

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

SUBCOUNCIL 16

1. ITEM NUMBER: 16 SUB 40/12/19

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: FICTION, 226-228 LONG STREET, CAPE TOWN: ON CONSUMPTION: 02:00-04:00

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 4(2)

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

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 submitted to the SubCouncil 16 Manager, and was then circulated to abutting neighbours, 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
 - (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

6.2.1 Details of application (see attached Annexure A):

- **FICTION**
- Liquor Licence No: WCP/042484
- ON Consumption
- 226-228 LONG STREET, CAPE TOWN
- Extension of trading hours: 02:00 until 04:00.

6.2.2 Subcouncil Manager confirmation: Advertising extent (Community participation) - Notices served on and received the following Comments/Concerns:

- Ward Councillor: 2019/11/21
No response received.
- Abutting Neighbours: 2019/11/21
No response received
- Community Organisations: 2019/11/20: (See attached Annexure B)
 - ❖ Muneeb Hendricks: CT CCID: No objection
- **Internal departments:**
 - ❖ Town Planning:
Compliant – see attached Annexure A.
 - ❖ Health Department:
Compliant – see attached Annexure A
 - ❖ Law Enforcement Squad
Compliant – see attached Annexure A

RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **FICTION**, 46-48 Roeland Street, Cape Town, as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours until 04:00.

ANNEXURES:

- A. Application submitted by **FICTION**, including comments by Health, Planning and Safety and Security.
- B. Comments from Community Organisation not in support of the application.
- C. Applicants response to objection.

FOR FURTHER DETAILS CONTACT:

NAME	Lucille Muller
CONTACT NUMBERS	021 487 2005
E-MAIL ADDRESS	Lucille.muller@capetown.gov.za
DIRECTORATE	URBAN MANAGEMENT - AREA NORTH



L Muller
SUBCOUNCIL 16 ACTING MANAGER

Comment:

DATE

5/12/2019

Comment:



SUBCOUNCIL 16
CHAIRPERSON
Cllr Matthew Kempthorne

Date

06/12/2019

ANNEXURE A



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

CITY HEALTH

Nafeesah Parker

T: 0214006513

F:

E: Nafeesah.Parker@capetown.gov.za

15/11/2019

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: 185326
Liquor Licence Number: WCP/042484 Renewal 2019
Licensee Name: Birhed Properties (PTY) Ltd
Premises Name: Fiction
Premises Address: First Floor & Second Floor ,
226 Long Street
Cape Town
Cape Town CBD
8001

Date of Application Submission:

Date Application captured: 2019/11/15

Disclaimer

1. Submission of this application does not grant the right to extend liquor trading hours. Approval to be first obtained from the relevant Sub-Council.
2. The application fee is non-refundable.

CITY HEALTH

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

APPLICATION IN TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013, FOR EXTENSION OF LIQUOR TRADING HOURS FOR ON-CONSUMPTION PREMISES

All fields must be filled in

DETAILS OF LICENCEE

1. Liquor license number WCP/042484
2. Full name of licensee BARBED PROPERTIES (PTY) LTD
3. If the licensee is not a natural person, state the name, identity number and address of each shareholder, member or partner. (use an annexure if required)

SEE ANNEXURE "F"

4. Name and address of the licensed premises

FICTIONFIRST FLOOR & SECOND FLOOR226 LONG STREETCAPE TOWN

5. Provide 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, as the case may be

ERF No. 4064FIRST FLOOR & SECOND FLOOR226 LONG STREETCAPE TOWN

6. Daytime contact number

(021) 790 4439

7. State reason(s) why licensee is applying for extension of trading hours (use an annexure if required)

SEE ANNEXURE "A"

8. What is the licensee's current permitted hours of trading

11H00 - 02H00

I declare that the information furnished in this application and in any documents attached to it, is true.

