

Liquor Licence Application

Application Reference No	LLA25070005		
Section	SECTION 36 NEW APPLICATIONS	Received MSC	2025/6/4
SAPS Office	Cape Town Central Police Station	Date Received	2025/5/30
Applicants Name	Neighbourgood Food and Beverage PTY LTD		
Applicants ID or Reg No	2022/453319/07		
Kind of Licence	Consumption ON Premises		
Business Name	Ninety - Three		
Proposed Address	Erf: 2151, 93 , BREE STREET, CAPE TOWN CITY CENTRE		
SubCouncil Name	SC 16	Ward	115
Area	1	Date Submitted to SC	

SAS

FORM 3
APPLICATION FOR A LICENCE IN TERMS OF SECTION 36
[Reg.9(3)]

NEIGHBOURGOOD FOOD AND BEVERAGE (PTY) LTD
t/a NINETY-THREE
REGISTRATION NUMBER: 2022/453319/07

Erf 2151
93 Bree Street
City Centre
Cape Town
8001

(On- Consumption)

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

SOUTH AFRICAN POLICE SERVICES STATION COMMANDER CAPE TOWN 2025 -05- 3 0 CAPE TOWN STATION COMMANDER SOUTH AFRICAN POLICE SERVICES		Date stamp of Authority on registration board 04 JUN 2025 Name Signature
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Description of documents to be attached	Annexure
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1. DETAILS OF APPLICANT

1.1 Full name : Neighbourgood Food and Beverage (Pty) Ltd

1.2 Identity number
(If applicant is a natural person)

Registration number
(If applicant is not a natural person)

1.3 Date of birth
(If applicant is a natural person)

1.4 Registration address

Postal code

1.5 Postal address

Postal code

1.6 Address for service of all notices

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

1.8 _____, of contact person:

Home or other :-

- 1.9 Fax number
 1.10 E-mail address



2. QUALIFICATION OF APPLICANT

2.1	Is the applicant someone who—	Mark "yes" or "no"	
		Yes	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 unrehabilitated 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

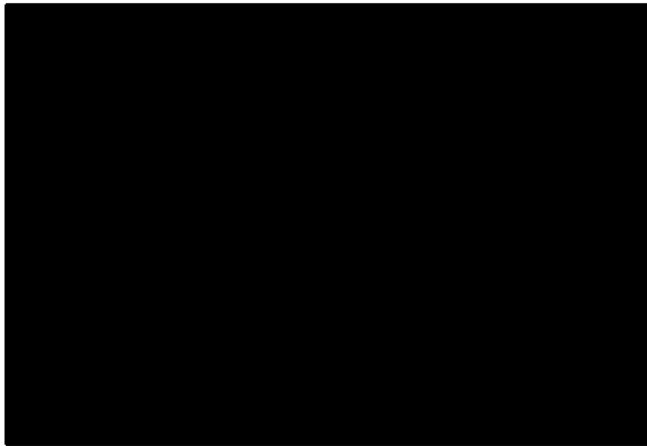
- 2.3 If any of the questions in paragraph 2.1 or 2.2 has "yes" as the answer, provide full details:
Not Applicable

3. FINANCIAL INTEREST

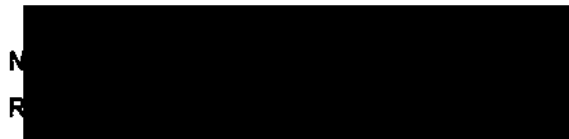
3.1 State the name, identity number and address of each person, including the applicant, who has any financial interest in the business and in each case state the nature and extent of such interest:

[If the applicant is a public company, statutory institution or co-operative as contemplated in the Co-operatives Act, 2005 (Act 14 of 1981), it is sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.]

