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### **SUBCOUNCIL 16**

1. ITEM NUMBER: 16 SUB 21/12/19

### 2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF CHECKERS LIQUORSHOP KLOOF STREET, PALMHOF CENTRE, SHOP 2, CNR KLOOF & WELTEVREDEN STREET, TAMBOERSKLOOF: OFF CONSUMPTION MONDAY — SATURDAY

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

### 3. FOR DECISION BY

Subcouncil in terms of Delegation 4(2)

To approve, refuse or vary applications for extension of trading hours on premises where liquor licences have been granted.

#### 4. 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 submitted to the Subcouncil 16 Manager, and was then circulated to all organisations included on the Ward 115 database and ward committee members for comment.

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 licence 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 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.

### 5. DISCUSSION

- 5.1 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.
- 5.2 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
- 5.2.1 Details of application (see attached Annexure A):
  - Checkers Liquorshop Kloof Street
  - Liquor Licence No: WCP/040106
  - OFF Consumption 18:00– 20:00, Monday-Saturday
  - Palmhof Centre, Shop 2, Cnr Kloof & Weltevreden Street, Tamboerskloof
- 5.2.2 SubCouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following Comments:
  - Ward Councillor: 2019/11/6
    - No comments received.

- Abutting neighbours: 2019/11/14
  - No comments received.
- Community Organizations: 2019/11/08
  - No comments received.
- Ward Committee of Ward 115: 2019/11/06
  - No comments received.
- Internal departments:
  - Health Department:
     Compliant see attached <u>Annexure A</u>
  - <u>Law Enforcement Squad</u>
     Compliant see attached Annexure A

### 6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Checkers Liquorshop Kloof Street**, Palmhof Centre, Shop 2, Cnr Kloof & Weltevreden Street, Tamboerskloof as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours from 18:00-20:00, Monday to Saturday.

### **ANNEXURES:**

A. Application submitted by **Checkers Liquorshop Kloof Street** including comments by Health, and Safety and Security

### FOR FURTHER DETAILS CONTACT:

NAME	Lucille Muller	
CONTACT NUMBERS	021 487 2005	
E-MAIL ADDRESS	Lucille.Muller@capetown.gov.za	
DIRECTORATE	Urban Management	··

Lucille Muller ( Acting) SUBCOUNCIL16 MANAGER	Comment:
DATE 76/11/2019	
SUBCOUNCIL 16 CHAIRPERSON: Clir Matthew Kempthorne	Comment:
Date 26/11/2019	

# ANNEXURE A



CITY HEALTH

Nafeesah Parker

T: 0214006513

E: Nafeesah.Parker@capetown.gov.za

### 30/10/2019

Confirmation of receipt of application in terms of Section 6(5)A of the City of Cape Town Liquor Trading Days and Hours By-law 2013 as amended.

Liquor Licence Reference Number:

185285

Liquor Licence Number:

WCP/040106 Renewal 2019

Licensee Name:

Shoprite Checkers (PTY) Ltd

Premises Name:

Checkers Liquorshop Kloof

Street

Premises Address:

Palmhof Centre Shop 2,

Corner & Weltevreden Street

Tamboerskloof

Tamboerskloof

8001

Date of Application Submission:

Date Application captured:

2019/10/30

Disclaimer

Submission of this application does not grant the right to extend liquor trading hours. Approval to be first obtained from the relevant Sub-Council.

The application fee is non-refundable.

Pages: 1 of 1

30-10-2019

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MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

# **CITY HEALTH**

		OL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013, DAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES
All fields must be fille	d in	
<b>DETAILS OF LICE!</b>	NCEE	
1. Liquor license number	WCP / 040106	
2. Full name of licensee	SHOPRITE CHECKERS (PTY) LTD	
3. If the licensee is not a	natural person, state the name, identity number and addr	ess of each shareholder, member or partner. (use an annexure if required)
SEE ANNEXUR	ŒΑ	
4. Name and address of	the licensed premises	
	QUORSHOP KLOOF STREET	
PALMHOF CEN		
	WELTEVREDEN STREET	
TAMBOERSKL		
as the case may be	premises where the licensed business is conducted with re	eference to the number of the erf, street(s), apartment, shop(s) or farm,
ERF No. 69032		
00002		
6. Contact number 021 980 4978		
	icensee is applying for extension of trading hours (use an	annexure if required)
SEE ANNEXU		difficult in Equitory
I declare that the	on furnished in this application and in any documents	attached to it, is true.
Signature (	101100 Date 19/09/2019	)
(written authorisation to	o sign on behalf of licensee to be attached)	•
		Application prepared by IAN THOMSON
Postal address (P.O.I		Physical address (SHOPRITE CHECKERS (PTY) LTD
BRACKENFELL		CNR OF OLD PAARL & WILLIAM DABBS ROAD
		BRACKENFELL
7561	2.4078	
Work tel: (021 980	74910	Cell: (083 557 6903
Fax:		-mail: (ithomson@shoprite.co.za
Signature /	Date (19/09/2019)	)
	o sign on behalf of licensee to be attached)	•
Name (printed) (IAN	N THOMSON	

