

Liquor Licence Application

Application Reference No	LLA22100006		
Section	SECTION 36 NEW APPLICATIONS	Received MSC	2022/10/10
Documents Received and Attached			
Application	Y	Notice section 37(2)	Y
Plan of the Premises	Y	Right of occupation	Y
Site Plan	Y	ID or Registration	Y
Premises Description	Y	Notice of Application	Y
Colour Photographs	Y	Application Fee	Y
Representation	Y	Zoning Certificate	Y
SAPS Office	Goodwood Police Station	Date Received	2022/09/29
Applicants Name	Kusha Business Solutions PTY LTD		
Applicants ID or Reg No	2021/710731/07		
Kind of Licence	Consumption ON Premises		
Business Name	Down Town Lounge		
Proposed Address	Erf: 1411S , 11 , Stark Road, Industrial Elsie's River		
SubCouncil Name	SC04	Ward	26
Date Submitted to SC	2022/10/14		

Down Time Lounge

FORM 3

APPLICATION FOR A LICENCE IN TERMS OF SECTION 36

[Reg. 9(3)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND TWO COPIES WITH DESIGNATED LIQUOR OFFICER

<p>Date stamp of designated liquor officer on receipt of application</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p style="font-size: small;">SOUTH AFRICAN POLICE SERVICE GODWOOD SAPS</p> <p style="font-size: large; font-weight: bold;">29 SEP 2022</p> <p style="font-size: small;">FLASH</p> <p style="font-size: small;">SOUTH AFRICAN POLICE SERVICE</p> </div>	<p>Date stamp of Authority on receipt of application</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p style="font-size: small;">Council Support and Suncouncil Office RECEIVED</p> <p style="font-size: large; font-weight: bold;">10 OCT 2022</p> </div>
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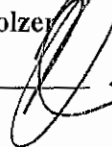
Description of documents to be attached	Annexure
Comprehensive floor plan of the proposed licensed premises	A
Site plan	B
Aerial view map	C
Description of the premises	D
Indexed colour photographs	E
Written representations in support of the application	F
Affidavit by the applicant that he or she is not disqualified in terms of section 35 from holding a liquor licence	G
Proof of notice in terms of section 37(2)	H
Proof of Notice displayed at premise	I
Proof of right to occupy the proposed licensed premises	J
Proof of ownership of the proposed licensed premises or, if the applicant is not the owner, written consent from the owner of the proposed licensed premises that the applicant may use the proposed licensed premises for the purposes of the licence applied for	K

Down Time Lounge

Description of documents to be attached	Annexure
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the applicant if the applicant is a foreigner, or, in the case of an applicant other than a natural person, copies of the relevant registration documents indicating the identity and, where applicable, the financial interests of all members, directors, partners, beneficiaries or trustees	L
Proof of payment of the applicable application fee	M
A zoning certificate or a copy of a planning application submitted to the municipality concerned in terms of applicable planning legislation	N
Other documents required in the Act or required by the Authority	O
Proof of submission to DLO	P
A nomination for the appointment of a manager in accordance with regulation 22, if applicable	Q

Name, signature and contact details of person who prepared this application:

Name : Hannes Oberholzer

Signature : 


Postal address : P O BOX 282
CAPE GATE


Postal code : 75860

Physical address : 8 GERT KOTZE ROAD
BRACKENFELL

Postal code : 8135


Telephone numbers:

Office : 


Cell phone : 

Home or other : _____

Fax number : _____

E-mail address : 

Existing



LOUIS LOURENS
KOMMISSARIS VAN EDE
COMMISSIONER OF OATHS
PRAKTISERENDE PROKUREUR RSA
PRACTISING ATTORNEY RSA
8 GERT KOTZE STRAAT
BRACKENFELL 7560
GERSERTIFISEER AS WARE AFSCRIF
VAN OORSPRONKLIKE
CERTIFIED AS TRUE COPY OF ORIGINAL

28/9/2022

Down Time Lounge

1. DETAILS OF APPLICANT

1.1 Full name : **Kusha Business Solutions (PTY) Ltd**

1.2 Identity number : N/A

Registration number : **2021/710731/07**

1.3 Date of birth : N/A

1.4 Residential address

Postal code

1.5 Postal address

Postal code

1.6 Address for service of all notices and documents:

Industria

Postal code:

1.7 Address for service of all notices and documents after application has been determined:

1.8 Contact details of applicant or, if the applicant is not a natural person, of contact person:

Name : **Peter Luyt**

Telephone numbers:

Office

Cell phone

Home or other

1.10 E-mail address

Down Time Lounge

2. QUALIFICATION OF APPLICANT

2.1	Is the applicant someone who—	Mark "yes" or "no"	
(a)	has, within the five (5) years prior to the lodgement of this application, been sentenced to imprisonment without the option of paying a fine?	Yes	No ✓
(b)	has, within the five (5) years prior to the lodgement of this application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	Yes	No ✓
(c)	is an un-rehabilitated insolvent?	Yes	No ✓
(d)	is a minor?	Yes	No ✓
(e)	was the holder of a licence that was cancelled in terms of the Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of this application?	Yes	No ✓
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	Yes	No ✓
(g)	anyone who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	Yes	No ✓
2.2	In the case of an applicant who is not a natural person: Is any member, director, partner, beneficiary or trustee of the applicant a person described in paragraph 2.1(a), (b), (c), (d) or (e)?	Yes	No ✓

2.3 If any of the questions in paragraph 2.1 or 2.2 has "yes" as the answer, provide full details:

3. FINANCIAL INTEREST

3.1 State the name, identity number and address of each person, including the applicant, who has any financial interest in the business and in each case state the nature and extent of such interest:

Applicant:

Kusha Business Solutions (PTY) Ltd

ID :

Address :

Tel nr :



Down Time Lounge

(b)	are already erected but require additions or alterations to make them suitable for the purposes of the proposed business?	Yes	No ✓
(c)	are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for the purposes of the proposed business?	Yes ✓	No

4.7 If any of the questions in paragraph 4.6 (a) or (b) has "yes" as the answer, please state—

(a) the date when such erection, addition or alteration will commence:

N/A ; and

(b) the period that will be required for the erection, additions or alterations:

N/A

4.8 Trading hours sought during which it is proposed liquor may be sold or consumed on the licensed premises:

As regulated by the local Authorities.

4.9 Should the application be granted, indicate whether the licence will automatically be renewed on an **annual** ✓ ~~or biennial~~ basis. (Mark which is applicable.)

4.10 Jobs to be created:

(a) How many persons will be employed by the business?

5 (Five)

(b) How many persons will be employed as managers?


