name **GLYNIS JUDITH HYSLOP**
Physical address **57 EMPIRE PLACE
SANDHURST, SANDTON** Postal code **2012**
Postal address **57 EMPIRE PLACE
SANDHURST, SANDTON** Postal code **2012**
Identity number **5 6 0 1 0 3 0 1 9 3 0 8 0**



FORM 4

APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

6. OTHER LICENCES NOT APPLICABLE

6.1 Give full details of any existing liquor licence on the property where the proposed premises are located :

Licensee

Type of licence

Authority reference
number

Licensee

Type of licence

Authority reference
number

Licensee

Type of licence

Authority reference
number

Licensee

Type of licence

Authority reference
number

(Location of such other licensed premises in relation to proposed premises to be indicated on a site plan)

6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province, as well as full details of any registration held with the National Liquor Authority in terms of the Liquor Act, 2003 (Act 59 of 2003)

APPLICANT IS ALSO THE HOLDER OF 2 RESTAURANT LIQUOR LICENCES IN GAUTENG, BEING THE BOUNDARY, GAU/036632 AND THE FORUM/TURBINE HALL, GAU/036866. EXCEPT FOR THE 2 ABOVE LICENCES, THE APPLICANT HAS NO OTHER LICENCES IN THE PROVINCE OR IN SOUTH AFRICA OR A REGISTRATION WITH THE NLA

(Use separate annexure if necessary)

FORM 4


APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE

[Reg. 9(4)]

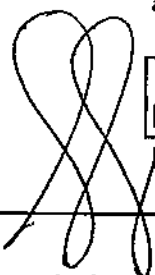
I declare / ~~truly affirm~~ that the information furnished in this application and in the documents attached to it, is true.

2017 -02- 15

Date



Signature of applicant or if applicant is a juristic person, the person authorised to sign application
(Written authorisation to be attached if not signed by applicant)



DM HOOGENHOUT

Name (Printed)

I certify that the applicant has acknowledged that he/~~she~~ knows and understands the contents of this, which was signed and sworn before me at