Neighbourgood Food and Beverage (Pty) Ltd



The shareholding in the Applicant is as follows:



- Has acquired 100 ordinary no par value shares in the Applicant – 100%

Refer to Share Certificate filed under Annexure J4

3.2	If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 3.1 above—	Mark "yes" or "no"	
(a)	has a controlling interest in the company, close corporation or trust?	Yes	No
(b)	is a partner in the partnership?	Yes	No
(c)	is the main beneficiary under the trust?	Yes	No

3.3 If any of the questions in paragraph 3.2(a), (b) or (c) has "yes" as the answer, provide full details:

N/A

4. APPLICATION DETAILS

4.1 State the category of licence applied for:

On-Consumption

4.2 State the kind(s) of liquor the applicant intends to sell or manufacture under the licence:

All Kinds

4.3 Under what name is the business to be conducted?

Ninety-Three

4.4 Address of the premises to be licensed, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be, where the business will be conducted:

**Erf 2151
 93 Bree Street
 City Centre
 Cape Town
 8001**

4.5 Does the applicant own the proposed licensed premises? **YES / NO**

If not, give details of the owner and the applicant's right of occupation:

Owner's name :
 Owner's address :
 Applicant's right of occupation :
 Duration of right of occupation :

4.6 Is the application made in respect of premises that—	Mark "yes" or "no"	
(a) have not yet been erected?	Yes	No
(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:

Already commenced

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

2 months

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

As determined by the relevant municipality

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?

15

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

1

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

7

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: **Neighbourgood Food and Beverage (Pty) Ltd**

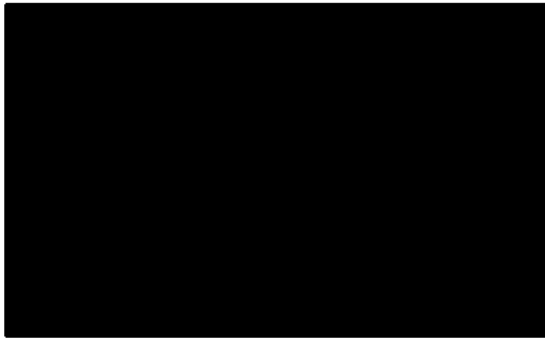
5.2

5.3



5.4 Details of members, director(s), partners or trustees:

The directors of the Applicant are as follows:



6. OTHER LICENCES

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

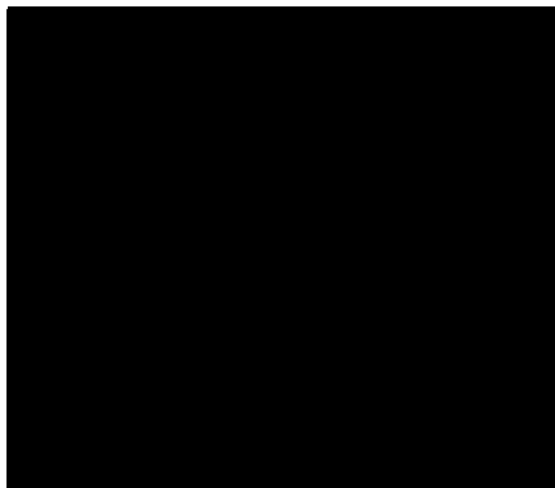
Licensee : N/A

Type of licence :-

Authority reference number :-

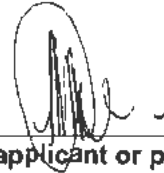
6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province, as well as full details of any registration held with the National Liquor Authority in terms of the Liquor Act, 2003 (Act 59 of 2003):

- **Company name changed from NBGD 7 (Pty) Ltd to Neighbourgood Food and Beverage (Pty) Ltd**



30 May 2025

Date



Signature of applicant or person
authorised by applicant

MELANIE GEGENHUBER

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.

93 Bree St



Map data ©2025 AfriGIS (Pty) Ltd, Google 20 m

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Google Maps

93 Bree St



Imagery ©2025 Airbus, Maxar Technologies, Vexcel Imaging US, Inc., Map data ©2025 AfrGIS (Pty) Ltd 20 m

Handwritten initials or mark, possibly 'B' or 'C'.

ANNEXURE D

DESCRIPTION OF THE PREMISES

This description of premises is in accordance with Regulation 9(4)(c) of the regulations issued in terms in Section 88 of the Western Cape Liquor Act, Act 4 of 2008, which description must be read in conjunction with the plan and photographs filed in support hereof.