Signature [Signature] Date 21/10/2019

(written authorisation to sign on behalf of licensee to be attached)

Name (printed) SACAKO MOTTOPostal address P.O. BOX 1742CAPE TOWN8000Work tel: (021) 422 1108Fax: N/ASignature [Signature] Date 21/10/2019

(written authorisation to sign on behalf of licensee to be attached)

Name (printed) SACAKO MOTTOApplication prepared by SAUNDERS ATTORNEYSPhysical address 68 KEEKOM STREETCAPE TOWN8001Cell: 078 9565 716E-mail: admin@saundersattorneys.co.za

Liquor licence number

WCP/040484

FOR OFFICIAL USE ONLY
LAND USE

To certify valid category

Category 3 yes ☒ no ☐Category 4 yes ☐ no ☐Category 5 yes ☐ no ☐

Name of official C K Bester

Signature

Date

28/10/19

(If the premises does not fall into one of these three categories, the application will not be considered any further)

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.

PERTAINING TO THE MENTIONED PREMISES, NAMELY, FICTION,
SITUATED AT, FIRST & SECOND FLOOR, 226 LONG STREET, CAPE TOWN.
IT WAS ASCERTAINED THAT THE APPLICANT APPLIED FOR A
LIQUOR LICENSE, WHICH WAS GRANTED ON THE 9TH SEPTEMBER
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 CONTROL FOR
COMMENTS, HOWEVER, NO FEEDBACK HAS BEEN RECEIVED

Name of official

Marilyn Holding

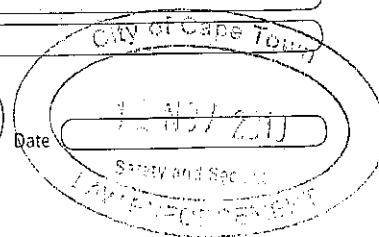
Signature

M. Holding

Date

12 NOV 2019

10001005



(The applicant must now pay the non refundable application fee of R6 036.30 (Vat inclusive) and hand the application and receipt in at the designated Environmental Health Office. The fee is payable at any cash office into Profit Centre 18070172)

Application fee

8433.00

Receipt number

See Below

Payment date

See Below

SERVED BY - N. Nkholi

SUMMARY RECEIPT

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TICKET CODE : 00

COMMENTS T/A FICTION

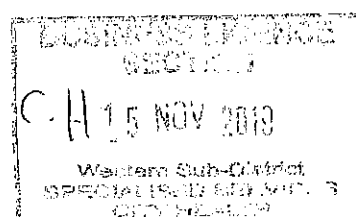
0001 AMOUNT

8433.00 CQ

CHEQUE-107603

8433.00

CHQ: SAUNDERS ATTORNEYS



ANNEXURE A

APPLICATION IN TERMS OF SECTION 6 (1) OF THE CITY OF CAPE TOWN CONTROL OF UNDERTAKING THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013, AS AMENDED IN 2012, FOR THE EXTENSION OF TRADING HOURS TO 04:00.

REASONS / REPRESENTATIONS

THE APPLICANT

1. The applicant is Birhed Properties (Pty) Ltd, a company with limited liability, duly incorporated in accordance with the laws of the Republic of South Africa with registration number 2001/002710/07 and having its principal place of business at First Floor & Second Floor, 226 Long Street, Cape Town.
2. The Applicant is the holder of an on-consumption liquor licence issued under Western Cape Liquor Authority reference WCP/042484 in respect of a business conducted under the name and style of Fiction.
3. Birhed Properties (Pty) Ltd, by way of a director's resolution, has authorised Sacaro Motto of Saunders Attorneys to sign all documentation necessary to bring the application. A copy of the resolution is annexed hereto as **Annexure B**.
4. The said licence is in terms of Section 89(2)(d) of the Western Cape Liquor Act, Act 4 of 2008 (as amended) (hereinafter referred to as "The Act") deemed to be a licence for the sale of liquor for consumption on the licensed premises.
5. The Applicant is thus the holder of a valid liquor licence, a copy annexed hereto as **Annexure C**.