at STRAND this 15th day of FEBRUARY 20 17

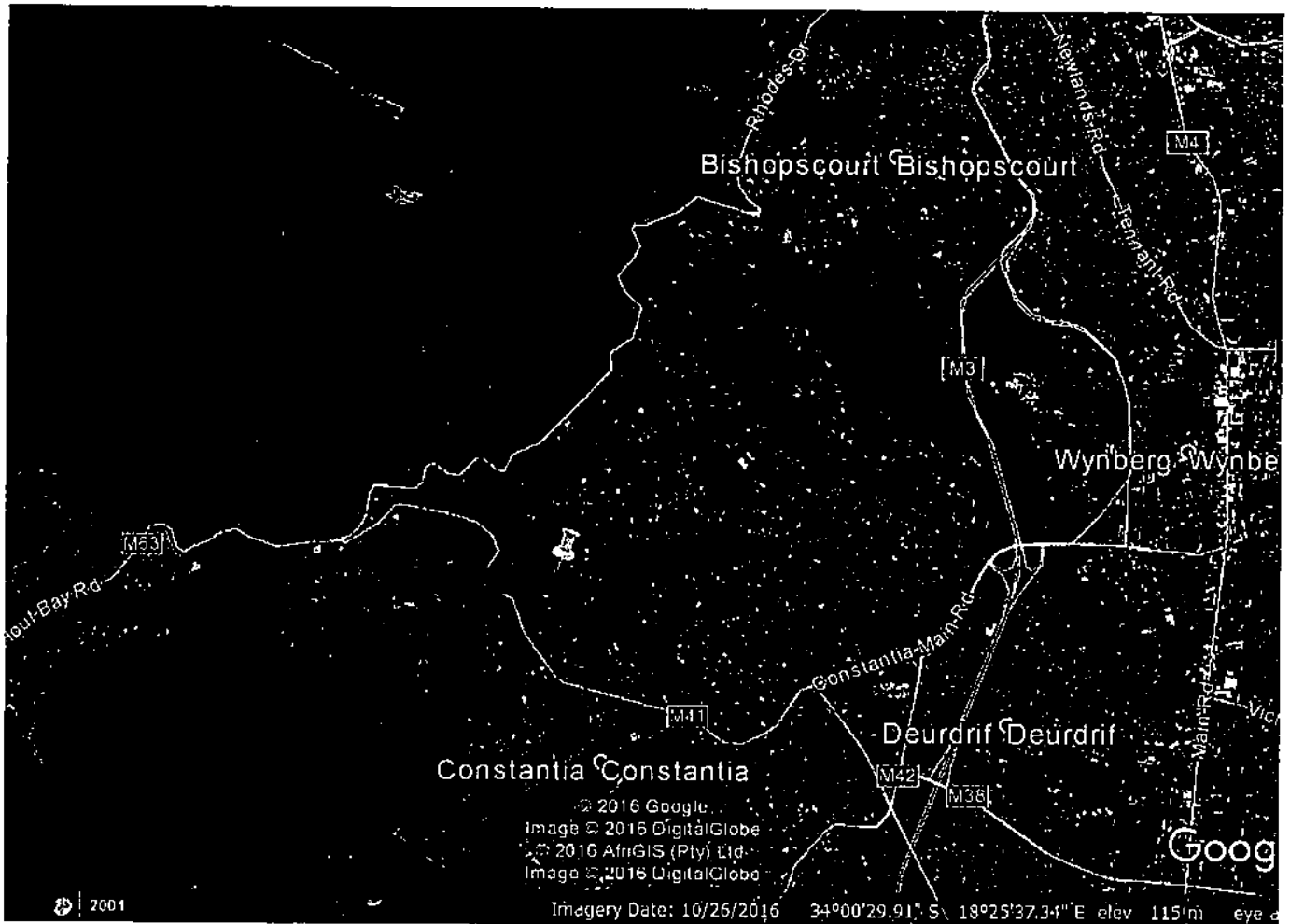
Commissioner of oaths

Full name
Business address
Designation

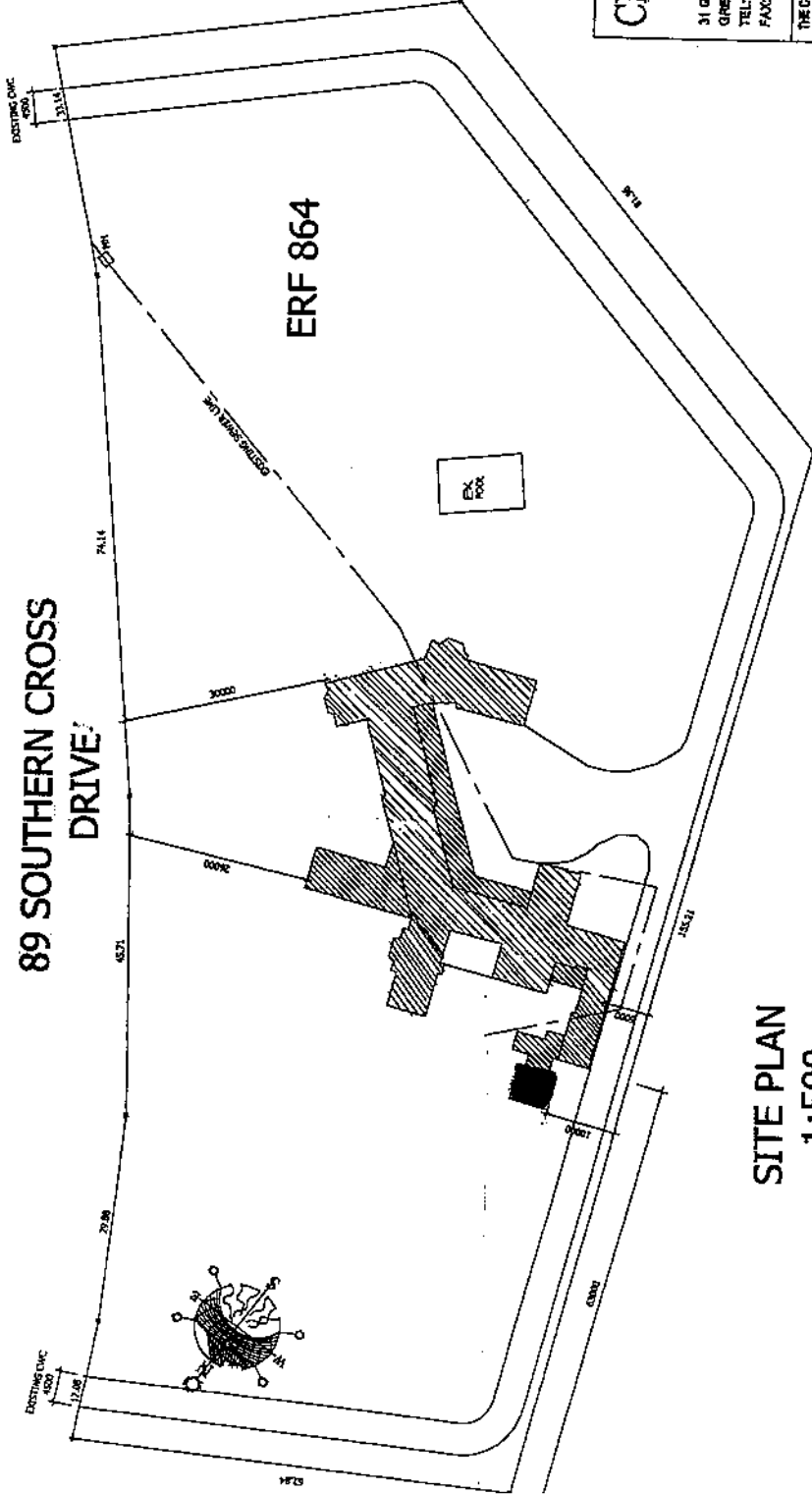
Area for which appointment is held
Office held if appointment is *ex officio*

Karel Willem Jacobus Buijn
Kommissaris van Ede
Commissioner of Oaths
Praktiserende Prokureur RSA
Practising Attorney RSA
Vloer 2 Floor, Panorama
Markstraat 25 Market Street, Strand





89 SOUTHERN CROSS DRIVE



ERF 864

P.A.

