

Joint initiative : Observatory Civic Association / Observatory Neighbourhood Watch

Western Cape Liquor Authority Tribunal : Springboks Observatory Liquor Licence Application

# REPORT BACK

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Picture : Frank Schuitermaker

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## **Introduction**

Initially scheduled to start at 9AM at the Western Cape Liquor Authority (WCLA) in Bellville, upon arrival with Observatory resident, Roger Norton, we were informed that it would start at 10AM. Present was Anine Kriegler who was summoned by the WCLA as an 'expert witness' in her own capacity, and Warrant Officer Susan Muller.

## **Proceedings**

At 10AM we entered the Tribunal room and were introduced to the panel (seated on a stage area). They were a Lieutenant General from SAPS, a Mr Federicks (community rep), Cllr Van Rensburg, and Mr Willemse (Chair and Convenor).

Seated in front, to the left of the panel were Mr Harris, the owner of Springboks flanked by his lawyer from Bowmans.

After the introductions by the chair, we were explained how the proceeding will work. Firstly, the panel would hear the applicant represented by Bowmans, then W/O Muller, Annine, myself and Roger would be called in to testify, in that order. All present were summoned by the WCLA. I was there to represent both OCA and ONW on the behest of the ONW. On Tuesday evening, at the OCA Mancom meeting, I was granted the mandate to represent OCA as well.

What was astonishing, is that only after 2 hours of hearing Mr Harris and his lawyer, were the rest called in.

While waiting, I discussed with W/O Muller, having just checked the recently published minutes of SubCouncil 16 meeting held a week ago in October if she was aware of the astonishing fact that according to the minutes, Sub Council conditionally approved the licence. I have attached the resolution of that approval below. I have also attached the resolution of approving Lobey Fiesta, which the OCA also objected to.

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W/O Muller assured me that she objected (in the DLO report) the Springboks application. We were both uncertain as to why we were having this meeting with WCLA if SubCouncil had already approved the licence. It would seem, that the Sub Council process is but a recommendation that goes to the WCLA. She has availed herself to any meetings we wish her to attend in future. I found her most helpful.

### **Flaws in the Subcouncil minutes**

There are some serious flaws I picked up from the minutes of the SubCouncil 16 meeting :

1. That they did not receive a comment from the Ward. This is hugely problematic because Mark Neville and myself who both are Ward reps on the Ward 57 Ward Committee formally stated our objections. It cannot be understood how Cllr Chapple and Cllr Kempthorne did not address this at the Sub Council 16 meeting.

2. That Law Enforcement stated that the Bhuddist Centre is +400 meters from Springboks, as well as claiming that there were not churches, rehab centres, schools close to the venue. This is incredulous.

I drew up a list while waiting of all the institutions, including churches, the new mosque, FAMSA, Rape Crisis, The Buddhist Centre (50 metres away), Community Centre, etc that were in 100 to 300 metre radius from Springboks to present at the Tribunal.

After two hours, W/O Muller was called in. She was there for around 45 minutes. Following her was Anine Kriegler, and that must have been about an 1 hour and a half.

I will report on my experience in the room. I was called in just after 2PM. I had to swear under oath, and underwent a cross examination by the Bowman rep. It was unlike any Tribunal experience. I was there for about 50 minutes. During the exchange, I referenced the ONW and OCA reports.

***A short summary the engagement*** : I aim to try capture the sense of the meeting, these are not minutes, although the direct quotes are from memory and to my knowledge accurate.

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Though the questions asked at times seemed trite, the atmosphere and exchanges were very cordial without any outbursts, albeit tense.

## **Engagement**

The Bowman lawyer initiated the proceedings with a trope that his client had changed his ways in terms of his current business model as compared to the past, and wanted to start a nice family bistro, restaurant. That he was prepared to ensure that the sound issue in the back section would be solved by having a double door, and that the raising of the back wall, and a tent could be erected to further curtail the sound. He asked about how many members the OCA had, and later would try to use this number as a way to suggestively undermine the mandate of its representing the community. This rings a bell with Jodie of the River Club who claimed 'a handful of residents' are against his plans. I was also asked if the objection. was based on the extension plans at the back, and if this was resolved, would we support the application. He spoke of the fact that 10 cars can be parked at the back, empathising that they will not be parked in the private garages. I responded by that 10 cars parked at the back is hardly an answer to the parking situation both for his shop plans nor OBS.

