

Appendix A: Grounds of appeal or application for review

The grounds of appeal against the decision of the WC Liquor Authority to approve the license application made by the applicant seeking to extend his enterprise by operating from the open area behind the Springbok Pub are made on the following grounds.

Procedural Grounds:

1. The information provided to the Authority was incorrect. This meant that the WCLA could not make an informed decision as to whether the license was in the public interest or not and should trigger a review.
2. The Liquor Tribunal applied unfair discrimination in the way it considered evidence at the Tribunal.

Substantive Grounds:

3. The Liquor Tribunal did not assess the application reasonably when considering the balance of probabilities;
4. The Liquor Tribunal decision fails to take into account the Western Cape Alcohol Harms Reduction Policy when it is afforded sufficient latitude to do so under the existing law; rather, it interprets its mandate incorrectly and is exceedingly legalistically in a way that is not consistent with policy intent of the Western Cape government;
5. The Liquor Tribunal decision does not recognise the health impacts of its decision.
6. The Liquor Tribunal decision does not recognise the problems in the business model of the applicant
7. The Liquor Tribunal decision trivialises the risks to nearby residents
8. The conditions imposed by the Liquor Tribunal are not effective measures to address the risks to nearby residents
9. The conditions imposed by the Liquor Tribunal are unlikely to be implemented effectively and impose unreasonable burdens on residents to solve the problem