SITE PLAN
1:500

CLEMENS ASSOCIATES
ARCHITECTS AND URBAN DESIGNERS

31 GLENAGLES AVENUE
GREENSIDE
TEL: 742-8063
FAX: 886-6221

P.O. BOX 86249
EMBARAZENTA
2020
CELL: 042 877-5068

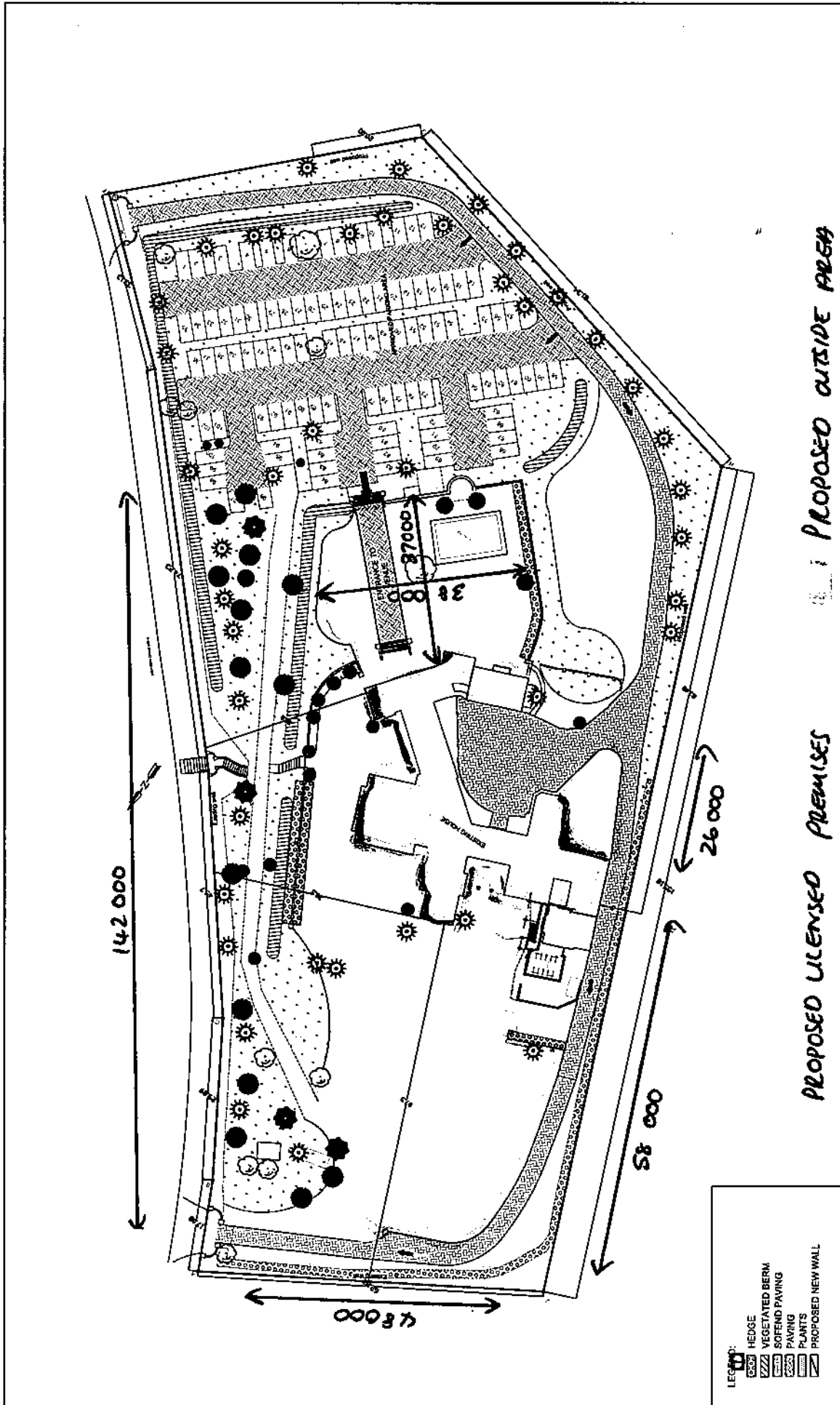
THE COPYRIGHT TO THIS DRAWING IS RESERVED BY CLEMENS ASSOCIATES

PROJECT TITLE

ALTERATION & ADDITIONS
TO EXISTING PREMISES

FOR

89 SOUTHERN CROSS DR.
CONSTANTIA



PROPOSED LICENSED PREMISES PROPOSED OUTSIDE AREA

LEGEND:

	HEDGE
	VEGETATED BERM
	SOFTEND PAVING
	PAVING
	PLANTS
	PROPOSED NEW WALL

SITE PLAN

Embassy Hill Constanatia
 89 Southern Cross Drive Constanatia
 Stand No. 664 Constanatia



General Notes:
 1. Refer to drawings for details.
 2. All work shall be in accordance with the applicable building codes.
 3. All materials and workmanship shall be in accordance with the applicable building codes.
 4. Any discrepancy must be reported to the architect before the work is started.
 5. The contractor shall be responsible for obtaining all necessary permits and approvals.
 6. All work shall be completed within the specified time frame.
 7. All work shall be in accordance with the applicable building codes.

1. Note: See drawings for details.
 2. Refer to drawings for details.

Refer to drawings for details.

CLEMENS ASSOCIATES
 ARCHITECTS AND INTERIORS

2100 S. W. 10th Avenue
 Fort Lauderdale, Florida 33304
 Tel: (954) 575-1100
 Fax: (954) 575-1101
 Cell: (954) 575-1102

The copyright in this drawing is reserved by Clemens Associates.

Project Name:
 Embassy Hill Condos

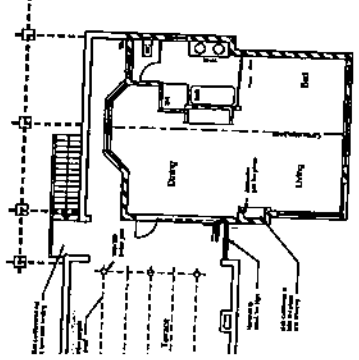
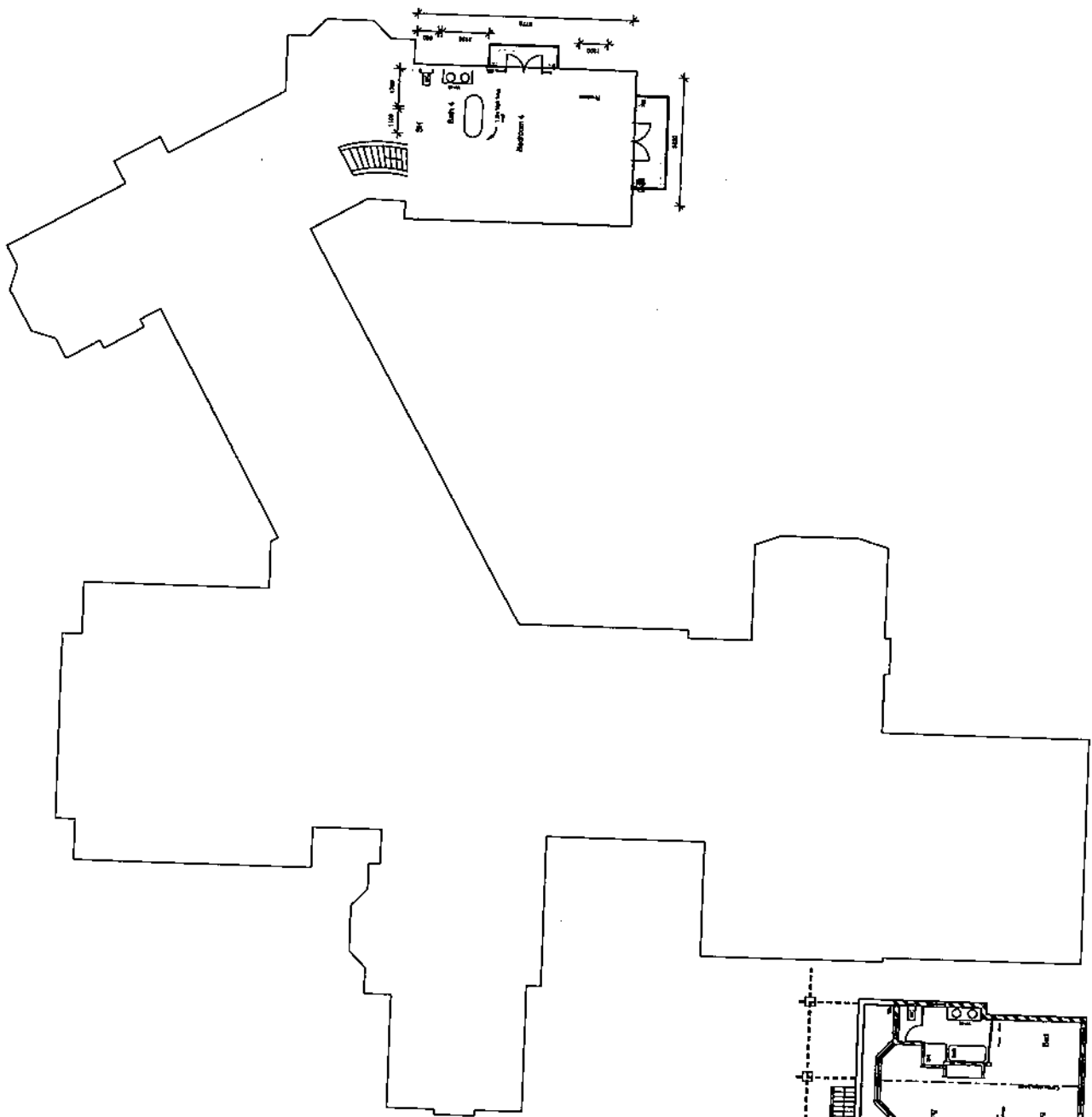
Project Address:
 88 Southeast Coast Drive, Constance
 Street No. 804, Constance