2 (Two) Applicant

(c) How many persons will be employed specifically for the sale of liquor? **1 (One)**

5. DETAILS OF APPLICANT IF APPLICANT IS NOT A NATURAL PERSON

(To be filled in if applicant is a company, close corporation, trust or partnership.)

5.1 Registered name: **Kusha Business Solutions (PTY) Ltd**

5.2 Registration number: 

5.3 Date of registration: **05/07/2021**

5.4 Details of members, directors, partners or trustees:

Director: **Peter Luyt**

ID nr: 

Residential address: 

Down Time Lounge

6. OTHER LICENCES

6.1 Give full details of any existing liquor licence on the property where the proposed premises are located: N/A

6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province, as well as full details of any registration held with the National Liquor Authority in terms of the Liquor Act, 2003 (Act 59 of 2003):

The applicant holds no other license in SA and none registered with the NLA.

18th September 2022

Date

18/9/2022

LOUIS LOURENS
KOMMISSARIS VAN EDE
COMMISSIONER OF OATHS
PRAKTISERENDE PROKUREUR RSA
PRACTISING ATTORNEY RSA
8 GERT KOTZE STRAAT
BRACKENFELL 7560
GERSERTIFISEER AS WARE AFSKRIF
VAN OORSPRONKLIKE
CERTIFIED AS TRUE COPY OF ORIGINAL

Signature of applicant or person

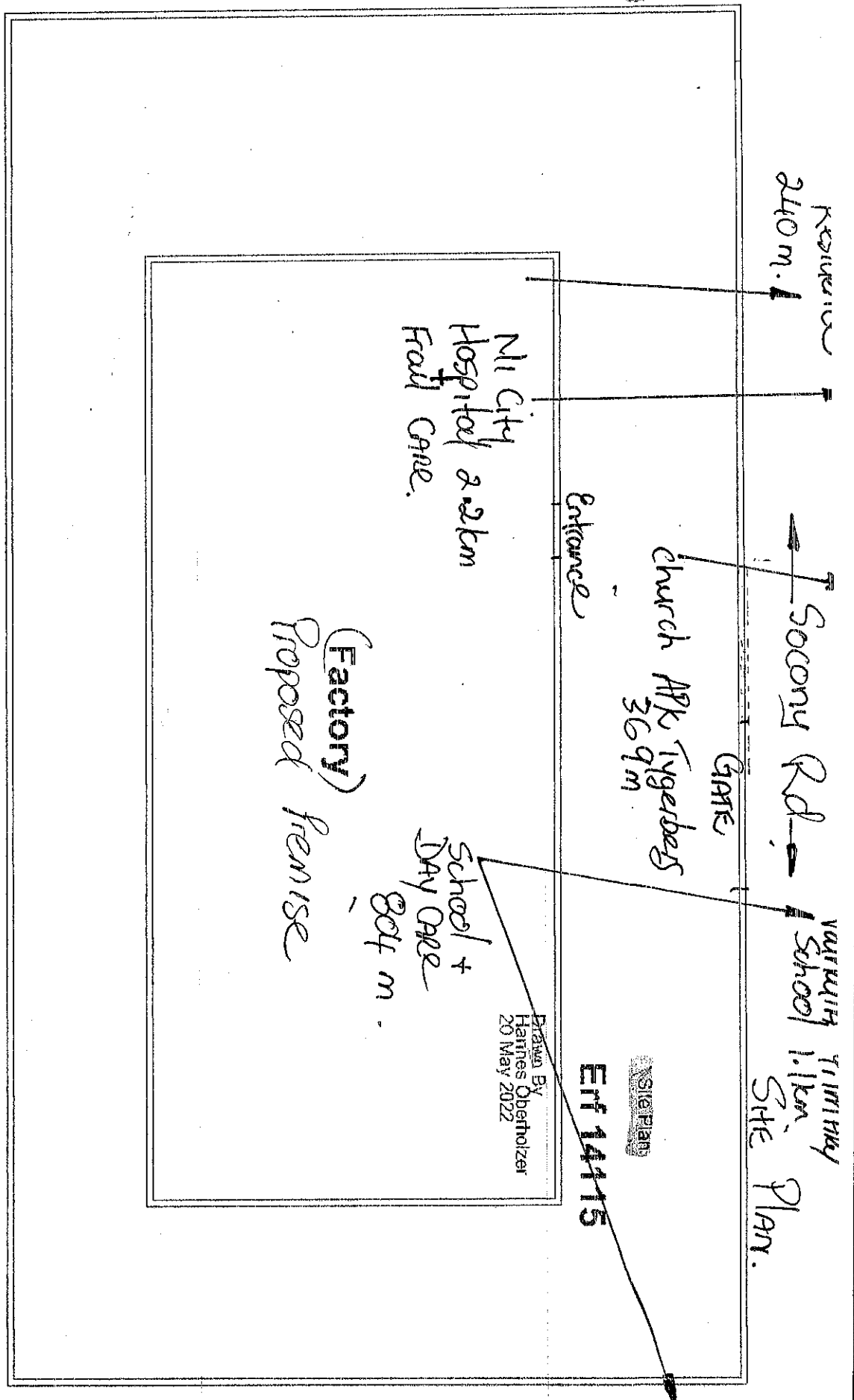
authorised by applicant.

