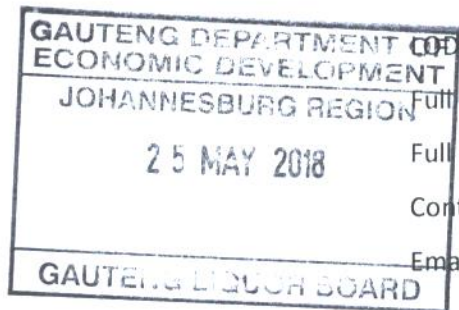




**OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR
BA - PITA IN RESPECT OF PREMISES SITUATED AT UNIT 2, 1 – 7th
STREET MELVILLE, ERF No. 24**

Application Reference number: GLB 7000010380



FILED BY: -

GAUTENG DEPARTMENT OF
ECONOMIC DEVELOPMENT
JOHANNESBURG REGION

25 MAY 2018

GAUTENG LIQUOR BOARD

Full name of objector: MELVILLE RESIDENTS' ASSOCIATION

Full address of objector: 42a 3RD AVENUE, MELVILLE 2092

Contact telephone number of objector: 0726565179

Email address of objector: mra-liquor@ilovemelville.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: OK Wolf
Applicant's Representative
PO Box 1048
Rooseveltpark
2129

Email: otto@liquorconsultant.co.za

Receipt of Objection Acknowledged:

Signed:

Date:

1. The applicant Restaurant Incubator (Pty) Ltd, Registration number 2017/488584/07, has applied for a restaurant liquor licence in respect of BA-PITA at Unit 2, 1 – 7th Street, Melville, situated at Erf 24, Melville, under application reference number GLB7000010380.
2. The Melville Residents Association (“MRA”) has had sight of the application papers made available by the Johannesburg Regional Office of the Gauteng Liquor Board and filed on behalf of the applicant for the above premises in terms of section 23 of the Gauteng Liquor Act 2 of 2003. Certain aspects relating to this application are of concern to the MRA and have led to it filing this objection.
3. The **venue** location is not entirely clear from the address supplied in the application, nor from the letter of intent nor the plans – it would be presumed to be the area indicated with a 2 on the plans. This should be confirmed.

FURTHER COMMENTS

4. Liquor trading and consumption in Melville have had a considerable impact on our suburb. While Melville has two strip business / commercial areas on 7th Street leading into 4th Avenue and Main Road, Melville, it is primarily a **residential area** and not residential and commercial as indicated in the application. The business / commercial strips were created to allow for the establishment of retail outlets and facilities to serve the Melville residential area. As a consequence of this residentially-based layout, the business / commercial strips are very narrow, typically consisting of a depth of only one erf from Main Road, 7th Street and all the avenues from 1st to 5th Street. There is a concern that the type of activity which is likely to take place in and around the applicant’s premises should it obtain a liquor licence, will raise noise levels with a potentially negative impact on the quality of life enjoyed by residents who live within earshot of the premises.
5. 7th Street in Melville has historically experienced many incidents of lawlessness and serious **crime**, including shooting, car thefts, hijacking, drug peddling, muggings, fights, intimidation and harassment of residents, and at least two violent deaths at premises trading in liquor, being a murder at the (now closed) Dollar Table and the beating to death of an armed response officer outside Ratz – both premises located in 7th Street. The MRA works proactively for a safe, peaceful suburb, and is gravely concerned about this trend, especially its negative impact on the rights of individual residents and the far reaching reputational and security compromises it has caused our community.
6. The MRA wishes to make the following averments in response to certain statements made in the applicant’s written representations:

The applicant states that there is not a restaurant of a similar style in the area. There is however already more than enough supply of these types of establishments in the area. There is an oversaturation of restaurants and liquor outlets in Melville, specifically in 7th Street between 1st Avenue and 5th Avenue, serving liquor with meals and in some instances separately at the bar, both during the week and over weekends. At last count there are approximately 33 liquor outlets in Melville.

The MRA is of the respectful view that the applicant has neither proven the need, nor the desirability or appropriateness of establishing yet another liquor serving establishment in Melville. A further concern is that the oversaturation may well lead to the further demise

of some outlets leaving possibly empty venues that will encourage further displaced persons and then creating a domino effect which will affect all business in 7th Street.

7. The menu indicates operating hours and food, but not what kind of liquor is intended to be sold, etc.
8. Regarding rightful occupation, the MRA is not at all confident that the letter of intent as submitted proves the right of the applicant to occupy the premises, it does not give any indication as to what the applicant will be entitled to do on the premises, other than **to conduct a restaurant liquor license (!)**, neither does it state the duration of the purported occupation.
9. Prior to the consideration of the Liquor Licence by the Liquor Board the **tax and police clearances** are still to be lodged, a cop of the police clearance has been supplied to the MRA as an objector.
10. **Parking** is already a major problem in and around 7th Street. In the evenings and, over weekends congestion and double parking near the relevant premises already pose a severe threat to road safety and general amenity of the immediate surrounding area. With the addition of BA-PITA which it seems is estimated to cater for **more than 70 people**, the problem will be further exacerbated, and this is likely to lead to parking moving even further into the residential area. The parked cars attract car guards, who are known to peddle drugs and intimidate car owners and pedestrians. It does not appear as though the applicant addressed this major issue in his application.
11. **Regulation 3(2) d)** of the Gauteng Liquor Act provides, inter alia, that:

“(2) An application for a licence as contemplated in section 19 of the Act must be –

d) accompanied by a comprehensive written motivation in support of the application which must include public interest requirements–

(i) the need for a liquor outlet in the area,

(ii) the impact of a liquor outlet in the area

(vi) the proximity of other liquor outlets, educational institutions, places of worship and public transport facilities”

The MRA does not believe that the present application adequately addresses the above requirements, specifically related to transport and specifically **parking**. Furthermore, incorrect and out of date information is presented under oath amongst other regarding other liquor outlets. Argument will be advanced at the hearing on this point in the event that the application proceeds.

12. **Section 4 (5) of the Regulations** states that the applicant must give notice of an application by serving a notice of the application to educational institutions, places of worship and liquor outlets within 500m of the proposed premises. The MRA submits that the above requirements were not adequately met, will ask for proof of same at the hearing, and reserves the right to advance argument thereon.

13. As far as the provisions of **section 30 (3)** of the Gauteng Liquor Act, 2003 are concerned, as has been pointed out in the application, there are places of worship, educational institutions, similar licensed premises and public transport facilities within 500m of the applicant's premises. The MRA believes that such details as provided in the application are incomplete and inaccurate. Argument on this aspect will be made at the hearing.
14. The application papers are thus incomplete and factually incorrect and the MRA is of the respectful view that the application for a restaurant liquor license should be refused.

Signed: _____

Date: _____



25/05/2018

Full names of Objector: Melville Residents Association
Address of Objector: 42a, 3rd Avenue, MELVILLE 2092

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Email address of objector: mra-liquor@ilovemelville.co.za