1. THE PREMISES

- 1.1 The premises are situated at Erf 2151, 93 Bree Street, City Centre, Cape Town, 8001.
- 1.2 The premises are built however need to be shopfitted and equipped with some building work, which is in the process, and as evidenced from the colour photographs filed herewith marked **Annexure E**.
- 1.3 The premises will be that of an upmarket restaurant and bar.
- 1.4 The facilities are of an upmarket nature and are in keeping with the reputation which the Neighbourgood Group who have become well-known as a property development group in Cape Town over the past few years. A copy of the Applicant's Group, Neighbourgood Group, Property Portfolio is annexed hereto marked **Annexure J5**, which Property Group also has establishments located in the United States of America.
- 1.5 Entrance into the premises will be directly from the public walkway on Bree Street.
- 1.6 The new restaurant and bar establishment will comprise a bar counter/s, kitchen for the food preparation, a scullery and coldroom, liquor storage room,

waitron station, male and female cloakrooms, and tastefully decorated matching tables and chairs with leather couches intersped through the floor space and with eloquent wall hangings and paintings displayed on the walls.

- 1.7 The bar counters will comprise liquor display shelving and undercounter fridges.
- 1.8 A copy of the concept menu showcasing the food of offer at the premises is filed under **Annexure P** hereto.
- 1.9 There is ample street parking and parking garages in close proximity to the premises.
- 1.10 Loading bays for deliveries are located on Bree Street.
- 1.14 Indexed colour photographs showing the premises in it's currently state are annexed hereto marked **Annexure E**. A final set of colour photographs will be submitted to the Liquor Authority soonest the premises are complete.



**COLOUR PHOTOGRAPHS OF
THE PREMISES IN IT'S
CURRENT STATE**

NEIGHBOURGOOD FOOD AND BEVERAGE (PTY) LTD

NINETY-THREE

111

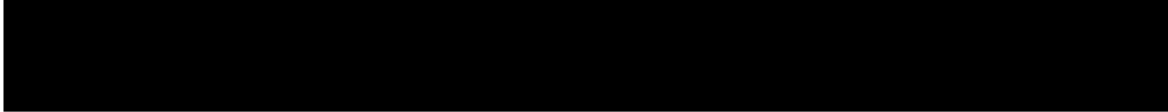


2

(1) Exterior façade of the proposed premises

ANNEXURE F

WRITTEN REPRESENTATIONS IN SUPPORT OF THE APPLICATION

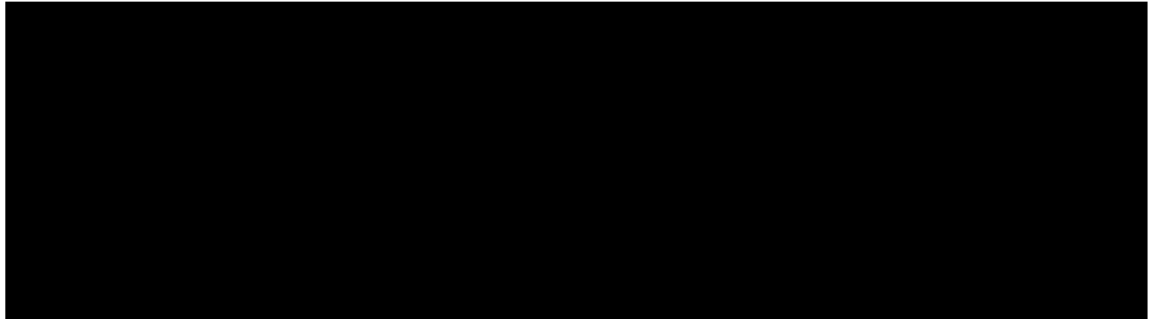


licence in terms of Section 33(1)(b) read with Regulation 9 of the Regulations issued in terms of Section 88 of the Western Cape Liquor Act, Act 4 of 2008.

