

OBJECTION TO GRANTING OF PUB LIQUOR LICENCE FOR



d in respect of premises known as Countess  
- 4<sup>th</sup> AVENUE MELVILLE, 27 BOXES

LODGED BY: -

Full name of objector: MELVILLE RESIDENTS' ASSOCIATION

Full address of objector: XXXXXXXXXX MELVILLE 2092

Contact telephone number of objector: 0763143506

Email address of objector: [mra-liquor@ilovemelville.co.za](mailto: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: MS Ndlovu  
Applicant's Representative  
8 Hillside Street  
Parktown  
2196

Email: [info@msndlovu.co.za](mailto:info@msndlovu.co.za)

Sent via email on: XX May 2022

1. The applicant Lerumo Properties (Pty) Ltd, Registration number 2018/033190/07, has applied for a pub liquor licence in respect of The Countess at Shop 1, 76 – 4<sup>th</sup> Avenue, Melville, situated at 27 Boxes, Melville, under application reference number GLB7000015470.
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 indicated street address of 76, 4<sup>th</sup> Avenue does not relate to Erf 431 which is indicated on the Liquor Licence Form and for which zoning information has been submitted. The 27Boxes are not on Erf 431. Thus the application is fatally flawed and should be withdrawn and resubmitted should the applicant decide to proceed with an application as incorrect information has been submitted.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, i.e. Erf 431 and the property on which 27 Boxes is located has the land use rights to be granted a pub licence. Section 23(4) of the Gauteng Liquor Act specifically requires an explicit approval from the local authority for a pub to be opened at any premises. The honourable board knows the 27Boxes premises or the representatives of the City of Johannesburg who sits 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 with a maximum floor area of 200m<sup>2</sup>.
5. The written representation states that the applicant *“Is binding himself to all applicable law and by-laws that govern the liquor trade and the council under which he operates”*. However, the experience of the residents and other businesses in the area cannot confirm of the sincerity of this averment.
  - 5.1 During the recent months numerous breaches occurred which lead to noise complaints and visits by JMPD (reference numbers over the recent months, XXXXXXXXXXXXXXXX), screenshots and noise clips of the Countess will be provided on request.
  - 5.2 There are also no landuse rights for any live entertainment and numerous advertisements were posted in this regard – see copies attached.
6. As can be seen from the various social media advertisements the sale of liquor is marketed – whilst the applicant is only now applying for a licence. The old restaurant licence has never been transferred by the then holder. This should be of grave concern to the Liquor Board.

#### **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 – [see 5.1](#) above for proof of the contrary; 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.

8. 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. The applicant, under oath states there are none of the above. For example in respect of educational facilities, there is a primary school approximately 200m away, in respect of similarly licenced premises there are some in 7<sup>th</sup> Street and some in Main Road. A place of worship is less than 100m away! Argument on this aspect will be made at the hearing.
9. 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.
10. 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.
11. 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 40 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 or pub liquor licenses, which operate as clubs, regularly hosting live entertainment, despite there being no consents issued by the City of Johannesburg for places of amusement or live entertainment in Melville. The current applicant has been conducting similar activities – see item 5.1 above.

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 many other non-liquor businesses as well as the residents 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.

12. As there is no consent from the local authority for a pub, neither a place of amusement which includes live music entertainment as the applicant has been operating – approval cannot be granted. Furthermore a lessor may not grant rights to a lessee which are greater than those which the lessor itself has.

13. Liquor trading and consumption in Melville have had a considerable impact on our suburb. While Melville has two strip business / commercial areas on 7<sup>th</sup> Street leading into 4<sup>th</sup> Avenue and Main Road, Melville, it is primarily a **residential area**. 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, 7<sup>th</sup> Street and all the avenues from 1<sup>st</sup> to 5<sup>th</sup> 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. The premises furthermore can be open to the street and has a veranda. Thus the sound of any event hosted will carry into the neighbourhood – mainly towards the northern side (4<sup>th</sup> Avenue side and further) but also to the east and west from the veranda.
  
20. 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 (diagonally across from the premises) , 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 7<sup>th</sup> 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 trend, 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 (despite it being fatally flawed), 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: XXXXX, MELVILLE 2092  
Contact telephone number of objector: 076 314 3506  
Email address of objector: [mra-liquor@ilovemelville.co.za](mailto:mra-liquor@ilovemelville.co.za)