Drawing Title:
 First Floor Plan

101

101

2



FLOOR PLAN

General Note:
 1. All dimensions are in millimeters.
 2. The drawing is not to be scaled.
 3. All work is to be in accordance with the latest edition of the relevant standards.
 4. Any discrepancy must be reported to the client immediately.
 5. The client is responsible for providing the correct information and data.
 6. The client is responsible for providing the correct information and data.
 7. The client is responsible for providing the correct information and data.
 8. The client is responsible for providing the correct information and data.
 9. The client is responsible for providing the correct information and data.
 10. The client is responsible for providing the correct information and data.

1. Revised for Information

Issued for Information

CLEMENS ASSOCIATES
 ARCHITECTS AND INTERIORS
 3100 SHELBY AVENUE
 SUITE 200
 WASHINGTON, DC 20007
 TEL: (202) 331-1111
 FAX: (202) 331-1112
 WWW: WWW.CLEMENSASSOCIATES.COM
 The information is provided in accordance with the terms of the contract.

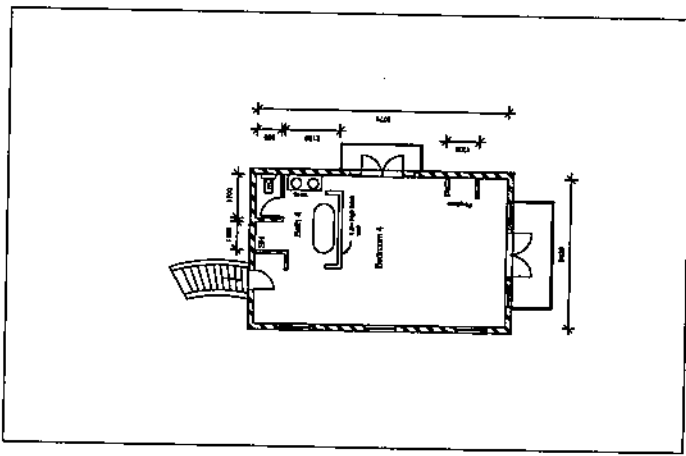
Project Name:
 Embassy Hill Constanța
Project Address:
 89 Southern Cross Drive, Constanța
 Stand No. 804, Constanța

Drawing Title:

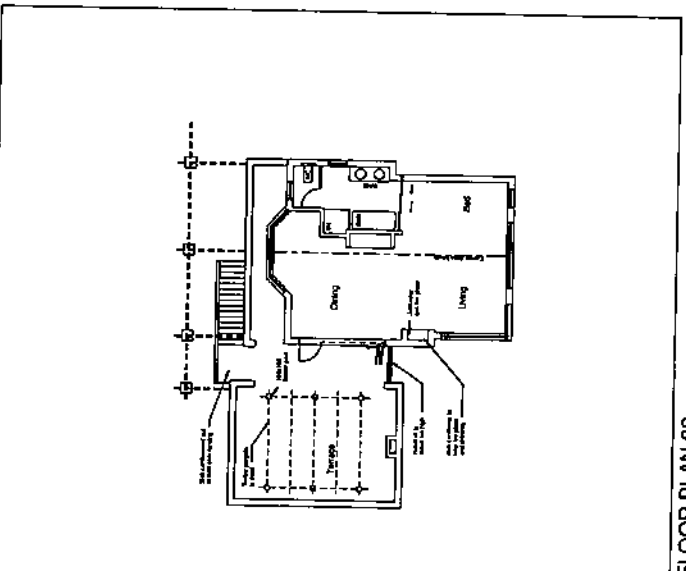
First Floor Plans

101

1



FIRST FLOOR PLAN 01
 1 : 100



FLOOR PLAN 02

DESCRIPTION OF THE PREMISES (Regulation 9(4)(c))

1. General

The premises is situated Erf 864, 89 & 91 Southern Cross Drive, Constantia, City of Cape Town, Sub Council 20, Ward 62. This premises is situated in this very well-known and sought after area in the southern suburbs of Cape Town to which the Honourable Liquor Licensing Tribunal needs no introduction. As the Liquor Licensing Tribunal is aware, there are a number of licensed premises similar to this one in this area and this is also a very popular tourist attraction in the Cape Peninsula who is visited by some two million people per annum.

2. Construction of the building

Construction of the building is a typical building as is found in the Constantia area, built up with bricks and mortar, plastered and painted where necessary. Shopfronts are a mixture of aluminium, wood and glass. All fixtures and fittings are of high quality and soft furnishings, cutlery and crockery are also of a very high quality. The building used to house the Netherland Embassy.

3. Layout of premises

This premises which is complete in all aspects, comprises of the following :

3.1 Ground floor

- Gym
- Pool bar
- En suite bedrooms (x 2)
- Conference room (x 1)
- Store room for conference room (x 1)
- Conservatory
- Formal lounge

ANNEXURE "C" CONTINUE

- Bar area
- Patio
- Entrance hall
- Male and female toilets
- Library
- Liquor store
- Dining room
- Kitchen
- Cold room
- Freezer room
- Wash-up area
- Office (x 2)
- Male and female staff toilets
- Laundry
- Dry store

Outside areas to be licensed as marked on site plan

3.2 First floor

- En suite bedrooms (x 2)
- En suite bedroom above the north wing also patio

4. Furnishings, fixtures and fittings

All fixtures, fittings, soft furnishings, cutlery and crockery are of a very high quality and the Honourable Liquor Authority is respectfully referred to the attached colour photographs of the premises which is already trading and it is also submitted that these are the final photographs.