341 Liquor licence number

WCP/040106

### OFFICE USE ONLY

SA	FETY		SECL	<b>IRITY</b>
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SAFETY AND SECURITY
Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises or licensee

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# SHOPRITE/CHECKERS HEAD OFFICE CREDITORS PAYMENT ADVICE

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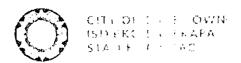
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Ask for: Colleen Fortune

Cela: Colleen Fortune

Vra Vir: Colleen Fortune

Tel: 0214006513

Umnxeba: 0214006513 Tel: 0214006513

EXTENSION OF LIQUOR TE  $|\alpha|\propto a$  Hours for off consumption Liquor –monday-saturday

Approval in terms of Section of the City of Cape Town: Control of undertakings that sell Liquor to the public,  $8y_0a_1(1) + 3y_0a_1(2) + 3y_0a_1(2)$ 

184276 Extended liquor trading hear in ference number 16SUB 15/12/2018 WCP/040106 Liquor License number Shoprite Checkers (PTY) Ltd. Full name of Licensee Checkers Liquor Shop Kloof Street Name/designation or title in a which the business is carried on Address of the licensed protection Palmhof Centre, Shop 2 C/O Kloof & Weitevreden Street Tamboerskloof 8001 Monday- Saturday Extended liquor trading hour sterm feed for off consumption 18:00 to 20:00hrs

Please note that this approval for extended liquor trading hours is valid from 11. December 2018 until 13. December 2019 and remains subject to possession of a valid liquor license.

Extension of Liquor Train : Hours to be displayed together with Liquor License

AREA Blead Environment Hachh

Director: City Health



REG. NO. 1929/001817/07 (PTY) LTD

Annexure B

City of Cape Town

# Application for extension of trading hours:

- 1. Shoprite Checkers (Pty) Ltd ("Shoprite Checkers") currently has 41 (forty one) liquor shops and 75 grocer wine licenses in die Western Cape, which provides employment for 105 (one hundred and five) full time employees and an additional 31 (thirty one) third party workers consisting of security officers and cleaning assistants.
- 2. The amount of workers in a specific liquor shop is based on the number of shifts scheduled for that particular store. The longer the trading hours of the store, the more shifts are required to ensure that the store achieves maximum productivity and efficiency and jobs and additional income for individuals is accordingly generated in the process. Public consumption of any commodity boosts economic growth.
- 3. We do not believe that there is a downside to longer trading hours or including Sundays to trade. The question should therefore be centralised around public and economic policy. By allowing reputable retailers (such as Shoprite Checkers) to trade on Sundays (for instance), we submit that the playing field, with reference to illegal liquor traders, will be levelled as it stands to reason that their commercial relevance will dissipate. It should be noted that it will remain less challenging to continue policing the compliance of large retailers with liquor laws as the processes of a retailer such as Shoprite Checkers are visible and transparent and Shoprite Checkers prides itself that it trades in strict compliance with the prescribed hours in the Act, and continues to ensure that it does not sell alcohol to minors. Another factor which should not be discounted is that of convenience, especially where time is a valuable commodity for most consumers.
- 4. When consumers therefore go to a grocery store on a Sunday, they want to do all of their family grocery shopping at that time. This could include buying wine other liquor simultaneously.



REGISTERED OFFICE: CNR WILLIAM DABS & OLD PAARL ROADS, PO BOX 215, BRACKENFELL, 7561, SOUTH AFRICA TEL: +27 (0) 21 980-4000 FAX: +27 (0) 21 980-4050 www.shopriteholdings.co.za

DIRECTORS: J W BASSON (CEO), C G GOOSEN, J M ALBERTS, J A L BASSON, C BLAIR, M BOSMAN, S B BRAUDE, J V R BRÖNN, C J C DE W BURGER, A J DE SWARDT, P G DU PREEZ, D F DU TOIT, P C ENGELBRECHT, J FOURIE, G FRITZ, A B GARDENER, A GOUWS, D HALLALE, B HARISUNKER, G HAYES, A M HOWARD, J H HUNTER, W J HUNLUN, A JANSE VAN MERWE, J G VAN DEVENTER, H J VAN ROOYEN, S M VISSER, A C VOSLOO, B R WEYERS, J J ZWENNIS. ALTERNATE DIRECTORS: A DE BRUYN, T A FORREST, S G GOUWS, D H JACOBS, E L MARAIS, D G MÖLLER, V P SCHOELER, P SOLMS, P G VAN BREDA, J J VAN ZYL, L G VAN DER SPUY, A A WAGENAAR

### COR39

### Certificate issued by the Companies and Intellectual Property Commission on Monday, December 18, 2017 08:25 Certificate of Confirmation



Companies and Intellectual Property Commission

amamber of the progressy.