Hannes Oberholzer

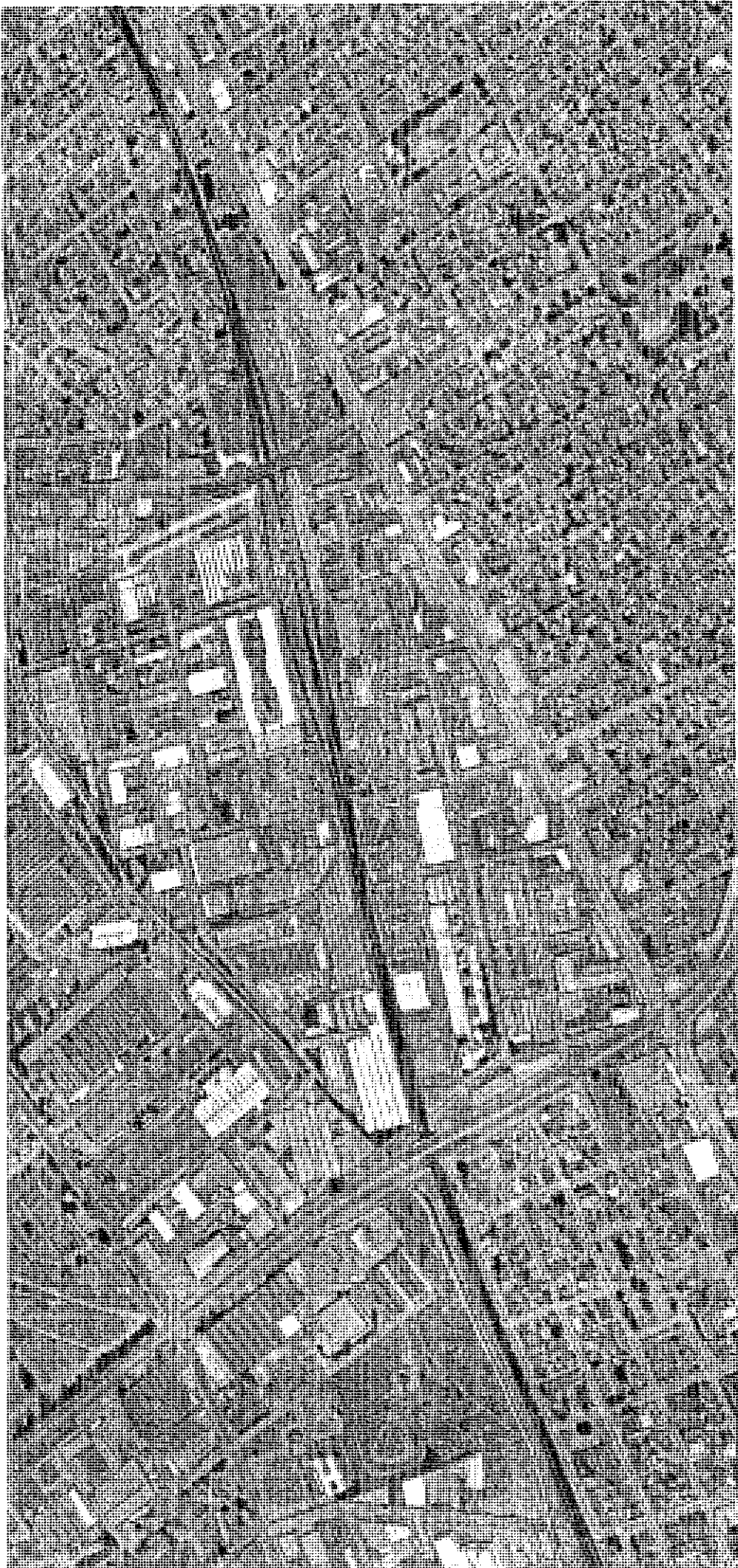
Print name

A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act. A person so convicted is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.

B



Locality Plan



C

Description of the premise

Annexure



Introduction

Down Time Lounge is situated at 11 Stark Road, erf 14115, Elsiesriver, Industrial, although the entrance is gain from Socony Road.

This is an application in terms of Section 36 of the Liquor Act, 4 of 2008 for an **ON-CONSUMPTION** liquor licence to be implemented on the proposed premise Known as Down Time Lounge.

The premise is situated on: 11 Stark Road, erf 14115, Elsiesriver, Industrial, Cape Town.

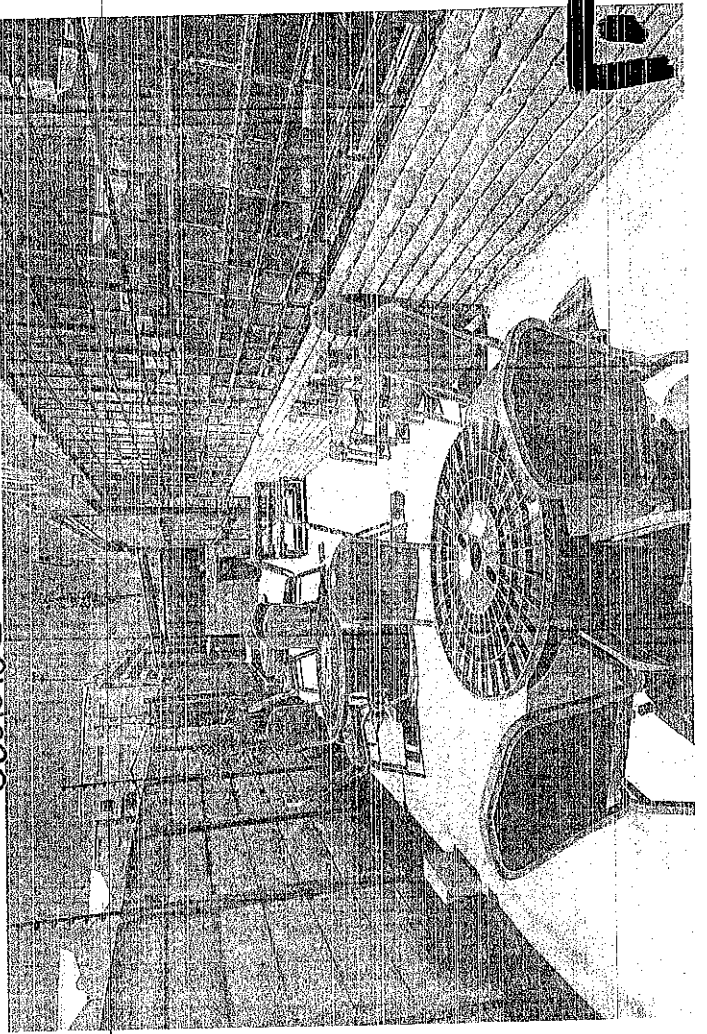
Building description

1. The building is a single storey, with no ceiling and IBR roof sheeting on the roof covering, supported by steel beams on the underside. The building is built with, brick, mortar, concrete and wood. There is a dedicated storage area for the alcohol on the premise as per the plan.
2. The building is this of a permanent structure, the floors are of wood, with carpet covering.
3. The door frames and windows are manufactured of Steel & wood.
4. The walls inside are, painted with décor covering. There is a separate cleaning and washing area for the dishes and glasses to be cleansed in the kitchen.
5. The tables and chairs are of Steel, wood, plastic.
6. The plates to be used are of ceramic as well as the cups and saucers. There is a dedicated kitchen area where food will be prepped, made and served from.
7. The glasses will be made of glass and not plastic. The knives, forks and spoons of stainless steel.
8. The lighting is of the convention globes and florescent tubing.
9. Ample dedicated parking space is available along the road side.
10. There is a fully equipped kitchen from where the food will be finalised and served.
11. There is only an inside seated area.
12. The service entrance will be through the main entrance in Socony road.

