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| OBJECTION TO GRANTING OF LIQUOR STORE LICENCE FOR Urbanite Distilling (Pty) Ltd IN RESPECT OF PREMISES SITUATED AT 75, 4th Avenue MELVILLE, 27 Boxes, ERF No. 973 Melville |
| **Application Reference number: GLB 7000013583** |

LODGED BY: -

Full name of objector: MELVILLE RESIDENTS’ ASSOCIATION

Full address of objector: c/o 22 4th AVENUE, MELVILLE 2092

Contact telephone number of objector: 0763143506

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: John Clarke

 Applicant’s Agent

 57 Worcester Road

 Parkwood

 2026

Email: info@liquorlicenseplus.co.za

Objection sent by email on:

1. The applicant Urbanite Distilling (Pty) Ltd, Registration number 2019/488978/07, applied for a Liquor Store licence in respect of Urbanite Liquor Sales at 27 Boxes, Melville, situated at 75, 4th Avenue and Erf 973, Melville, under application reference number GLB7000013583.
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 **location** of the premises, i.e. at 27 Boxes in Melville is problematic. This is a development on property of the City of Johannesburg and
	1. the last rental agreement does not provide for the trade in liquor on the premises; and

3.2 there are conflicting information in the documentation – the application states shop 122, the affidavit states shop !@@ and the lease states shop 109A.

1. It seems that the application is framed for on-line sale of liquor, the advertisement in the Provincial Gazette states only a liquor store licence. From experience the MRA knows that the chances of any conditions being set in the licence, e.g. the limitation to on-line sales only, is very slim if not totally improbable.
2. The application also mentions in the motivation that the applicant has a micro-manufacturer’s liquor licence, while in the Liquor Licence Form in item 3.2 it is stated that a section 104 application has been submitted in 2019 for the transfer of a licence (GLB7000006170) but finalization is awaited.
	1. This is of concern as the Liquor Act and Regulations are clear that trading cannot take place until the transfer is affected, and
	2. It seems the licence which is the subject of the transfer application must have lapsed at least 4 years ago.
3. The honourable Board is furthermore aware of the position that once a licence is issued, it can be transferred very easily and the new incoming owner is not necessarily inclined to follow the same practices as the original owner.
4. The MRA would endeavour to reach out to the applicant as is its practice.
5. In respect of the **Affidavit**:
	1. As far as the provisions of section 30 (3) of the Gauteng Liquor Act, 2003 are concerned, and as has been pointed out in the application, there are places of worship, educational institutions, similar licensed within 500m and 1 km of the applicant’s premises. The MRA believes that such details as provided in the application are at best incomplete. Argument on this aspect will be made at the hearing if such is scheduled by the honourable Board.
6. It should be paramount that the Board keeps in mind that Melville is a residential area with nodes for businesses to serve these residences. At last count there are more than 40 liquor outlets in a one kilometre radius from the centre of 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 selling establishment in Melville unless the honourable Board is willing to set conditions as applied for.
7. The Board is well aware of the numerous complaints and investigations related to liquor outlets in Melville and is requested to carefully consider this application for another licence. It is necessary that the Board considers the public interest of granting another liquor licence and weigh that against the public interest of the residents of Melville to a peaceful and safe environment. The Board needs to consider whether the applicant has discharged his duty to convince the Board of the public interest in granting a licence as requested.
8. **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 the need or impact of a liquor outlet in this specific area. Incomplete information is presented regarding other liquor outlets, places of education and places of worship. Argument will be advanced at the hearing on this point in the event that the application proceeds.

**FURTHER COMMENTS**

1. 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**. There is a grave concern that another liquor selling establishment will negatively impact on residents if no conditions are set – NOTE that the applicant offers the condition, namely the on-line sale of liquor. However, the applicant has already marketed the sale on-line – see attached. This is indicative of the commitment (or lack of) to compliance with the requirement of a licence before any sales.
2. The Board should seriously consider its responsibility towards the community in weighing up the rights of the applicant and those of residents and the implications, The Board has the discretion as allowed in the Act and Regulations to set conditions and could other than declining the application, limit it sales as indicated int eh application and above.

**CONCLUSION**

The MRA hereby respectfully requests a hearing to be held in this regard in order to fully present its views in respect of this application. Should the honourable Board decide to issue a licence the MRA would propose a licence, limited to the sale of liquor infused ice cream, with the usual trading hours of a liquor store as set in the Act.

The MRA also reserves the right to take further legal advice and action if no hearing is held or no limitation and or conditions included in a licence, as per the application.

 Signed: --------------------------------------

 Date:

 Full names of Objector: Melville Residents Association Address of Objector: c/o 22 4th Avenue, MELVILLE 2092

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