The Liquor Authority is requested to take the following representations into consideration:

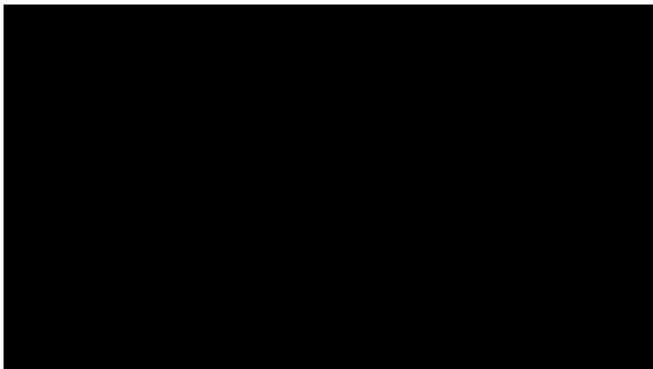
1. THE APPLICANT

1.1



1.2 The Company changed it's name from NBGD7 (Pty) Ltd to Neighbourgood Food and Beverage (Pty) Ltd on 18 March 2024, and as evidenced from the Company documentation annexed hereto marked **Annexure J3**.

1.3 The directors of the Applicant are as follows:



1.4 The shareholding in the Applicant is as follows:

- Neighbourgood Property Holdings (Pty) Ltd



- Has acquired 100 ordinary no par value shares in the Applicant.

Refer to Share Certificates annexed hereto marked **Annexures J4**.

1.5 Neighbourgood Food and Beverage (Pty) Ltd, is part of the Neighbourgood Group, which Group specialises in rejuvenating properties with the aim of creating co-living and co-working spaces. The Neighbourgood Group currently owns and operates at the Cape Quarter Living De Waterkant, Cape Quarter Work De Waterkant, Old Cape Quarter De Waterkant, Bree Workspace Cape Town, CBD, Romney Living Green Point, East City Living Cape Town CBD and at the Homecoming Centre Cape Town CBD to name but a few, and also has establishments located in the United States of America. A copy of the Applicant's Group current Property Portfolio is annexed hereto marked **Annexure J5**.

1.5 Mr Clark is a professional businessman who has over his 15 years work experience, founded multiple companies across the construction, property development, private equity and food and beverage sectors.

1.6 He is also the Co-Founder and CEO of Neighbourgood.

1.7 Mr. Da Silva is a professional businessman who has owned and operated licensed establishments for a number of years and is the Head of Food and Beverage for Neighbourgood since March 2024.

1.8 Mr. Da Silva is to be the appointed manager of the premises as more fully set out in the Section 52 filed herewith. A request for manager training has been sent to

the Liquor Authority and a copy of his Training Certificate will be submitted soonest received.

2. THE AREA/ZONING

- 2.1 Bree Street is made up of a collection of eclectic venues, restaurants, cocktail bars, dance venues and with a number of licensed establishments located in the popular Street.
- 2.2 The premises are zoned Mixed Use 3 and are therefore correctly zoned for the usage as that of an on-consumption upmarket restaurant and bar.
- 2.3 A copy of the Zoning Certificate is annexed hereto marked **Annexure L**.

3. CONCEPT OF THE BUSINESS

- 3.1 The business is that of a tastefully decorated and upmarket restaurant and bar.
- 3.2 The licensed establishment will offer food of high quality and locally produced products. A copy of the concept menu is attached hereto marked **Annexure P**.

4. PUBLIC INTEREST

- 4.1 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 seriously considered.

5.2 In amplification of the reference to public interest as set out in paragraph 4 above, the Applicant refers the Board to the decision in **Maharaj vs Chairman, Liquor Board 1997(1)SA273**, where Nicholson J in the Natal Provincial Division considered, *inter alia*, the phrase 'in the public interest'.

Nicholson J at 278 and 281G-I held that the fact that the Chairman of the Board should not grant a licence unless he was satisfied that it was in the public whose interest was to be served as necessarily to be widely representative of the general public.

It meant that the public would be better served if the Applicant were granted the licence than that the existing state of affairs were to continue, and it was not the national interest that was intended, but that of the inhabitants in the area for which the licence was sought or visitors to the area.

Nicholson J then goes on to consider the effect of the refusal, and concluded that, in the circumstances, the interest which benefited from the refusal of the licence was that of a personal and commercial interest of the other licensees in the area.

