

REPORT TO SUBCOUNCIL 20

12

1. ITEM NUMBER:

20SUB54/9/19

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP002922/A:- LIQUOR CITY RETREAT, ERF 146733, 353 MAIN ROAD, RETREAT, 7700 (OFF CONSUMPTION - MONDAYS TO SATURDAYS)

3. PURPOSE

To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours applicable to Section 6(5)A of the City of Cape Town Liquor Trading Days and Hours By-Law 2013 as amended.

4. FOR DECISION BY

Delegation Part 24-4 (2) To approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted

5. EXECUTIVE SUMMARY

The Liquor Trading Days and Hours By-Law, 2010 as amended by the Liquor Trading Days and Hours By-law, 2012 requires that the needs of the community and the liquor license holder are considered by following due administrative processes. The application before Subcouncil 20 is at the stage where public participation was facilitated by the administration of Subcouncil and the comments from the affected stake holders are attached for the Subcouncil to approve, refuse or vary the application for the extension of trading days and hours, Mondays to Saturdays from 18H00 until 20H00 for Consumption OFF premises applicable to the business trading as Liquor City Retreat, Erf 146733, 353 Main Road, Retreat, 7700.

SUBCOUNCIL 20 RECEIVED

2 6 AUG 2018

CITY OF CAPE TOWN

6. DISCUSSION

- 6.1 Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of addresses the Notice of Application process. Section 37(4), (5) and (6) of the Act reads as follows:
- "(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—
- (a) where section 36(1)(c) applies—
- (i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;
- (ii) obtain the comment of the ward councillor;
- (iii) comment on the application; and
- (iv) allow for the consideration of the planning application in relation to the application for a liquor licence; or
- (b) where section 36(1)(c) does not apply—
 - (i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;
 - (ii) obtain comment of the ward councillor; and
 - (iii) comment on the application.
- (5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must or the municipality **may**, within the prescribed time, give notice of the application to—
 - (a) neighbouring residents or such persons who in his, her or its judgement may be affected by, or have an interest in, the granting or refusal of the application; and
 - (b) the community policing forum, if any, of the area in which the premises are located.
- (6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate."

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- 6.2 The following application for the extension of liquor trading days and hours was received by the Subcouncil from the City's Environmental Health Office:
- 6.2.1 Details of applicant:
 - WCP002922/A
 - Manuel George Calaca
 - Liquor City Retreat
 - Erf 146733
 - 353 Main Road, Retreat, 7700
- 6.2.2 Subcouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following Comments -
- CHAIRPERSON SUBCOUNCIL 20: lan iversen No Objection – Annexure B

WARD 71 COUNCILLOR: Penny East

No comment was received during the public participation stage

- Community Based Organizations: As per CBO Database:
 No comment was received during the public participation stage
- CPF:

No comment was received during the public participation stage

- Internal departments:
 - **❖** Town Planning:

Not applicable for extended liquor trading hours

Health:

No comment was received during the public participation stage

Law Enforcement:

Supported - Annexure C

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7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Liquor City Retreat, Erf 146733, 353 Main Road, Retreat, 7700, Reference No WCP002922/A:- for the extension of trading days and hours Mondays to Saturdays, 18H00 until 20H00 for Consumption OFF Premises, be APPROVED, REFUSED or VARIED.

If Not Supported, Note the following grounds for disqualification.

Criteria for granting licences

- 31.(1) The Liquor Licensing Tribunal or Presiding Officer, as the case may be, <u>may not grant a licence</u>, unless it or he or she is satisfied on the balance or probabilities that -
- (a) the granting thereof is in the public interest;
- (b) the applicant is of good character, and not disqualified from holding a licence in terms of section 35;
- (c) the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;
- (d) the applicant has the right to occupy the proposed licensed premises; and
- (e) the granting of the application does not prejudice -
 - (i) the residents of a residential area;
 - (ii) the residents of an institution for the aged or frail;
 - (iii) the learners of an educational institution who are under the age of eighteen (18) years;
 - (iv) the patients of an institution for drug or alcohol related dependencies; or
 - (iv) the congregants of a religious institution located in the vicinity of the proposed licensed premises."

Reasons for Non Support:

The granting of the application prejudices-

- (i) the residents of a residential area;
- (ii) the residents of an institution for the aged or frail;
- (iii) the learners of an educational institution who are under the age of eighteen (18) years;
- (iv) 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."