To start, I gave the panel, Mr Harris and his lawyer, an historical framework of Observatory in the context of the saturation of alcohol license on Lower Main Road, the ineptness of law enforcement and SAPS to deal with new, additional liquor establishments, the relationship we have with crime in a precinct (Lower Main) that is responsible for 50% of the incidents of theft, and disturbance according to some stats we have.

I mentioned that trust with the applicant had deteriorated because of his renegeing on the terms of his temp license which was NOT to expand the back space. I mentioned that from the onset, his operational plans, after initial consultation, were wholly objected to by the community. I argued strongly on whether the applicant had engaged meaningfully with the nearby churches, mosque, NGO's that deal with rehabilitation, the FAMSA, Rape Crisis, and his bare minumim attempts of a public consultative process seeing as he was aware of the perception issue was insufficient and does not demonstrate an intention to co-exist with this comminuty, but shows rather intent to persue his business endeavor at all cost.

I argued strongly of the intense cultural values in Observatory, that we are in HPOZ, that we are entering into a LSDF process with the City, and that heritage is a major factor in our

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considerations, with National Heritage and broader and deeper recognition of heritage being pursued. That the community is considering what our future will be, and that the Lower Main Road is the cultural catchment area for public, South Africans, tourists, interns, and locals. I said the cultural value and contribution of the Springbok franchise in the area can be perceived as out of sync with a community's wishes of a safer, culturally rich, and historically sensitive suburb. I spoke about the 'perception' issue of a franchise that is synonymous to a culture of alcohol consumption that is not perceived as suitable. That his establishment brings with a latent trauma presupposed by the nature of previous business practice in other parts of Cape Town, and that building trust from the onset would have his biggest priority. That his move on rescinding on his word regarding the 'braai area' extension creating deep concern with neighbouring residents is something we cannot take lightly. I asserted that we are a 'thinking' community, a vibrant community, that take democratic processes with a degree of passion that underpin our sense of collective.

On suitability, I pointed out that one Mr Harris' of business licenses is titled Drunkard Pub, alongside Springbok Pub Newlands, Springbok Pub Stellenbosch, and now Springbok Pub Observatory. Mentioned was the fact that his 'annual Braai' competition was not an annual event for Observatory, and that his unilateral imposition of cultural claim of this sort was odd.

I said that the objection to his application was complex and not solely contingent on whether he would or would not build his outdoor braai area and sort out the sound.

The lawyer asked me what I thought if there would be any impact on the nearby churches, mosques, Bhuddist Centre etc seeing as there have received no complaints of noise from his clients establishment. I answered by saying :

- a) that, his temporary licence being granted was by no means an indication of community consent,
- b) and that simply and by law these particular institutions have to be considered,
- c) and the erasure and silencing of these institutions typified by the irregular report by Law Enforcement to Sub Council 16 is completely unacceptable.
- d) That regardless of anyone's 'thoughts' and opinion, that he and his client are obliged to follow the regulatory requirements.



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I did say that it was not a stretch of imagination to understand the anxiety of institutions dealing with rehabilitation and gender violence when they encounter, within their environment, business practices that could exacerbate the effectiveness of their aims to heal and restore. I assured the panel that it is the community's wish to build a safer community, not by curtailing business, but by placing limits on the current saturation of alcohol outlets abutting the residential zone that could pose a threat to community cohesion. The balance between business and residential livability is an important consideration.

The lawyer was at pains to point out that his client 'met with his neighbours and coffee with them in their homes, are you aware of this?' This was answered with, "yes, I am because everyone of them contributed to formulation oOf the objections received"

It was 3:10PM and was told time had run out. Was thanked and politely ushered out of the room. Roger Norton was asked to go next. In the room, he was told that time had run out, and his testimony won't be heard. Roger mentioned that the panel seemed genuinely aggrieved to have kept him waiting.

They will let us know the outcome.

Meeting ended formally around 3:20PM.

Kindest,

Tauriq

Chair OCA / ONW committee member