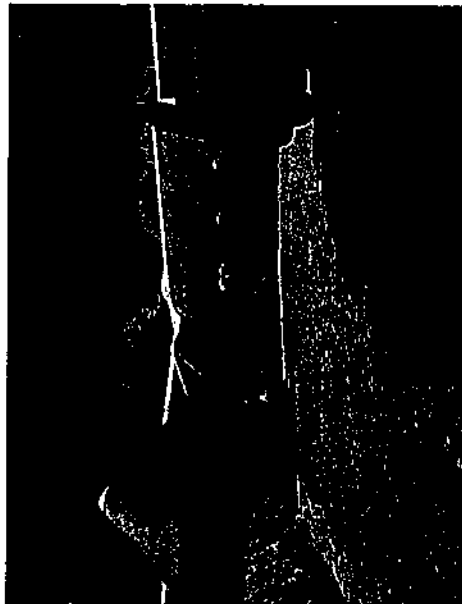
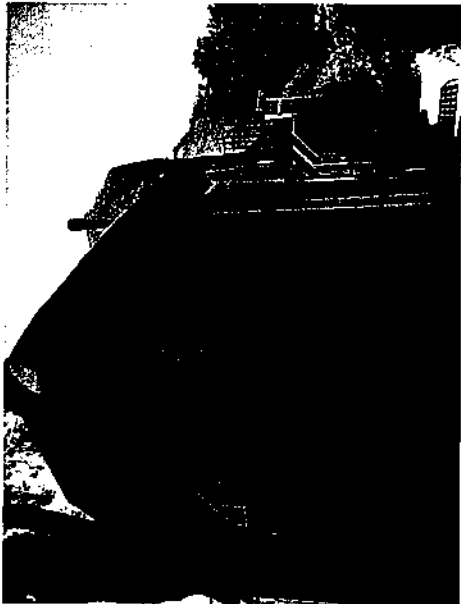
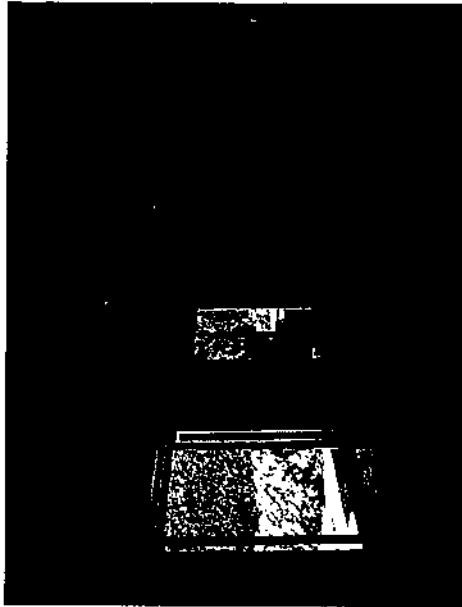
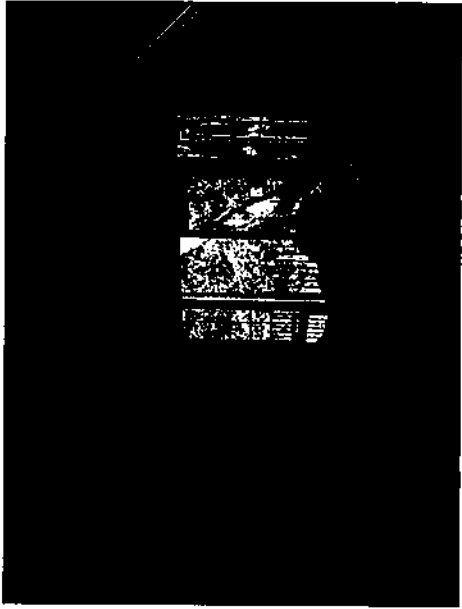
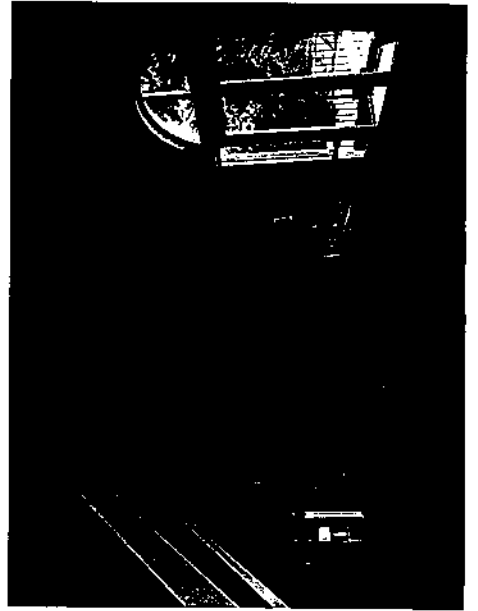