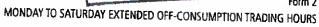
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Liquor License WCP002922/A:- Liquor City Retreat, Erf 146733, 353 Main Road, Retreat, 7700 (Off Consumption – Mondays to Saturdays)

NAME	Richard White
CONTACT NUMBERS	021 444 8112
E-MAIL ADDRESS	Richard.White@capetown.gov.za
DIRECTORATE	Urban Management

	Comment:
Richard White MANAGER: SUBCOUNCIL 20	
DATE 26 August 2010	1

Form 2



CITY HEALTH



CITY OF CAPE TOWN SIXERO SASEKAPA STAD KAAPSTAD

All feldes must be filled in DETAILS OF LICENCE 1. Liquor license mumber LICENCE 2. Full name of licensee LIQUOR CITY 13 (PTY) LTD 3. If the licensee is not a natural person, state the name, identify number and address of each shareholder, member or partner, (use an annexure if required) MANUEL COSTA DE ATOLIQUIA ID: 04405035C3S184 21 SCRIBANTE ST LIBRADENE ROKSBUCG 1459 4. Name and address of the licensed premises LIQUOR CITY 13 (PTY) LTD 35.3 MAIN ROAD RETLEAT THAS 5. Rovide details of the premises where the licensed business is conducted with reference to the number of the erf, street(s), apartment, shop(s) or farm. 35.3 MAIN ROAD RETLEAT THAS 5. Contact number OSD 318 1890 5. State reason(s) why licensee is applying for extension of trading hours (use an annexure if required) declare that the griff in this application and in any documents attached to it, is true. gnature (MANUEL CORGE CALACA) Application prepared by M. G. CALACA ATHAC ST SOMERSET KUSST SOMERSET KUSST Cell: OSD 318 1890 Finall: GROUPE DISTORTED TO TO TO TO THE attached) intern antiferiodiction to sign on behalf of licensee to be attached) intern antiferiodiction to sign on behalf of licensee to be attached) Finall: GROUPE DISTORTED TO	APPLICATION IN TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN. CONTROL OF THE CITY OF CAPE TOWN.	
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Liquor licence number

NCP	/002922	

OFFICE USE ONLY

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Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises or licensee

PERTAINING TO	TO THE MENTIONED PREMISES, NAMELY, LIQUOR CITY, SITUATED AT, 353 MAIN ROAD, RETREAT. IT WAS	
ASCERTAINED	THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2019. NO COMPLAINTS WERE RECEIVED BY THE	
LIQUOR UNIT \	WITH REGARDS TO THIS ESTABLISHMENT. THIS APPLICATION WAS SUBMITTED TO THE PROVINCIAL OFFICE OF	
SAPS' LIQUOR	R CONTROL FOR COMMENTS, HOWEVER, NO FEEDBACK HAS BEEN RECEIVED.	
	City of Cape 1	014,
me of Official	10001005 Sarery and Sec.	ر ۲۳۲
	LAW ENFORCE	NIE
JRUADUUII IEE OI 154 I	now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2018 a non-refundable 4 035.09 (Vat inclusive) is payable into Profit centre 18070172 G/L 810400. Payment can be made at any cash office of the City. ust from 1 July 2018 accompany the application when handing it in at the designated Environmental Health Office.	
lication Fee	Receipt number payment date	



Western Cape Liquor Authority

Liquor City 13 (Pty)Ltd P.O. Box 721 STRAND 7139



OFFICE USE

FORM 21A

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ANNUAL LICENCE RENEWAL NOTICE:

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2019

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/002922

Name of licensee: Liquor City 13 (Pty)Ltd

Address of the licensed premises: Corner Shop, 353 Main Road, RETREAT, 7945

(if the residential or postal address has changed, please also supply the new address to the following e-mail address: liquor.enquiries@wcla.gov.za.)

Category of licence: Consumption Off

You are hereby notified that the total renewal fees payable to the Western Cape Liquor Authority are:

Annual: R 4,360, payable on or before 31 December 2018

Please Note:

Nedbank Internet Banking

https://netbank.nedsecure.co.za/Browser/Brands/Nedbank/.



Once-off payment notification

Date: 23/10/2018 Time: 12:43 PM

From account details:	SAVINGS AC		
My statement description:	LiquorCityRetreat 002922 F21A		
Beneficiary statement description:	WCP/002922 F21A LiqCityRetreat		
To account number:	1452069883 F		
Branch:	145209		
Amount:	R 4,360.00		
Payment capture date:	23/10/2018		
Reference number:	20181023/NEDBANK/001945063858		

Please note: Payments to other banks, including Nedbank branches outside South Africa, may take up to three business days.