THE APPLICATION

6. Application is made by the Applicant in terms of the Control of Undertakings to Sell Liquor to the Public By-Law, 2013, for the extension of its liquor trading hours from **11H00 to 04H00** the following day as envisaged in Section 6 of the By-Law.
7. The City Of Cape Town deemed it fit to determine the trading days and hours in the schedule to the By-Law restricting the trading hours between 11H00 to 02H00 the following day with the provision in Section 6(1) of the By-Law that a licensee of the premises contained in categories (3), (4) and (5) of the Schedule to the By-Law, may submit an application to the Council for an extension of hours during which they may trade. The applicant is a licensee of the premises as contemplated in category (3) of the Schedule to the By-Law.
8. The provisions of Section 89(10) of the Act are applicable to the Applicant. This application is therefore to maintain the *status quo* in terms of the trading hours which the business has been granted over a number of years.

CONCLUSION

9. The Applicant has traded strictly in terms of its existing licence conditions and trading hours. The business forms an integral part of the Cape Town entertainment precinct, where any number of competing businesses are in operation, some of which enjoy trading hours until 04H00.
10. The applicant has also been issued with the appropriate business licence for its premises by the City of Cape Town, and as evidenced from a copy of the said business licence annexed hereto marked **Annexure D**.
11. Given the existing on-consumption liquor licence and the business licence, it is clear that the premises are correctly zoned for their ongoing usage as a licensed entertainment venue.
12. The request to maintain the *status quo* in terms of the trading hours which is a commercial one driven, by competition from the demands from the many tourists and visitors to the Cape Town area who recognise and enjoy the facilities on offer in the area known as one of Cape Town's best entertainment precincts.
13. More importantly, and in terms of the City of Cape Town Liquor Trading Days and Hours By-Law, as amended, the Applicant also applied and was granted an extension of trading hours in 2018.

14. It is therefore requested that this application be granted at the first available opportunity, so as to retain the *status quo* which has existed with regard to the Applicants trading hours, and as evidenced from **Annexure E** hereto, which confirms the applicants extended trading hours previously granted.

BIRHED PROPERTIES (PTY) LTD

REGISTRATION NUMBER:2001/002710/07

RESOLUTION PASSED BY THE DIRECTOR AT CAPE TOWN

At a meeting of the director it was resolved that the Company apply for an extension of 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, as amended, in respect of business trading as Fiction, First Floor & Second Floor, 226 Long Street, Cape Town, with Liquor Authority reference number: WCP/042484.

It was further resolved that Sacaro Motto, I.D. No: 891113 0047 08 7 of Saunders Attorneys of 68 Keerom Street, Cape Town, be authorised for the purpose aforesaid to prepare, sign and lodge the necessary application/s and all other documents which may be considered necessary, and to proceed to the final end and determination thereof, and generally for effecting the purpose aforesaid, to do or to cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein.

SIGNED at CAPE TOWN this 17 day of September 2019.



**Director:
LOLA ROSE KRAMER**



WESTERN CAPE
LIQUOR AUTHORITY

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

cc 59

Ref number: WCP/042484
Enquiries: Thuliswa Klaas

Date: 09 September 2019

SAUNDERS ATTORNEYS
P O BOX 1742
CAPE TOWN
8000

RE: APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT, ACT 4 OF 2008 AS AMENDED:

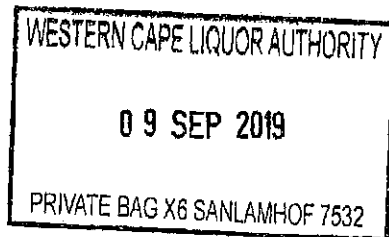
PREMISES NAME: FICTION
MAGISTERIAL DISTRICT: CAPE METROPOLE: CAPE TOWN

Dear Sir / Madam

Enclosed, please find a copy of Form 7 for your information.

Kind Regards,

Thuliswa Klaas



Liquor Licensing Administration
Western Cape Liquor Authority



**WESTERN CAPE
LIQUOR AUTHORITY**

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ANNEXURE A

APPROVED PLAN (S)



<u>Manager</u> means	A natural person, residing in the Western Cape and involved in the day to day operations or management of the liquor outlet.
<u>Regulation</u> means	Regulations promulgated in terms of the Act.
<u>Section</u> means	Sections of the Act.

