

MRA DRAFT OBJECTION

APPLICATION: GAB & GRILLS

GLB7000015091

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

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: Silver Star Brokers
Maria Da Silva
Applicant's Representative
27 Jay Street
Rant en Dal
Krugersdorp
1740

Email: ssbrokers@mweb.co.za

Sent via email on: XX March 2022

1. The applicant Gab & Grills (Pty) Ltd, Registration number 2021/944938/07, has applied for a restaurant liquor licence in respect of GAB & GRILLS at Shop 6, 76 A – 4th Avenue, Melville, situated at 27 Boxes, Melville, under application reference number GLB7000015091.
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 detail in respect of the premises is conflicting in the various documentation items. The affidavit indicated street address of 75, 4th Avenue relates to Erf 431, while the application, advertisements and the lease agreement submitted reflects 27Boxes which is not on Erf 431. Thus the application is flawed and confusing and should be withdrawn and resubmitted should the applicant decide to proceed with an application as incorrect information has been submitted.
4. In addition to the above defect, neither of the properties indicated have the land use rights to be granted a liquor licence. The honourable board knows the 27Boxes premises, and specifically the representatives of the City of Johannesburg who sit on the local committee will advise the Board that the City through its property owning company is the owner of the erf on which 27Boxes were developed. The lease agreement of the 27Boxes does not provide for any liquor licenced premises, it only provides for one coffee shop.
5. No zoning certificate is included in the application pack – this is another fatal flaw. Reference is made to “*business property rezoning*” which is also confusing. The zoning of the erf on which 27Boxes are located is not business.
6. The liquor board should be placed in possession of both tax and police clearance as undertaken by the agent. Without these the application cannot proceed.

FURTHER COMMENTS

7. Lease agreement, item 1.8 states the purpose as a restaurant and item 6.3 of the general terms and conditions determines it may not be used to any other purpose and in 6.7 the tenant is to ensure no nuisance emanates from the premises; the trading hours are limited in terms of 1.13 and item 6.13 of the general terms and conditions determines the premises may not remain open after the maximum hours. Should the honourable board consider the application will they also consider this aspect and the limited trading hours as conditions?
8. The smoking areas are also not clear and there are contradicting statements.
9. As required in **section 30 (3)** of the Gauteng Liquor Act, 2003 the applicant must list places of worship, educational institutions, similar licensed premises and public transport facilities within 500m of the applicant’s premises. Such details as provided in the application are incomplete and inaccurate. For example in respect of educational facilities, the applicant declares under oath that there are none while there is a primary school approximately 200 m away. Similarly, places of worship is approximately 300 to 400 m away. Argument on this aspect will be made at the hearing.

10. An Application:

“(2) ... 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 believes that the present application does not address either the need for a liquor outlet in the area, nor the impact of a liquor outlet on the area.

Furthermore, incorrect and incomplete information is presented regarding:

- other liquor outlets – numerous are missing;
- educational institutions – none is listed;
- places of worship – none is listed.

11. The MRA wishes to state the following:

At last count there are more than 50 liquor licensed premises within a 1 km radius from the centre of Melville. It seems the practice at the Gauteng Liquor Board is to “revive” old lapsed licences and then transfer them. This practice makes it very uncertain to determine the number of active licensed premises. The establishments listed by the applicant are not a correct reflection of either the existing operators or those premises with licences that can be “revived” by the Liquor Board.

The impact of the oversaturation is being impacted negatively and exacerbated by the economic situation caused by the pandemic which lead to the vacating of a number of outlets, with new tenants arriving in the area in a short space of time, who “take over” with or without knowledge of the Liquor Board and who are not subject to the same scrutiny afforded by a new license application process. This highlights the importance of this process that is being followed here.

12. Section 24(1) requires a notice of intention to apply to be affixed to the premises – there is no proof of this having taken place.

13. The application papers are thus incomplete and factually incorrect and the MRA is of the respectful view that this application should be refused if the applicant does not withdraw it.

14. Further to the aspect of oversaturation of liquor outlets in Melville, whether liquor is served with or without meals, both during the week and over weekends, at last count there are more than 50 liquor-licensed premises in a 1 km radius from the centre of Melville. In addition, there appears to be certain highly disruptive business operations with issued restaurant liquor licenses, which operate as pubs and clubs. The latter regularly hosting live entertainment, despite there being no consents issued by the City of Johannesburg for places of amusement or live entertainment in Melville.

This has contributed to a culture of non-compliance in regard to the laws and by-laws among some business owners.

This application cannot and should not be considered in a vacuum – the fact that the Local Committee and the Board have largely ignored the above facts in many applications before it, is alarming, and it contradicts the stated intention of the Gauteng MEC for Economic Development’s statement that, “...*the Board must endeavor to limit the negative impact of liquor outlets in residential areas...*”. It is our respectful submission that the granting of even more liquor licenses in an already oversaturated area is completely inappropriate and has been detrimental to the residents as well as many other non-liquor businesses in the suburb.

One may be tempted to justify the granting of yet more licenses by mentioning that the GLB has an inspectorate with **enforcement** authority, however the MRA has seen no evidence suggesting that the inspectorate has performed any useful function in monitoring and where appropriate, censuring any liquor license holders in Melville. We are not aware of a single license being suspended or withdrawn, despite clear evidence having been available to show that there have been many establishments that have not complied with the conditions of their licenses.

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.

15. Melville has 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 five violent deaths at or near premises trading in liquor, being the drive-by shooting New Year 2020 at Poppy’s, a murder at the (now closed) Dollar Table and the beating to death of an armed response officer outside Ratz, and one unnatural death in 7th Street close to Liquid Blue. The unfortunate drive-by shooting in the early hours of New Year’s morning 2020 is still foremost in the minds of residents – no progress has been made in solving this crime. The MRA with the Melville Security Initiative work proactively for a safe, peaceful suburb, and is gravely concerned about this situation, especially its negative impact on the rights of individual residents and the far reaching reputational and security compromises it has caused our community.

CONCLUSION

Should the Board have any inclination to consider the present application favourably, then the MRA hereby requests that a hearing be held in respect of this application, as there are many highly relevant considerations which need to be put to the Board in the form of oral argument. All parties will benefit from the opportunity to fully ventilate the issues set out above, and this will assist the Local Committee in making informed and well considered recommendations to the Board.

The MRA reserves all of its rights herein.

Signed: _____

Date: _____

Full names of Objector: Melville Residents Association
Address of Objector: c/o Postnet, MELVILLE 2092

Contact telephone number of objector: 076 314 3506

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