

REPORT TO SUBCOUNCIL 22



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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1. **ITEM NUMBER:** 22SUB12/11/20

2. **SUBJECT**

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 11:00 TO 18:00 ON SUNDAY FOR OFF-CONSUMPTION PREMISES IN RESPECT OF PICK 'N PAY RETAILERS IN WARD 17 – REFERENCE NUMBER: 185625

ISIHLOKO

ISICELO SOKWANDISWA KWEYURE ZOKUTHENGISWA KOTYWALA UKUSUSELA KWEYE- 11:00 UKUYA KWEYE-18:00, NGECAWE KWIZAKHIWO EKUNGASELELWA KUZO NGOKUJOLISWE, PICK 'N PAY RETAILERS KWA-WADI 17 – REFURENSI NAMBA: 185625

ONDERWERP

AANSOEK OM VERLENGING VAN DRANKHANDELSURE SONDAG VANAF 11:00 TOT 18:00 VIR BUITEVERBRUIKSPERSEEL TEN OPSIGTE VAN PICK 'N PAY RETAILERS VAN WYK 17 – REFERENCE NOMMER: 185625

3. **PURPOSE**

To decide on an application for extension of liquor trading hours in terms of Section 6(1) of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law, 2013

4. **FOR DECISION BY**

Subcouncil in terms of Delegation 5(2)

To approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted in terms of Section 2 of the By-Law: Control of Undertakings that Sell Liquor to the public 2013.

5. EXECUTIVE SUMMARY

The City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law, 2013, was promulgated on 17 January and coming into effect on 01 February 2014.

An application for extension of liquor trading hours in terms of Section 6 (1) of the By-law was submitted to the Health Directorate and circulated to the relevant departments for comment. The fully signed application, including all required comments was emailed to the Manager Subcouncil 22, respective Ward Councillor, all organisations on community organisations database of Subcouncil 22 including Ward 17 Committee members for comment and input.

Clause 9 of the By-law requires that the City must, before approving an application for the extension of trading days and hours, reasonably and fairly consider further factors which must include, inter alia-

- (a) the validity of the liquor licence;
- (b) where applicable, the validity of a business license issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991);
- (c) location category as per the Schedule;
- (d) previous suspension, amendment or revocation of extended trading days and hours including previous records of complaints investigated and confirmed in respect of the last twelve months preceding a current application for extension;
- (e) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
- (f) outcome of community consultation and the recommendation of the relevant ward;
- (g) the potential impact on the surrounding environment;
- (h) whether it is in the public interest to approve and grant an extension of trading days or hours; or
- (i) a motivation from the applicant dealing with the impact of –
 - (i) the risks to and nuisances on the surrounding community;
 - (ii) mitigation measures to assist the control of risks and nuisances; and
 - (iii) possible benefits of extended liquor trading hours and days on the surrounding community.
- (10) The basis and rationale behind all decision-making must be recorded.

6. DISCUSSION

6.1 Section 6 (1) of the By-Law reads as follows:

6(1) Subject to subsection (5), (6) and (7) a licensee may upon payment of the required fee, submit a written application to the City to extend the liquor trading days and hours of licensed premises.

6.2 The following application for extension of liquor trading hours in terms of Section 6 (1) of the By-law has been received by the Subcouncil:

PICK 'N PAY RETAILERS

6.2.1 Details of application: **Annexure A**

- **PICK 'N PAY RETAILERS**
- Liquor Licence No: WCP/028343
- OFF Consumption
- **Erven 5861, Eersteriver Shopping Centre, Cnr Main Road & Forest Drive, EERSTERIVER, 7100**
- Current trading hours: closed
- Business License

6.2.2 Subcouncil Manager confirmation: Advertising extent (Community participation) – notices served on and received the following comments:

- Ward Councillor: Cllr S Oerson
Withheld until discussion as Subcouncil meeting
- Community Organization: 2020/10/14 as per database:

No response received.

- **Internal Departments:**

❖ Law Enforcement Squad

Pertaining to the mentioned premises, namely, Pick 'n Pay Retailers(Eersteriver), situated at Eersteriver Shopping Centre, Cnr Main Road & Forest Drive, Eersteriver. It was ascertained that the applicant did renew his liquor license for 2020, no complaints were received by the Liquor Unit with regard to this establishment. This application was submitted to the Provincial office of SAPS Liquor Control for comments, however, no feedback has been received due to Covid-19 Pandemic and the SAPS maintenance lockdown regulations.

7. RECOMMENDATION

That Subcouncil 22 considers the application for the extension of liquor trading hours submitted by **PICK 'N PAY RETAILERS** license reference no: WCP/028343 situated at Erven 5861, Cnr Main Road & Forest Drive, Eersteriver and to resolve, refuse or vary the application for the extension of liquor trading hours from 11:00 till 18:00 on Sunday's.

ANNEXURE A:

Application for extension of liquor trading hours received from Pick 'n Pay Retailers on 11 September 2020

FOR FURTHER DETAILS CONTACT:

NAME	Shirley Lumkwana
CONTACT NUMBERS	021 400 2353
E-MAIL ADDRESS	Shirley.Lumkwana@capetown.gov.za
DIRECTORATE	URBAN MANAGEMENT

Mzuvukile Nikelo

CHAIRPERSON: SUBCOUNCIL 22

NAME **MZUVUKILE NIKELO**

DATE **13.11.2020**

Comment:

☐ REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

[Signature]

Comment:

ACTING MANAGER: SUBCOUNCIL 22

NAME **LORRAINE FROST**

DATE **13.11.2020**

☐ REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