Registration number

1929 / 001817 / 07

Enterprise Name

SHOPRITE CHECKERS (PTY) LTD

Enterprise Shortened Name

None provided.

Enterprise Translated Name

None provided.

Registration Date

05/09/1929

Business Start Date

05/09/1929

Enterprise Type

**Private Company** 

Enterprise Status

In Business

Financial year end

June

Main Business/Main Object

PRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER

**ACTIVITIES NOT ADEQUATELY DEFINED** 

Postal address

P O BOX 215 **BRACKENFELL** 

Address of registered office

WILLIAM DABS AND OLD PAARL ROAD

**BRACKENFELL** 

7560



The Complanies at 3 intellection Property Commission. of South Africa.

PIC BITS 429 PPETORIA COM Republic of South At ica Discer 256 FRETORIA Call Centre To 085, 100, 2473. Website www.raphini.za.



## **COR39**

## Certificate issued by the Companies and Intellectual Property Commission on Monday, December 18, 2017 08:25 Certificate of Confirmation



Companies and intellectual Property Commission

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Active Directors / Officers								
Surname and first names	ID number or date of birth	Director type	Appoint- ment date	Addresses				
SHOPRITE HOLDINGS, as a secretary of M1929001817	M1936007721	Secretary (Companies and CC's)	02/11/1998	Postal: PO BOX 215, BRACKENFELL, 7561				
		000,		Residential: CNR WILLIAM DABS AND, OLD PAARL ROAD, BRACKENFELL, 7560				
BOSMAN, MARIUS	5706015072082	Director	17/06/1999	Postal: P O BOX 215, BRACKENFELL, BRACKENFELL, WESTERN CAPE, 7561 Residential: 26 VISVANGER WAY, MELKBOSSTRAND, MELKBOSSTRAND, WESTERN CAPE, 7441				
NEL, ETIENNE LOURENS	4907135009084	Director	17/06/1999	Postal: 5 TAMBOER STREET, BOSCH EN ZICHT DE ZALZE, WINELANDS GOLF ESTATE, WESTERN CAPE, 7600 Residential: 5 TAMBOER, BOSCHENZICHT, DE ZALZE WINELANDS GOLF ESTATE, WESTERN CAPE, 7600				
VAN DER MERWE, PHILIP BAUKE	6009185062085	Director	17/06/1999	Postal: P O BOX 215, BRACKENFELL, BRACKENFELL, WESTERN CAPE, 7561 Residential: 5 VYGEBOOMSLOT, DURBANVILLE, DURBANVILLE, WESTERN CAPE, 7550				
HARISUNKER, BHIKRAM	5112095026082	Director	17/06/1999	Postal: P O BOX 11700, MARINE PARADE, MARINE PARADE, NORTHERN CAPE, 4056 Residential: 7 RIDGE ROAD, LA LUCIA, LA LUCIA, NORTHERN CAPE, 4051				



The claim gross as this best a Property Commission

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SHOPRITE CHECKERS (PROPRIETARY) LIMITED REG. NO. 1929/001817/07 ("THE COMPANY")

REF. SRC 0615-3842

WRITTEN RESOLUTION PASSED BY THE DIRECTORS OF THE COMPANY ON 4 JUNE 2015:

APPLICATION FOR EXTENDED TRADING HOURS – SECTION 6 OF THE PUBLIC BY-LAW OF THE CITY OF CAPE TOWN:

It is hereby resolved that:

- 1. that the Company appoints Mr Ian Richard Thomson with identity number 610405 5128 080 for and on behalf of the Company to undertake an application in terms of Section 6 of a Public By-law ("the Application") issued by the City of Cape Town in 2013.
- Such application will be for a concession that all off-consumption liquor premises of the Company in the jurisdiction of the City of Cape Town be permitted to trade on Sundays and with extended hours (until 20H00) from Mondays to Saturdays.

**AUTHORISATION:** 

It is also resolved that **Mr Ian Richard Thomson** be and is hereby authorised to execute the Application, sign all documentation and to do all necessary to give effect to this resolution.

**APPROVED:** 

PC ENGELBRECHT DIRECTOR

JVR BROWN - DIRECTOR