Outside Seated Area



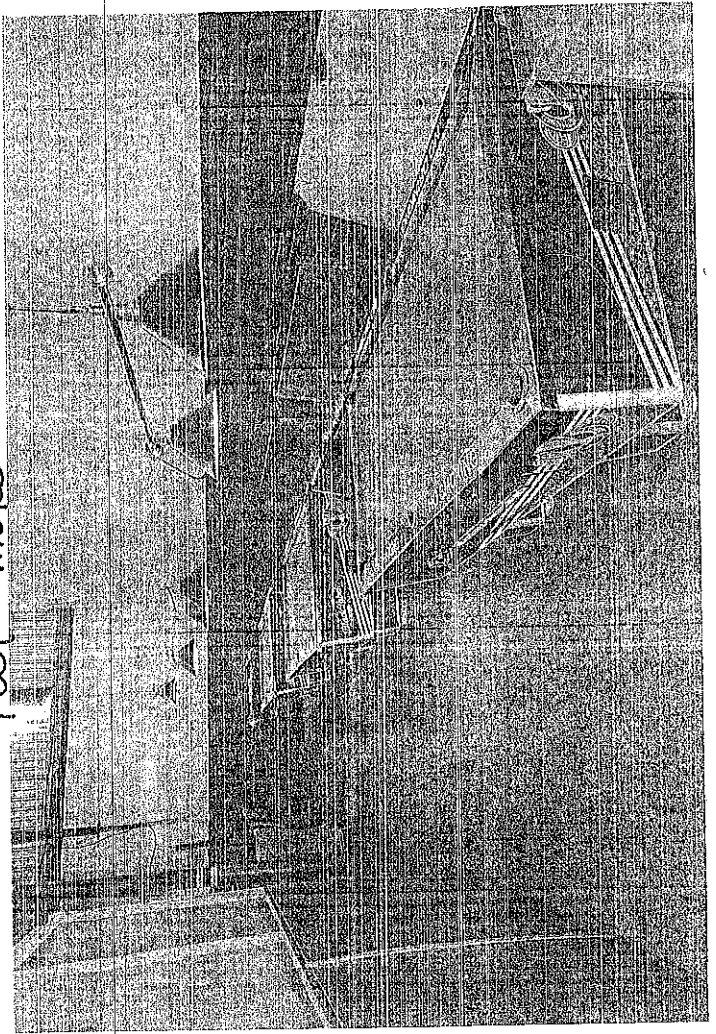
Outside Seated Areas



Entrance



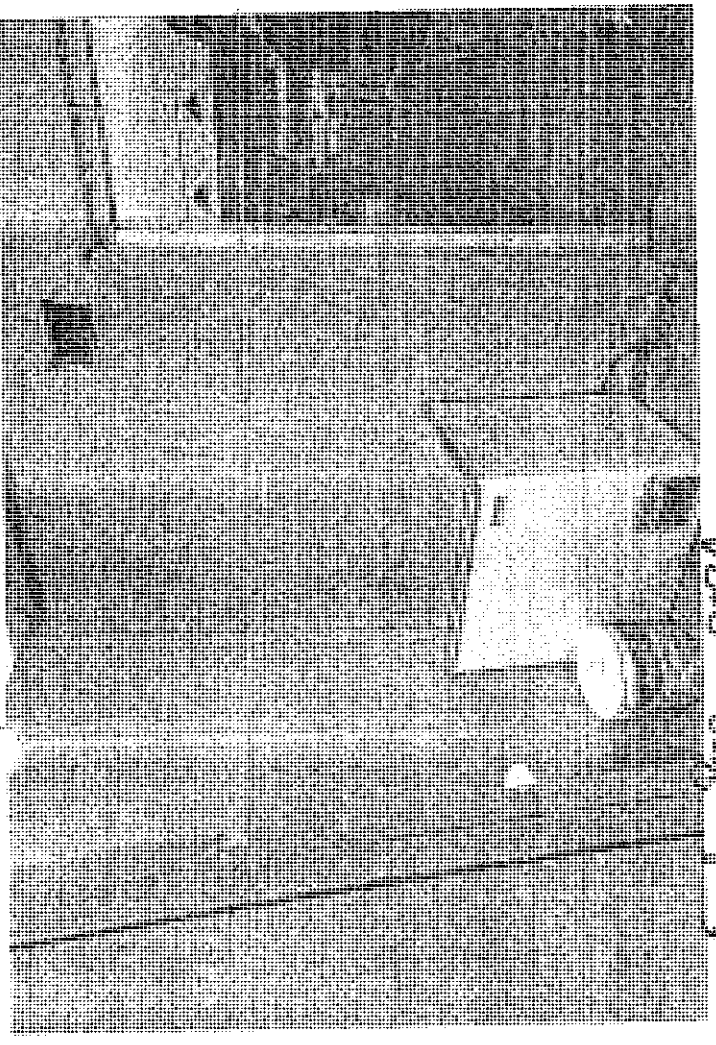
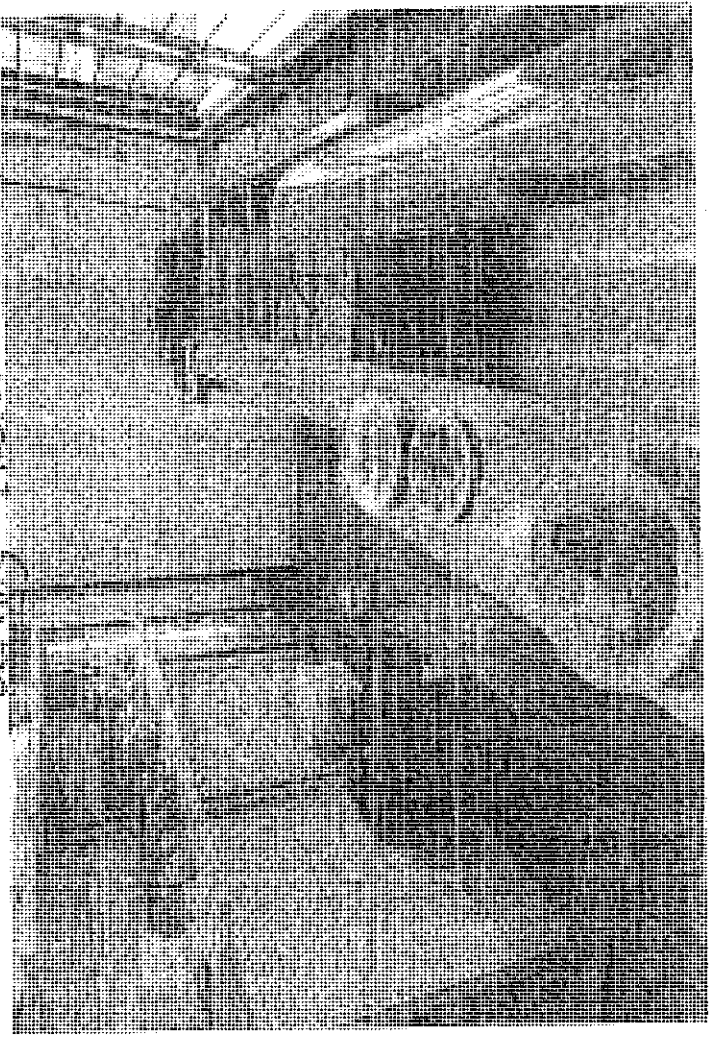
Pool Tables