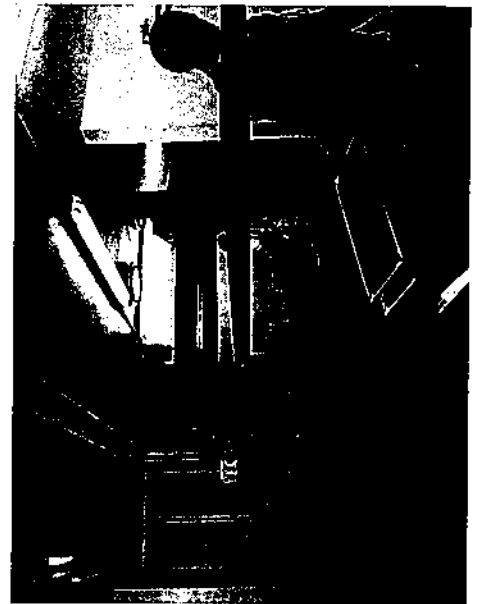
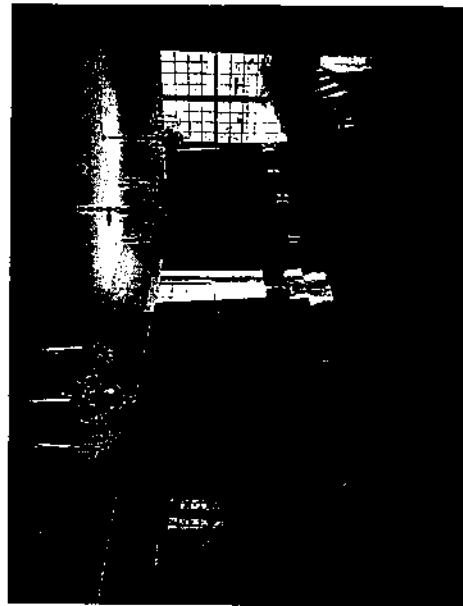
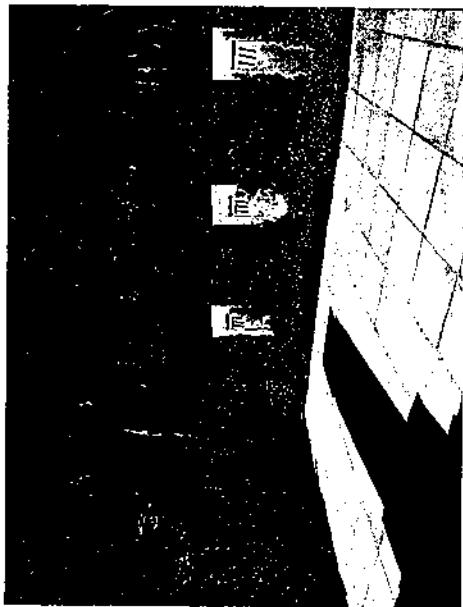
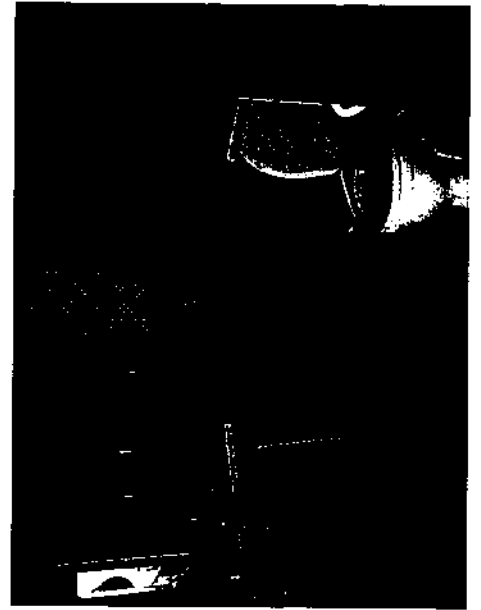
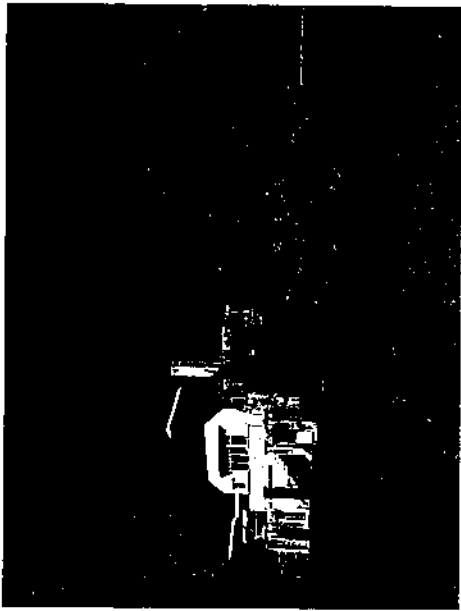
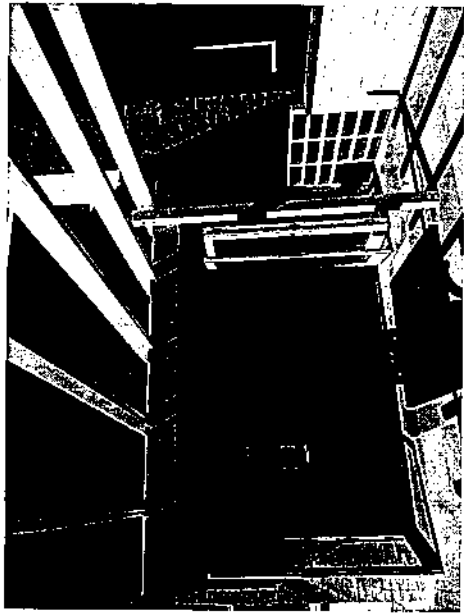
ANNEXURE "C" CONTINUE

5. Floor coverings

All floor coverings are a mixture of ceramic floor tiles, wood and carpeting. Outside areas are paving and grass.







REPRESENTATIONS IN SUPPORT OF THE APPLICATION (Regulation 9(4)(e))

1. The Application

This is an application for a licence for the sale of liquor for consumption ON the premises in terms of Section 33(1)(b) and Section 36 of the Western Cape Liquor Act, Act no 4 of 2008, by The Forum Company (Pty) Ltd, registration number : 2003/014377/07 in respect of premises situated Erf 864, 89 & 91 Southern Cross Drive, Constantia, City of Cape Town, Sub Council 20, Ward 62.

2. The Applicant

The applicant is The Forum Company (Pty) Ltd, registration number : 2003/014377/07, with registered office Wanderers Building, The Campus, 57 Sloane Street, Bryanston, Gauteng.

As mentioned in the answer to Question 3.1 of Form 4, only the applicant, The Forum Company (Pty) Ltd and four directors, (details of directors in the answer to Question 5.4 of Form 4), will have a financial interest in this proposed licensed business.

As mentioned in the answer to Question 6.2 of Form 4, applicant is also the holder of two restaurant liquor licences in Gauteng (details in the answer to Question 6.2). As stated in the answer to Question 6.2 of Form 4, other than the on consumption liquor licence applied for in this instance, applicant has no other liquor licence interest in the Western Cape or a registration with the NLA

Applicant is no newcomer to the food and beverage industry and the proposed licensed business is already trading successfully as an unlicensed establishment.



ANNEXURE "E" CONTINUE

When the opportunity arose, applicant decided to also extend operations to the Western Cape to compliment two very successful businesses in Gauteng.

3. Appointment in terms of section 52(1) of the Western Cape Liquor Act

As indicated in the answer to Question 1.11 of Form 4, Jonathan Lawson, identity number: 781108 5127 08 5 residing at 403 Chezmont, 12 Bower Road, Wynberg, is to be appointed as the manager on approval of this application. Above natural person to be appointed as manager has got extensive business and managerial experience and is no newcomer to the restaurant industry. The Honourable Liquor Authority is respectfully referred to his short CV attached to this application. It is submitted that he will also be a fit and proper person to be in charge of this licenced on consumption business.

4. Nature of the business

As can be seen from the attached plans, this is an upmarket function/conference venue also offering limited accommodation. The kitchen is well equipped to cater for any function big or small. There is also a choice of function rooms to be utilised by guests. In this regard also see a letter from landlord attached as well as agreement of lease attached to this application. There is no set menu as a menu is decided upon for every individual function.