The definitions of the Act will apply in respect of these conditions.

2. TRADING HOURS

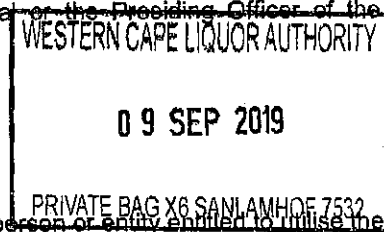
Trading days and hours will be as determined by the local authority. The sale and consumption of liquor will be restricted to the hours of trade as approved by the Local Authority / LLT, as the case may be.

3. THE LICENCED PREMISES

- 3.1 The licenced premises is the area indicated in colour on the signed plan as approved and attached to the liquor licence.
- 3.2 No liquor may be stored, sold, served or consumed in any area not indicated for that purpose on the plan.
- 3.3 No changes, extensions or alterations may be made to the licenced premises unless previously approved by the Liquor Licencing Tribunal or the Presiding Officer of the Western Cape Liquor Authority.

4. THE LICENSEE

- 4.1 The person or entity approved as licensee is the only person or entity entitled to utilise the liquor licence for the sale of liquor.
- 4.2 The person or licensee may not let the liquor licence to anyone. The licence, or financial interest in the licensee of 5% or more, may not be transferred and no other person is allowed to use or benefit from the liquor licence unless a certificate authorising same has been approved by the Liquor Licencing Tribunal and issued by the Western Cape Liquor Authority.
- 4.3 Unless the licensee is a natural person, the licensee must ensure that a manager, residing in the Western Cape, is at all times appointed in respect of the liquor licence.





WESTERN CAPE
LIQUOR AUTHORITY

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Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

7. DOCUMENTS TO BE DISPLAYED

The Licensee must ensure that the following original documents or a certified colour copy thereof is:

7.1 displayed inside the licenced premises on a conspicuous place:

- 7.1.1 the liquor licence in respect of the premises (Form 4 or 11); and
- 7.1.2 the plan approved as part of the liquor licence.

7.2 available on the premises and be made available upon request:

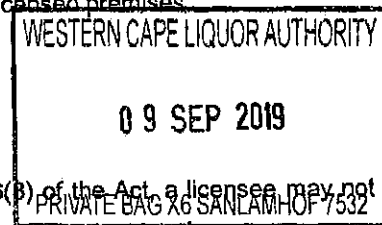
- 7.2.1 the conditions applicable in respect of the liquor licence;
- 7.2.2 the manager appointment approved by the Authority;
- 7.2.3 certificates regarding the removal or transfer of the liquor licence;
- 7.2.4 any document issued by the Authority to change, supplement or replace any of the aforementioned;
- 7.2.5 the latest renewal notice; and
- 7.2.6 proof of payment of the renewal in respect of the relevant year.

8. PROHIBITION ON LIQUOR SOLD TO MINORS

- 8.1 The licensee and/or the manager or person in charge at the licensed premises **MUST**, before any liquor is sold, ensure that the person the liquor is supplied to is above the age of 18 years.
- 8.2 No person under the age of 18 years is allowed on the licensed premises.

9. RESTRICTED AREA

- 9.1 Except as provided for in section 55(1) and section 56(3) of the Act, a licensee may not permit a person under the age of eighteen (18) years to enter a restricted area.
- 9.2 A restricted area is -
 - (i) a room or any place on licensed premises where liquor is sold over a counter, except when meals are being served to diners seated at tables in such a room or place;
 - (ii) a room or place which the Liquor Licensing Tribunal has demarcated as an area in which persons under the age of eighteen (18) years are not allowed to be; and
- 9.3 A person under the age of eighteen (18) years may have access to a restricted area if accompanied either by a parent or a guardian or by an adult with the consent of a parent or a guardian, unless the conditions under which the licence was granted, determines otherwise.
- 9.4 Every restricted area must be indicated as such in a manner as prescribed.