kitchen



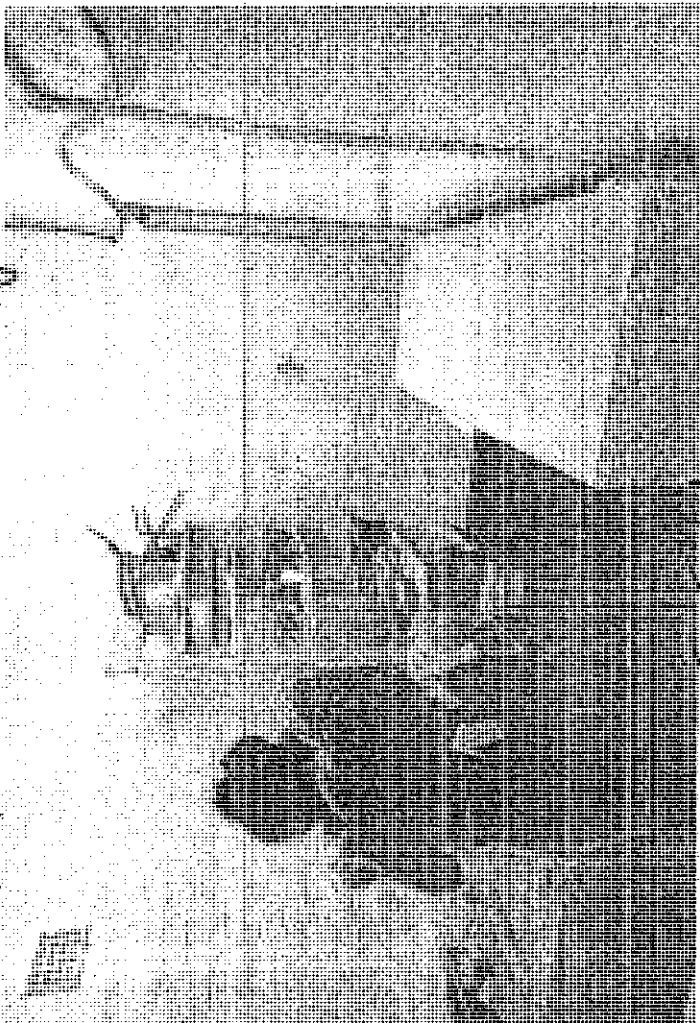
Servins Hotel - to Ochsuz



Front Prep Area



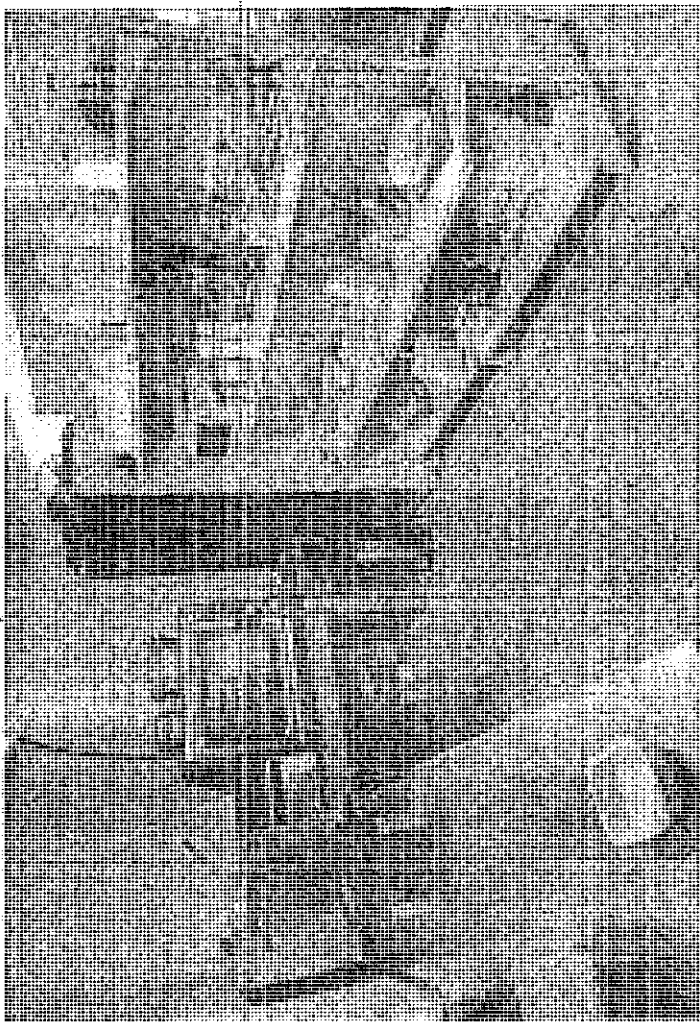
Food Prep + Liquor Storage Area



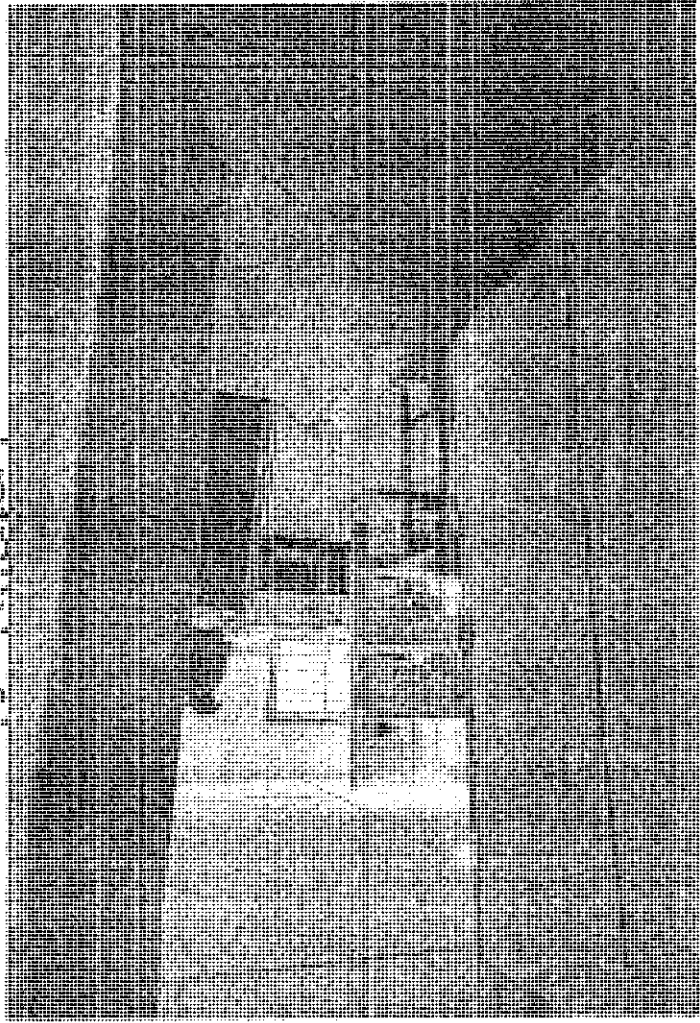
To 101/105



Kitchen



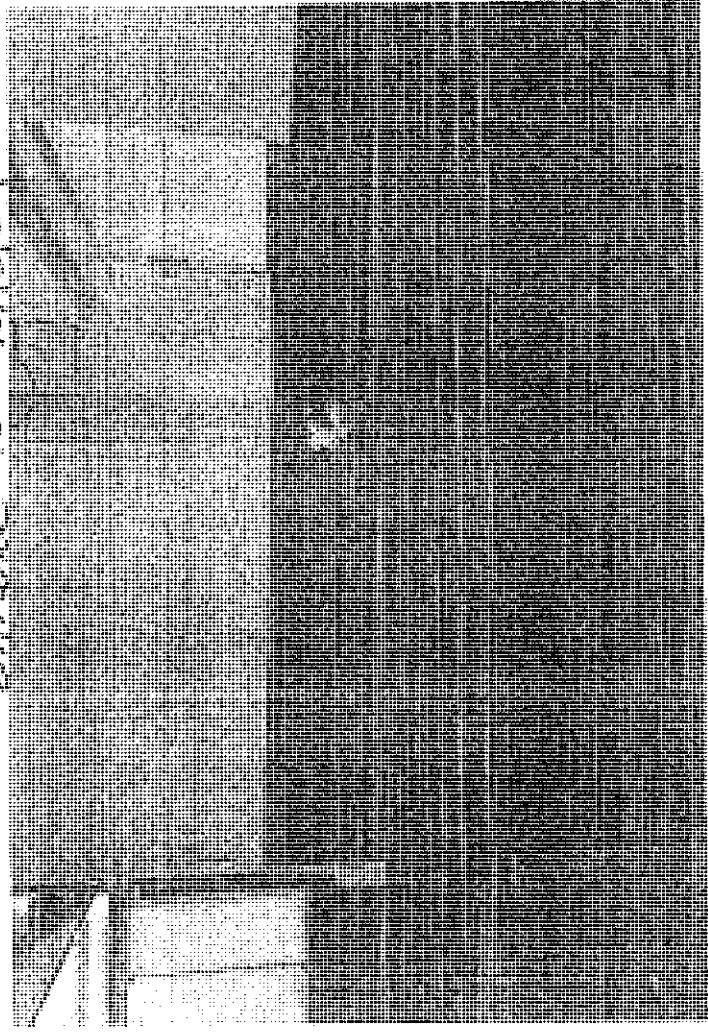
To kitchen



MSU Sealed Area



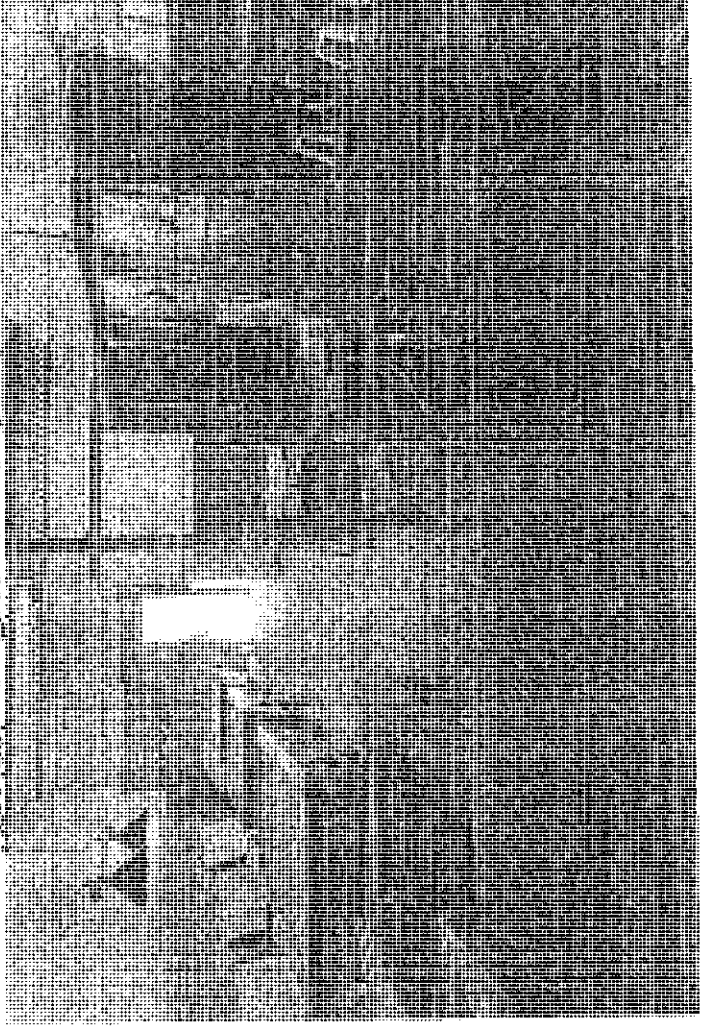
Entrance to toilets



Sealing Area



Sealed + Reinforced Area



F

COMPREHENSIVE WRITTEN REPRESENTATION IN SUPPORT OF APPLICATION

THE APPLICATION

This is an application in terms of Section 36 of the Liquor Act, 4 of 2008 for an ON-CONSUMPTION liquor licence to licence the premise that is situated at the proposed premises, 11 Stark Road, erf 14115, Elsiesriver, Industrial.

THE APPLICANT

The applicant is: **Kusha Business Solutions (PTY) Ltd**
ID/Reg no [REDACTED]
Address: [REDACTED]

Attached please find:

- (a) Copy of the Identity documents of the applicant;
- (b) Short CV of the director;

It is submitted that the director, also being a manager is not disqualified in terms of Section 35 and are in all respects fit and proper in terms of Section 35 of the Liquor Act. (Attached)

APPLICANT'S INTEREST IN THE LIQUOR TRADE

The applicant has no other interest in the liquor trade in the Western Cape and holds no registration at the NLA.

NOMINATED MANAGER 1.

The nominated manager is: **Peter Luyt, II** [REDACTED]
Residing at: [REDACTED]

The nominated manager is the director of the company. Attached hereto please find the following:

[REDACTED]

- (a) Copy of the Identity document of the Nominated manager;
- (b) Nominated Manager's CV
- (c) Nominated Manager's proof of residential address;

Declaration stating that he is not disqualified in terms of section 35.