ANNEXURE "E" CONTINUE

5. The public interest

In many reported and unreported cases the public interest is in most cases the deciding factor when a liquor licence is granted by a Liquor Authority.

According to the decisions of the High Court of South Africa, public interest is doing something which if done, better serves the public than when not done.

All Liquor Boards in the Republic of South Africa, be it on a National or on a Provincial level, is regularly reminded of the article by Dr Malcolm Averey in De Rebus of May 1991, page 353 and 354 where it is specifically mentioned that the convenience of the public will be in most cases the deciding factor when considering the public interest and the granting of licences.

Applicant therefore submits that although published already in 1991, the statement made by the late Dr Averey still holds good and is definitely still applicable.

Applicant furthermore submits, taking the above into account, the granting of this on consumption liquor licence will no doubt be in the public interest and request the Honourable Liquor Authority in this instance, take into consideration the following :

- ➔ By granting an on consumption licence to a person whose premises is suitable to be licensed, is no doubt in the public interest
- ➔ By granting an on consumption licence to an experienced person who had the means to establish this 5 star function/conference venue is also in the public interest.
- ➔ Job opportunities to be created in the area are very much needed. As mentioned in answer to Question 4.10 of Form 4, 8 permanent and 15 temporary job opportunities will be created in the process.



- ➔ By adding this licensed on consumption premises to the Constantia area, will also broaden the choice to people wishing to present functions/conferences in this very sought after area.

It is therefore submitted that the granting of this licence will no doubt be in the public interest.

6. Criteria for granting licences

In order to succeed with an application in terms of section 36 for a liquor licence, the applicant must prove to and convince the Liquor Licensing Tribunal that the criteria as mentioned in section 34(1)(a) – (e) is met in all aspects.

1. Section 33 of the Western Cape Liquor Act		
1.1	Type of licence applied for:	On consumption (specialised function/conference venue)
1.2	Kinds of liquor to be sold	All kinds of liquor
1.3	Nature of the business	Specialised function/conference venue with limited accommodation
2. Section 34 of the Western Cape Liquor Act, Act Nr 4 of 2008 – Criteria for granting licences		
2.1	Section 34(1)(a)	
2.1.1	Would it be in the public interest to grant the licence	Kindly refer to paragraph 5 of Annexure "E" for detailed reasons why the granting of this licence would be in the public interest.
2.1.2	What advantage would it be to the public if the licence is granted or refused	If the licence is granted it will widen the choice for people wishing to present special functions in the Constantia area. If refused job opportunities will also be lost.
2.1.3	What effect the business would have on the neighbourhood	None more than passing traffic 24/7
2.2	Section 34(1)(b)	

ANNEXURE "E" CONTINUE

2.2.1	Does the applicant qualify in terms of Section 35	Yes, applicant holds two on consumption licences in Gauteng
2.2.2	Is the applicant suitable to hold a liquor licence	Yes
2.2.3	Did the applicant provide proof that the applicant or its member, shareholder, trustee beneficiary or partner is not disqualified in terms of Section 35	Yes, licences in Gauteng
2.2.4	If any foreigner falls under 7 above, whether he/she was submitted a clearance certificate from his/her country of origin regarding his/her criminal history	Not applicable
2.2.5	The experience of the applicant/manager in the liquor industry	Kindly refer to paragraphs 2 and 3 of annexure "E"
2.3	Section 34(1)(c)	
2.3.1	Are the premises completed	Yes
2.3.2	Are the premises suitable or will it be suitable upon completion	Yes
2.3.3	The plan submitted	The plan submitted conforms to Regulation 9 (4)(a) & (b)
2.3.4	Do the colour photographs match the plan	Yes, see index
2.3.5	Safety of the premises	Building plans passed by Building Department and Health Department, City of Cape Town
2.4	Section 34(1)(d)	
2.4.1	Does the applicant have the right of occupation	Yes, agreement of lease attached to the application



ANNEXURE "E" CONTINUE

2.4.2	If the applicant is the owner of the premises, a valid title deed	Applicant is not the owner of the premises
2.4.3	If the applicant is the tenant, a valid lease agreement for the area as depicted on the plan	Lease agreement attached to the application
2.4.4	If the premises consist of outside seating, whether such is covered by a valid lease agreement if applicable	Yes, patio and grass areas form part of lease agreement and landlord is agreeable to these areas being licensed.
2.4.5	If a street/pavement is to be licensed, consent from the local authority	Not applicable
2.5	Section 34(1)(e)(i)-(v)	
2.5.1	The history of similar establishments on the premises	Netherlands Embassy operated here very successfully
2.5.2	If the premises are in or adjacent to a residential area, the nature of the closest properties	Next door some 50m away
2.5.3	The noise that will be caused by the business and possible unruly behaviour of patrons, also after closing time	Not applicable
2.5.4	Would there be live entertainment	Yes, live entertainment is a possibility depending on the nature of the function
2.5.5	Is there soundproofing or would same be necessary	Not applicable
2.5.6	Will the windows and doors be kept shut/opened	Not applicable
2.5.7	What would the effect of doors opening to allow patrons to enter or exit, have on the neighbouring area	Not applicable
2.5.8.1	The distance between the premises and the residents of a residential area	± 50 m away. See attached Google map

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ANNEXURE "E" CONTINUE

2.5.8.2	The residents of an institution for the aged or frail	Constantia Place Retirement Home, ± 1km away. See attached Google map
2.5.8.3	The learners of an educational institution who are under the age of 18 years	Constantia Primary School, ± 3.3km away. See attached Google map
2.5.8.4	The patients of an institution for drug or alcoholic related dependencies	High Wycombe Rehab Centre, ± 2.2km away. Recovery Direct, ± 2.8km away. See attached Google map
2.5.8.5	The congregants of a religious institution located in the vicinity of the proposed licenced premises	Christ Church Constantia ± 2.1km away. See attached Google map.
2.5.9	The direction the sound would travel	Not applicable
2.5.10	What steps would be taken to curb the possible negative influence that the granting of a liquor licence would have on those referred to in Section 34(1)(e)(i) to (v) also with regard to people leaving the establishment	Noise level caused by traffic going past in Southern Cross Drive will probably be more than the noise coming from this establishment
2.5.11	Public open spaces in close proximity to the premises, especially with off consumption premises	Not applicable
2.5.12	The control measures to be implemented by the applicant	Security measures already in place
2.5.13	Is the business close to or adjacent to a residential area	See attached Google map
2.5.14	What is the zoning of the property	Zoning of the property is in order for the business envisaged to be conducted here
2.5.15	The area where the property is situated	Silverhurst area, Constantia
2.5.16	Crime and the safety of patrons visiting the proposed premises	Security already in place
2.5.17	Traffic impact and parking	Not applicable

ANNEXURE "E" CONTINUE

7. Representations in support of application regarding determination and consent required

7.1 Trading hours

Applicant is aware of the City of Cape Town By-Law on the Control of Undertakings that sells Liquor to the Public, 2013 and undertakes to abide by it.

