|  |
| --- |
|  C:\Users\The Koch's\Desktop\MRA Letterhead.png |
| OBJECTION TO GRANTING OF LIQUOR STORE LICENCE FOR VINOSITY (Pty) Ltd IN RESPECT OF PREMISES SITUATED AT 74, 4th Avenue MELVILLE, 27 Boxes, ERF No. 973 Melville |
| **Application Reference number: GLB 7000013730** |

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: Dynamic Consultants

 Applicant’s Agent

 Paula da Silva

P.O.Box 11230

Queenswood

 0121

Email: paula@dynamicliq.co.za

Objection sent by email on:

1. The applicant Vinosity (Pty) Ltd, Registration number 2020/762060/07, applied for a Special Liquor Licence (off consumption) (on line) in respect of Vinosity at 27 Boxes, Melville, situated at 74, 4th Avenue and Erf 973, Melville, under application reference number GLB7000013730.
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. Due to a COVID-related exposure the offices of the Gauteng Liquor Board were closed for more than 10 days during which a copy of the application could not be obtained and condonation for the “late” filing of an objection is requested as the GLB indicated they would communicate this aspect to the applicants – see attached email.
4. 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 as
	1. Neither the zoning of the premises not the last rental agreement provides for the trade in liquor on the premises; and

3.2 there are conflicting information in the documentation – the application states 74, 4th Avenue, and the lease states 75, 4th Ave.

1. The honourable board and the local committee specifically with representatives of the City of Johannesburg should be aware of the limited rights to the premises and the granting of a licence would not be possible –

In addition, we record the fact that the landlord is itself a lessee in respect of a lease agreement between itself and the City of Johannesburg (“the main lease”) for the property on which the 27 Boxes centre is located. This lease agreement, it is submitted, did not anticipate nor provide for the use of the property for purposes of trading in liquor. We attach a copy of such lease agreement for ease of reference, and refer specifically to clause 6.1 (including its sub-clauses) and clause 7 thereof.

A lessee may not grant rights to a sub-lessee which are greater than those which the lessee itself has. Should the attached lease be the current lease in operation for the property, and should the sub-lease agreement which has accompanied the present application provide for a liquor trading restaurant which also hosts “events”, it is submitted that same is not lawful in terms of the main lease.

It is submitted that the Board may not grant a license in circumstances where lawful occupation cannot be established, and where the granting of a license would be contrary to the provisions of the main lease and the zoning for the property. The Board is not permitted to disregard such considerations and act contrary thereto. Argument will be advanced at the hearing in this regard.

1. 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. There is also mention of collection of liquor but no indication how it will be limited to independent delivery companies and exclude purchasers.
2. The **declaration** indicates
	1. that there are places of worship, educational institutions, similar licensed within 500m of the applicant’s premises with a reference to the advertisements. Those should include these types of premises in a 1 km radius. The MRA believes that such details as provided in the advertisements are at best incomplete. Argument on this aspect will be made at the hearing if such is scheduled by the honourable Board, and
	2. “the inside dining area of the premises” – see item 5 which is confusing.
3. The MRA would endeavour to reach out to the applicant as is its practice.
4. In respect of the **written representation**:
	1. The address is again indicated at 74, 4th Ave while it is different in the lease agreement;
	2. The operating hours mentioned here also differs from the lease agreement;
	3. The reference to COVID highlights the needs to comply with the regulations applicable to workspaces and social distancing – looking at the plans there are no provision in this regard and the honourable board is aware of the limitations on the numbers of staff of the GLB who is allowed to work;
	4. In item 3.2 there is a statement that “the premises is suitable to conduct the business of this nature” – this is in direct contrast with the zoning rights and condition of the town planning scheme. See attached.
5. 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.
6. 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.
7. **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 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 applied for a special licence, namely the on-line sale of liquor.
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.

**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.

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: XX March 2021

 Full names of Objector: Melville Residents Association 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