NOMINATED MANAGER 2.

(d) The nominated manager is: **Rushwain Davids ID** [REDACTED]

Residing at: [REDACTED]

- (e) The nominated manager is an employee of the company. Attached hereto please find the following:
- (f) Copy of the Identity document of the Nominated manager;
- (g) Nominated Manager's CV
- (h) Nominated Manager's proof of residential address;
- (i) Declaration stating that he is not disqualified in terms of section 35.

Locality of proposed premise

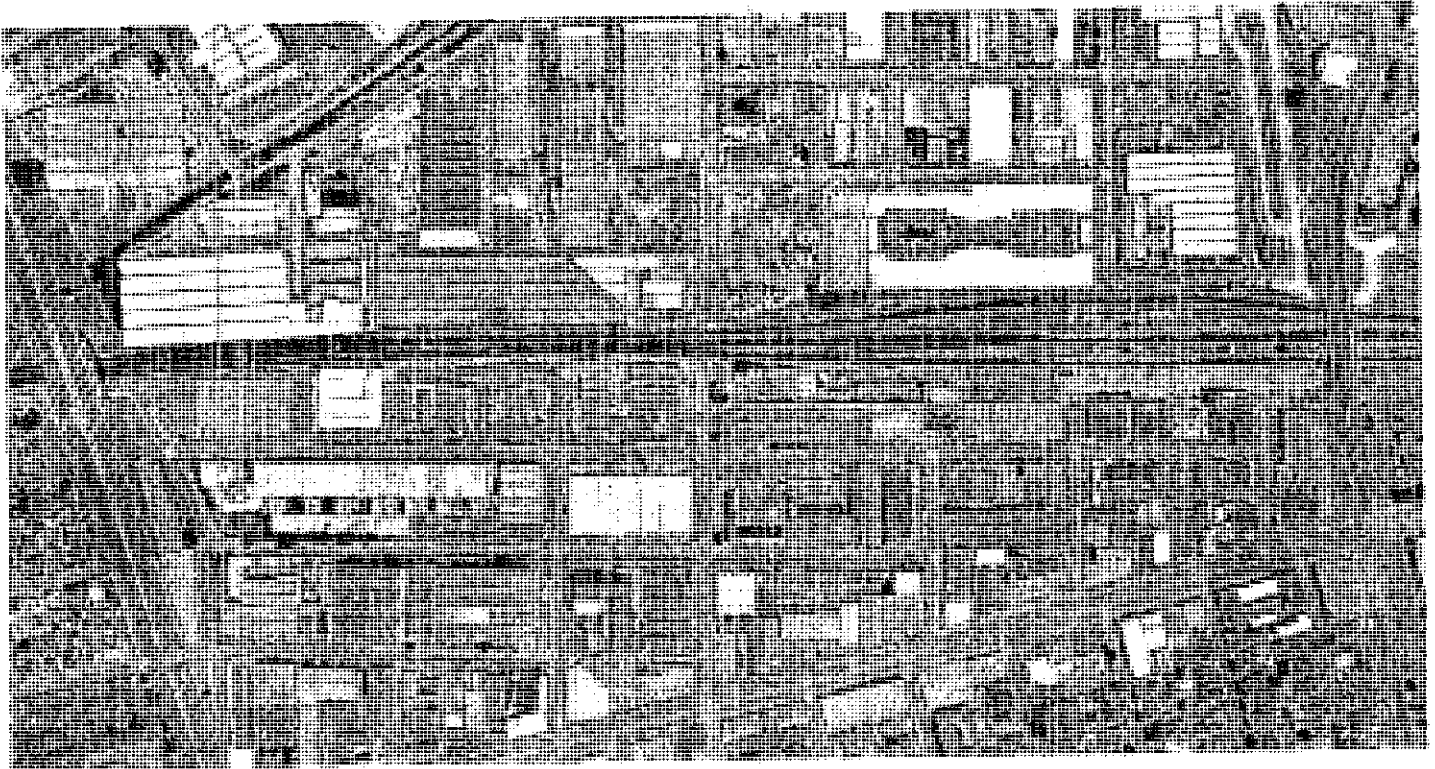
THE LOCATION OF THE PREMISES is:

Located at: 11 Stark Road, erf 14115, Elsiesriver Industrial.



8 Geri Kotze Street Brackenfell.
Cell [REDACTED]
Email [REDACTED]

Post Box 282 Cape Gate 7582
Fax [REDACTED]

THE BUSINESS

The business that the applicant operates at the proposed premises is that of an on consumption (Entertainment) facility, mainly servicing the daily local population, passing trade, residential and corporate sectors. Food and live music are intended to be played or alternatively a DJ.

The business is known as **Down Time Lounge**, is situated at **11 Stark Road, erf 14115, Elsiesriver Industrial Cape Town.**

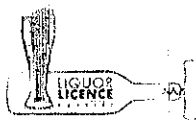
Other licensed outlets:

The applicant does not have any other licensed outlets registered in the Western Cape Province or with the NLA.

The nearest licensed outlet is situated outside a radius of 500m from the proposed facility.

The applicant acknowledges the prescribed trading hours in the Liquor Act and will not sell, supply or allow a contravention of the Liquor Act.

It is our further submission that the premises is completed and suited for the purposes for which it will be used under the licence as required by all authorities governing this industry.



8 Gert Kotze Street Brackenfell.
Cell [REDACTED]
Email [REDACTED]

Post Box 282 Cape Gate 7562

Alcohol to be sold by the applicant shall only be of the highest quality and will be suitable for the most sophisticated as well as other patrons and consumers.

All liquor will be stored on the proposed premises in the storage area as shown on the plan once licensed.

It is the submission of the applicant that the business will be carried out in a manner that would not disturb the proceedings in a place of employment, worship, school or prejudice the residents of the surrounding residential area.

The premise is already erected and is completed and furnished as per the attached plans and will be suitable for the type of licence that will be conducted thereon. A full description of the proposed premises is attached hereto.

RIGHT OF OCCUPATION

Proof of right of occupation is based on a lease contract attached hereto which permits the applicant to operate on the said premise for 5 years.
Consent use to trade with alcohol from the landlord is attached hereto as per the lease agreement.

The duration of the lease from date of occupation is stipulated as 5 (Five) years.

ABSENCE OF PREJUDICE

No entity will be adversely be affected by the operation of the business. It is therefore submitted that the location of the proposed premises is ideal and the premises is suitable as contemplated in **Section 34** of the Liquor Act 4 of 2008.

Section 34

The **estimated** location of the proposed premises in relation to the criteria stipulated in Section 34 are as follows:

- (a) Nearest **residence** is outside a radius of 270 m from the proposed premises.
- (b) Nearest **Church** is estimated to be 369 m from the proposed premises. (APK) Tygerberg.



