



14 July 2016

The Gauteng Liquor Board

### **OBJECTION to the transfer of the Catz Pyjamas Liquor License to a new entity**

Approximately 48 hours ago the Melville Residents Association (MRA) was advised that an application has been made for the transfer of the liquor license in respect of the premises previously occupied by Catz Pyjamas (Shop G01 Melville Boulevard, Main road, Melville), to an entity which appears to be owned and/or controlled by Kenny Kunene and Gayton McKenzie.

You will note from our regular involvement in liquor license applications in Melville, and our many attendances at license application hearings, that the MRA is actively involved in protecting and promoting the interests of residents in the suburb.

Based on information presently to hand, the MRA is gravely concerned at the prospect of Melville having an establishment similar to those operated by or on behalf the above individuals elsewhere.

Melville's residents have experienced first-hand the negative effects of non-compliant and irresponsible business operators serving liquor, both in 7th street and in Main road, where the above premises are located. More particularly, the immediate vicinity of the above premises includes the following entities which serve or sell liquor:

- **Stones**, which is diagonally opposite the premises;
- **Liquor City** directly beneath the premises;
- **Tsunami Beach Bar**, which is directly opposite the premises;
- the **Wee Pub**, which is one block away in Main road;
- **Paul's Tavern**, which is located in the same block in Main road;
- **Tops Liquor**, which is located approximately 300m south of the premises



The vicinity around the above premises, including Stones and its patrons, has attracted a massive amount of negative attention in the suburb due to:

- Stones' **excessively late trading hours**;
- **noise disturbances** from loud music in the premises and from the cars of patrons;
- **drag races** in the street;
- widespread **public alcohol consumption**;
- open **peddling and use of drugs** in the immediate vicinity;
- general **lawlessness and serious crime**, including muggings, fights, intimidation and harassment of residents;
- the regular leaving of large amounts of **broken glass** and food containers in the road and on the pavement.

It is widely accepted in the Melville community that the vicinity has become unsafe, especially at night.

We attach hereto an article written by Julia Madibogo and published by Times Live on 6 June 2016.

The above article describes both Kunene and McKenzie as having been previously convicted of serious criminal offences, and who were the owners of the notorious chain of ZAR Lounges in Johannesburg and Cape Town, which were closed in 2012. The article says that their recently opened Rivonia on Deck establishment has received many complaints about noise from residents in the area since its opening.

We discussed the matter with a representative of the Rivonia Ratepayers and Residents Association, who confirmed that many such complaints had been lodged, and that residents in the area had suffered great prejudice due to the disruptive activities at the establishment.



In addition we were advised that:

- Kunene and McKenzie's Rivonia based establishment had recently been raided by the SAPS and that there had been recent litigation on such matter, as well as legal proceedings regarding noise complaints.
- The Gauteng Liquor Board had recently been approached in respect of pending police investigations into the authenticity of certain liquor license documentation which was suspected to be forged;
- The establishments operated by or on behalf of the above individuals have been known for hosting very large, noisy and disruptive events, with little or no social and community responsibility, nor any consideration for nearby residents.

Clearly the transfer of the existing liquor license is not merely an administrative matter, but in fact a matter of great consequence for Melville and the surrounding area.

Approving such a transfer whilst the above investigations are pending, and when there is a recent history of disruptions emanating from Rivonia on Deck, would create unnecessary risk and in our view would lead to severe prejudice for nearby residents and the area as a whole.

We respectfully submit that in considering an application for the transfer of an existing liquor license the Board should consider, among other things, whether such applicants would have met the strict standards required of an applicant for a new license.

The MRA Committee discussed the issue at length at our meeting on the 12th July and in light of the above facts, strongly believes that it is NOT in the interest of the residents of Melville that the transfer be approved, and that such a transfer would negatively affect the amenity of the area as a whole.



We therefore request that the Board:

- Allow the MRA to access all relevant information regarding the application, the applicants and the present license so that it may consider the matter more fully;
- Use its discretion to call for a hearing, on proper notice to the community, so that there may be public participation, to ensure that all stakeholders have an opportunity to actively and meaningfully participate in this matter, which is one of great consequence for the area.

In addition to the above, the MRA requests that the Board be cognizant of the following:

**The Draft Gauteng Liquor Policy** recognizes that South Africa is characterized by:

- a non-compliant society;
- no respect for the law;
- widespread use of alcohol;
- inadequate law enforcement;

It furthermore states that there are many licensed premises which are located within a 500 metre radius of places of worship, educational institutions, **similar licensed premises** or public facilities, and that many of these premises are generally located **in residential areas**. *(Melville fits such a profile, as it is primarily a residential area, and there are public transport facilities, places of education and worship, as well as many similar licensed premises well within a 500m radius of the above premises)*

The result is that, inter alia,

- intoxicated patrons may harass learners and members of the community;
- the noise and entertainment within these premises is likely to interfere with and can be a nuisance to residents living in the vicinity *(the above premises is located on the first floor of a building, with little or no permanent noise buffering features. Noise generated there would accordingly travel further than usual, and would resonate throughout the suburb)*



- These premises often have patrons who are involved in fights with each other after alcohol consumption or fights with other people as they leave the drinking premises.

The Draft Policy also states that ***“all residential areas require protection from the negative impacts of liquor trade.*** While in the interim it is proposed that the 500m protective radii around community facilities be applied even more rigorously, the fact ***that entire residential areas need to be buffered from the negative impact of liquor trade should be emphasized***’.

The aim of the draft policy is, among other things, to:

- Lower outlet densities;
- Limit the negative impact of liquor trade on residential areas.

**The Draft National Liquor Policy** will shortly be placed before Parliament. Section 1.6.6 thereof proposes that liquor premises be located at least five hundred meters (500m) away from schools, places of worship; recreation facilities and residential areas. It further proposes that no liquor licenses shall be issued to premises near public transport; and areas not classified for entertainment or zoned by municipalities for purposes of trading in liquor. It is also proposed **that if such a license is already issued it should be terminated within a period of two years.**

Having regard to the above draft policies, which it is believed will shortly be enacted, we respectfully submit that approving the transfer of the existing liquor license would:-

- Be in contradistinction to the stated aims and objectives of the draft Gauteng and National Liquor Policies;
- Lead to further deterioration of the amenity of the surrounding suburb;
- Increase the risk of civic action.



We have had very little time to prepare the above letter, and would have made the communication more comprehensive but for the truncated time period allowed.

We accordingly ask that the Gauteng Liquor Board does not proceed with the transfer of the license.

The Melville Residents' Association