5.3 Specifically within the context of this application, it is submitted that the only interest which will benefit from the refusal of this licence will be that of other similar licence holders, which is not a public interest, but a personal and commercial interest. Whilst Nicholson J considered the interpretation of a section in terms of the 1989 repealed Liquor Act, it is submitted that the

reasoning remains relevant in the context of Section 34(a) of the Western Cape Liquor Act of 2008, which obliges the Tribunal to determine whether the granting of an application is in the public interest.

5.4 I respectfully also refer the Tribunal to **ASKO Beleggings v Voorsitter van die Drankraad NO EN Andere 1997(2) 8A57NKA** where Steenkamp R, in referring to public, remarked as follows on p66H:

“Om te oordeel of die bestaan van die aansoek in die openbare belang is, moet daar na die betekenis van die begrip ‘openbare belang’ gekyk word. ‘Openbare belang’ is ‘n wye en onsekere begrip. Selfs die begrip ‘gemeenskap’ het onsekere betekenis soos dit duidelik in die saak van **Jennings v Stephens [1936] 1 All ER 409 (CA)** deur Lord Wright aangetoon word, waar hy die volgende se op 412:

“The public” is a term of uncertain import; it must be limited in every case by the context in which it is used. It does not generally mean the inhabitants of the world or even the inhabitants of this country. In any specific context it may mean for practical purposes only the inhabitants of a village or such members of the community as particular advertisements would reach, or who would be interested in any particular matter professional, political, social, artistic, or local. In the case of dramatic work the public may be regarded as including persons to whom the drama appeals, but that again must be limited by local or other conditions. Thus it is clear that by “public”

is meant, in the words of Bowen LJ, "a portion of the public". That particular portion of the public which is meant may sometimes be very small indeed".

5.5 It is finally submitted that the granting of this application cannot in any way negatively affect residents of a residential area, the residents of an institution for the aged or frail, the learners of an educational institution under the age of 18 years, the patients of an institution for drug or alcohol related dependencies, or the congregants of a religious institution located in the vicinity of the proposed licensed premises located in a predominantly mixed use area, given that there are a number of other licensed premises in close proximity to the new restaurant. The licensed premises will have no negative impact with regard to the persons and institutions referred to above, thereby meeting the qualifying criteria as envisaged in terms of Section 34(e) (i-v) of the current Act. In amplification of the above and given the knowledge of the Applicant with regards to licensed establishments, it is submitted that the granting of this application will not in any way impact negatively on the activities of the surrounding community.

For all the above reasons the Tribunal is respectfully requested to grant this application at the first available opportunity.

REPRESENTATIONS WITH REGARD TO SECTION 34 TO PROVE ON A BALANCE OF PROBABILITIES WHY THE GRANTING OF THE LICENCE WOULDN'T BE PREJUDICIAL, THE PREMISES WOULD BE SUITABLE OR WILL BE IN THE PUBLIC INTEREST

Section 34: Criteria for the granting of a licence and public interest/no prejudice:

- 1.1 Insofar as the above is concerned, the Applicant submits that it meets the criteria for the granting of the licence, in that the controller of the Applicant Company is a suitable person as envisaged in terms of Section 35 of the Act to be in possession of a liquor licence.
- 1.2 The premises are situated at Erf 2151, 93 Bree Street, City Centre, Cape Town, 8001.
- 1.3 The Applicant has the right to occupy the premises as evidenced from the documentation filed under **Annexure I** hereto.
- 1.4 The granting of the application will not cause any prejudice to the residents of a residential area, residents of an institution for the aged, learners of an educational institution under the age of 18 years and/or the patients of an institution for drug or alcohol related dependencies, nor the congregation of a religious institution.

Balance of probability:

Within the context of the application, it is submitted that on a balance of probabilities, the following factors exist:

- 2.1 The Applicant is suitable to hold a liquor licence in terms of Section 35 of the Western Cape Liquor Act, and the premises are suitable and correctly zoned for it's intended purpose as that of an on-consumption restaurant and bar.