8 Gerl Kotze Street Brackenfell.
Cell [REDACTED]
Email [REDACTED]

Post Box 282 Cape Gate 7562

- (c) Nearest **School** is estimated to be located 804 m from the proposed premises. (De Vrije Zee Primary School)
- (d) Nearest **Day Care** Centre is estimated to be located 804 m from the proposed premises. (De Vrije Zee Primary School)
- (e) Nearest **Old Age Home** or institute for the frail is located outside a radius of 500 m from the proposed premises.
- (f) The nearest **hospital** is estimated to be in a radius of 600 m from the proposed premises. (Elsies Day Hospital)
- (g) **The premise is not situated on the same erf as a fuel station.**

It is submitted that the granting of a liquor licence to this applicant in respect of the premises will not be prejudicial in any way to any person whatsoever.

PUBLIC INTEREST

The application relates to a business that will gain an enviable reputation for its service, convenience, food, employment and support to the local community.

It is the intention to control and operate the business with the utmost care and sensitivity by the applicant and its management.

In terms of *Section 34(a)* of the Liquor Act of 2008 the Liquor Tribunal shall not grant an application for any licence unless they are satisfied that the granting of the licence is in the public interest.

It is submitted that within the context of "*public interest*", the convenience to the portion of the public affected by the granting of the licence, as well as the promotion of healthy competition are factors which must be considered as per the competition act.

It is however submitted that the operation of the licensed business will be in the public interest and will not negatively affect the activities of a school or place of worship and will furthermore not inconvenience any members of the residential area, community, institution for the aged or frail, patients of an institution for drug or alcohol abuse or the community due to the following reasons:



8 Gert Kotze Street Brackenfell.
Cell [REDACTED]
Email [REDACTED]

Post Box 282 Cape Gate 7562

- (a) The application relates to a proposed new business;
- (b) The business intends to cater for mainly the residential, corporate sectors and will therefore not attract unwanted elements to the area.
- (c) No residents, schools, churches, day-care centres, old age homes or institutes for the frail or mentally ill will be negatively affected by the licensing of the proposed premises;
- (d) The applicant acknowledges the duty to ensure that the proposed premises and the business conducted thereon do not create any nuisance or disturbance to anyone;
- (e) The applicant will at all times be in proper control of the proposed premises and the business conducted thereon;
- (f) No liquor will be sold to persons under the age of 18 years;
- (g) No liquor will be sold at a time when the sale of liquor is not allowed, as per regulations stipulated by the local authorities.
- (h) This type of development will only have positive impact on the area.

With these facts and guidelines in mind, it is submitted that the issuing of a further liquor licence in this area will in normal circumstances be convenient to the public.
This type of business is a normal in South Africa.

STAFF MEMBERS

The applicant is assisted by the following staff members:

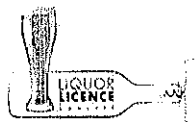
- (a) 1 x cleaners
- (b) 1 x chef
- (c) 2 x waiters
- (d) 2 x Mangers

ZONING

A copy of the Zoning certificate is attached hereto.

KINDS OF LIQUOR

The applicant intends to sell **All Kinds**



8 Gert Kotze Street Brackenfell.
Cell [REDACTED]
Email [REDACTED]

Post Box 282 Cape Gate 7562

AFFIDAVIT (TO SECTION 35 BY Director)



I, the undersigned Peter John Luyt ID [REDACTED]

being a director in terms of Section 36 of the Western Cape Liquor Act, Act 4 of 2008, as amended, in respect of premises that will trade as **Down Time Lounge**,

hereby state under oath as follows:

1. I am not disqualified from managing a liquor licence for any of the reasons as set out in section 35 (1) (a)-(g) of the aforesaid Act.
2. I declare/truly affirm that the information furnished in this declaration is true.

Signed at Brackenfell on this 23rd November 2021

Signature:

Peter John Luyt ID [REDACTED]

I hereby certify that the above deponent has acknowledged that he/she knows and understands the contents of this affidavit/declaration. He/she has no objection to taking the prescribed oath/affirmation; and he/she considers the prescribed oath/affirmation to be binding on his/her conscience.

Which was signed and sworn to/affirmed before me at Brackenfell on the 28th day Of January 2021 and that the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R 1648 of 19 August 1977 as, amended, has been complied with

LOUIS LOURENS
 KOMMISSARIS VAN EDE
 COMMISSIONER OF OATHS
 PRAKTISERENDE PROKUREUR RSA
 PRACTISING ATTORNEY RSA
 8 GERT KOTZE STRAAT
 BRACKENFELL 7560..

GERSERTIFISEER AS WARE AFSKRIF
 VAN OORSEPOONMAKERS
 CERTIFIED AS TRUE COPY OF ORIGINAL

(Full details and stamp on reverse of oaths)

23/11/2021



FORM 3A

**NOTICE OF APPLICATIONS FOR LIQUOR LICENCES IN TERMS OF SECTION 37(1)
OF THE WESTERN CAPE LIQUOR ACT, 2008**

[Reg. 10(1)]

Notice is hereby given that the following applications for liquor licences have been lodged with the Western Cape Liquor Authority (the Authority) and with the designated liquor officers at the indicated South African Police Service offices.

The applications concerned may, up to and including the 28th day from the date of publication of the application, upon request and free of charge, be inspected by any person, at the offices of the Authority or the designated liquor officer listed hereunder. Copies of an application can be obtained from the Authority after payment of the prescribed fee.

Objections and representations must be lodged in writing with the Authority and the designated liquor officer in accordance with section 39 of the Act.

WES-KAAPSE DRANKWET 4 VAN 2008 (WET 4 VAN 2008)

VORM 3A

**KENNISGEWING VAN AANSOEKE OM DRANKLISENSIES INGEVOLGE
ARTIKEL 37(1) VAN DIE WES-KAAPSE DRANKWET, 2008**

[Reg. 10(1)]

Hiermee word kennis gegee dat die volgende aansoeke om dranklisensies ingedien is by die Wes-Kaapse Drankowerheid (die Owerheid) en by die aangewese drankbeamptes by die aangeduide Suid-Afrikaanse Polisie dienskantore.

Die betrokke aansoeke kan, tot en met die 28ste dag vanaf die datum van publikasie van die aansoek, op versoek en gratis deur enige persoon besigtig word by die kantore van die Owerheid of die aangewese drankbeampte hieronder gelys. Afskrifte van 'n aansoek kan by die Owerheid verkry word na betaling van die voorgeskrewe fooi.

Besware en vertoë moet ooreenkomstig artikel 39 van die Wet skriftelik by die Owerheid en die aangewese drankbeampte ingedien word.