7.2 Selling of liquor related products

Although the Liquor Act of the Western Cape, Act nr 4 of 2008, does not specify it, applicant respectfully requests the condition to sell items as stated in section 41(1)(c) of the Liquor Act nr 27 of 1989.

7.3 Applicant needs to disclose to the Honourable Liquor Authority that there is also a filling station on this erf some 1.2km away. It however needs to be pointed out that application in terms of section 89(9) of the Liquor Act of the Western Cape was approved in respect of the licence already on the premises. It is respectfully requested that should condonation be necessary it is requested that condonation be granted as it is submitted that there will not be prejudiced to anybody or persons.

8. Advertisement in terms of section 37 and regulation 10 of the Western Cape Liquor Act

Appendixed to this application find photograph of the said notice which is displayed on the premises as from lodgement date, 24 February 2017, to avoid any misunderstandings. This notice will remain in place as prescribed by the Western

ANNEXURE "E" CONTINUE

Cape Liquor Act, Act Nr 4 of 2008, as amended and the DLO is requested to report on this matter in his report in terms of this act.

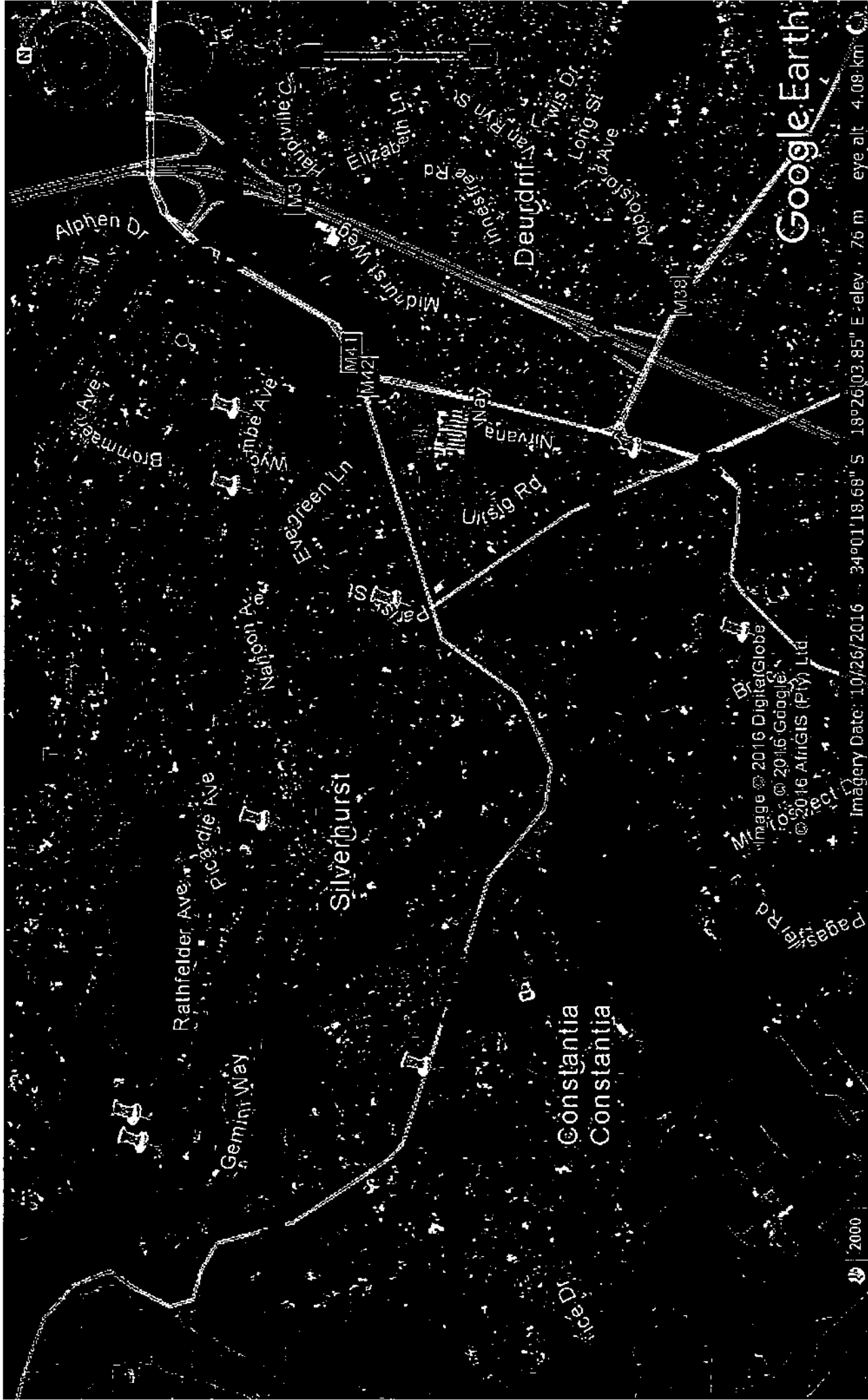
9. Conclusion

The applicant respectfully submits that the conditions of section 36 of the Western Cape Liquor Act, nr 4 of 2008, as amended, have been met and therefore respectfully requests that the Honourable Liquor Authority, taking into consideration the suitability of the applicant, as well as the premises, the public interest and the type of licence applied for, to approve this application for an on consumption liquor licence as soon as possible.



DM HOOZENHOUT
DH MANAGEMENT SERVICES





Alphen Dr

Brommer Ave

Rathfelder Ave

Gemini Way

Wymbe Ave

Naloon Ave

Roadie Ave

Evergreen Ln

Midwest Weg

Ukig Rd

Deurdir Van Ryn St

Appelhof Ave

Silverhurst

Constantia

Constantia

Imatrie Rd

Nirvana Way

Imatrie Rd

Long St

Imatrie Rd

Imatrie Rd

Imatrie Rd

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Google Earth

Imagery Date: 10/26/2016

Imagery Date: 10/26/2016 34°01'18.68" S 18°26'03.85" E elev 75 m eye alt 4.08 km