Mades progress possible. Togethe:

PiesseyBuilding 3 Victoria Fload Plumstead 7800

Private Bag X 5, Plumstean 7801

Ask for: Nr NE Cupido

Tel: 021-710 8092 Cel: 084 2200145 Fax: 021-710 9307 Ressey Building 3 Victoria Road Parmstead 7800

hombolo Yebrosi X 5, Plumstead 7801

Ceia: Minu ME Cupido

Umrxeba: 021-7108092 Cell: 084 2200145 Seksi: 021-710 9307 PlesseyGebou Victoreveg 3 Plumstead 7800

Priveasak X 5, Plumsæad 7801 Vra vir. Mnr ME Gupido

DATE: 15/05/2018

Tet 021-7108092 Set: 084 2200145 Faks: 021-7109307

CITY HEALTH - ENVIRONMENTAL HEALTH - SOUTHERN SUB DISTRICT

For detailed information contact:

Kurt.Rustin@capetown.gov.za

0214002790

Wynberg EH Office, Wynberg Town Hall, Lower Maynard Rd, Wynberg

<u>ID</u>

920 APPROVAL LETTER

OFF CONSUMPTION

REF NO: 33/55/7/8/00 - WCP/002922/A

TYPE OF LIQUOR CONSUMPTION:

PERSONAL SERVICE
MANUEL CALACA

353 MAIN ROAD

RETREAT

7945

Dear Sir

RE: APPLICATION FOR EXTENDED LIQUOR TRADING HOURS:

3

LIQUOR CITY RETREAT

ERF 146733 353 MAIN ROAD RETREAT

I refer to your application received **02/03/2018** regarding the abovementioned matter and wish to advise that your application to extend your liquor trading hours has been considered by Sub Council **19**

and it was resolved:

1. Subcouncil 20 approves the application for a liquor licence received from Liquor City Retreat, Erf 146733, 353 Main Road, Retreat, 7700 Reference No WCP002922/A: - for the extension of trading days and hours Mondays to Saturdays, 18:00 until 20:00 for Consumption OFF Premises, subject to the following Conditions: 1.1 That full-time security operates on the premises (inside and outside) be given a mandate to discourage patrons from drinking in their cars/in public and when misbehaving, to move on. 1.2 The operator to deep cleanse and disinfect the wall and walkway in Chard Road. 1.3 The operator to deep cleanse and disinfect the wall in front of the shop. 1.4 That the external walls of the shop be painted. 1.5 Notices to be displayed informing patrons that drinking in public is illegal and a notice to be displayed at the entrance of the shop with the contact details of Law Enforcement and the Liquor Authority and the 107 Emergency Number. 1.6 The operator to train staff not to serve inebriated patrons. FURTHER RESOLVED 1.7 The Ward Councillor to distribute a flyer containing the services rendered by Law Enforcement and the contact numbers of the agency should there be any contraventions of the law.

This approval will expire on 17/04/2019 where after a new application for extended liquor trading hours for the year will need to be submitted to the City of Cape Town for consideration in terms of section 2 of the City of Cape Town Control of Undertakings that sell Liquor to the Public By-Law 2013.

Yours faithfully

Head Environmental Health

Area 4 Southern

For: Director: City Health

RECEIVED BY: M.C. CALACA DATE RECEIVED: 38 MAY 2018. SIGNATURE:

(ily a land

RETREAT HOUSING

OFFICE #1017

SERVED BY - A.Damons

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TICKET CODE : 00

COMMENTS WCP/002922

0001 AMOUNT

CASH

4035.10 CA

4035.10

#99903 05 AUG 2019 11:19 841 USR0899

Thank you for this

payment.

Have a nice day

From: lan Iversen < lan.Iversen@capetown.gov.za>

Sent: Wednesday, 14 August 2019 21:05

To: Celes René Allies < Celes Rene. Allies@capetown.gov.za>

Subject: RE: LIQUOR CITY RETREAT: WCP/: EXTENDED LIQUOR APPLICATION FOR MONDAY TO

SATURDAY TRADING

No objection

Regards

lan Iversen

Clir. I R Iversen

Office

021 444 8117

Cell

083 629 7051

E-mail

lan.lversen@capetown.gov.za

PA

Ms Esmeralda Abrahams

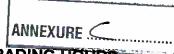
Important

Please copy Ms Abrahams in on all e-

mails: Esmeralda.Abrahams@capetown.gov.za



Making progress possible. Together.



COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

FORM

Please complete the information below and return to						
	Subcouncil 20 Main Road Constantia 7806					
Applicant Details	WCP/002922/A LIQUOR CITY RETREAT					
APPLICATION	SUPPORTED	V	NOT SUPPORTED			
	Aged or Frail Care Centre	no				
Please indicate whether the business	Rehab, Drugs / Alcohol Centre	no				
is LOCATED near	School(s)	no				
	Other					
PARKING						
REASONS FOR NOT SUPPORTING						
	ORGANISATION	N/OBJECT	OR DETAILS	A CONTRACTOR		
Wayne Petersen Acting S/Inspector NAME Station Commander Wynberg Law Enforcement (West) Tel: 021 761 8187						
DATE	08/08/2019					

For ease of reference community organisations/residents may submit comments to this office, to aid the Subcouncil in its decision-making. Written comment in respect of this notice(s) of application(s) must reach this office before or on **20 AUGUST 2019** (date 14 calendar days for public participation) at close of business (16:00)