14 TOILETS

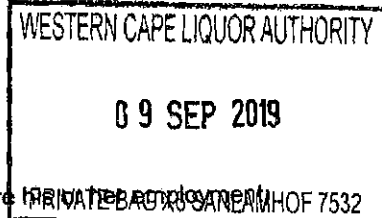
- 14.1. Adequate and suitable toilet facilities must be provided for the use of patrons on or near the licensed premises.
- 14.2 The toilet facilities must at all times be maintained in a neat, tidy and hygienic condition.

15 STORAGE

- 15.1 A licensee must store his, her or its liquor on the licensed premises or in such other or additional place within the Province as may be approved by the Liquor Licensing Tribunal when granting a licence or by the Presiding Officer, on application, at any time thereafter.
- 15.2 A licensee may not sell, supply or allow the consumption of liquor in or from such other or additional place of storage.

16 EMPLOYMENT

- 16.1. A licensee may not employ a person under the age of eighteen (18) years in connection with the sale or supply of liquor unless such a person is -
- (i) of or above the age of sixteen (16) years; and
 - (ii) undergoing training in catering services; and
 - (iii) apprenticed to the licensee.
- 16.2 An employer may not -
- (i) supply liquor to a person as an inducement to secure private employment;
 - (ii) supply liquor to an employee instead of wages;
 - (iii) deduct from an employee's wages the cost of liquor supplied to the employee or any other person on his or her behalf; or
 - (iv) withhold payment of the wages of an employee in lieu of a debt in respect of the sale or supply of liquor.



17 ACCESS TO THE LICENCED PREMISES BY DESIGNATED LIQUOR OFFICER AND LIQUOR INSPECTOR

A designated liquor officer and a liquor inspector may exercise the powers referred to in section 74 of the Act, relating to the entry, inspection and search of the premises at any time when the business is being conducted and at any time when business may be conducted in terms of the applicable by-law or hours as specified in these conditions.



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19 CONTRAVENTIONS

Any contravention of or failure to comply with one or more of the conditions of the liquor license constitutes an offence and may result in the liquor license being revoked or such other sanction may be imposed as provided for in the Act.

20 VICARIOUS RESPONSIBILITY

The Licensee needs to acquaint himself / herself / it with the conditions contained in Section 83 of the Act, which allows for the licensee to be held liable and responsible for all acts or omissions committed by the manager, agent or employee of the Licensee and such other person will also be liable for those actions/omissions committed by him/her.

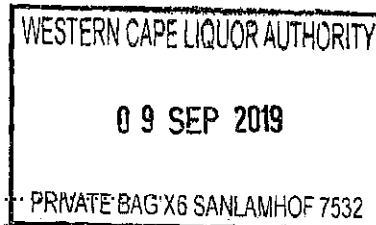
21 GENERAL

- 21.1 If any one of the conditions of this licence is found to be illegal or unconstitutional, the rest of the conditions will remain in force and that section that is found to be illegal/unconstitutional shall be deemed to be severable from the rest of the conditions and as if it had not been written at all.
- 21.2 Potable water must be available free of charge upon request at all times when liquor is sold.

.....
Presiding Officer of the Liquor Licensing Tribunal

(or person acting under power delegated by the Presiding Officer)

WESTERN CAPE LIQUOR AUTHORITY



Enquiries
Telephone

Lucille Symes
021 400 6513

FD

LICENCE TO CARRY ON BUSINESS IN TERMS OF THE BUSINESS ACT 1991

LICENCE NUMBER	17/1/1/1 - 6249
RIE NUMBER	17/1/1/1 - 6249
NAME/ DESIGNATION OF THE HOLDER WHICH BUSINESS IS TO BE CARRIED ON	Ficup CC t/a Fiction
TYPE OF BUSINESS	8006 HEALTH AND ENTERTAINMENT NIGHTCLUB OR DISCOTHEQUE: Dancing raves etc.
FULL NAMES OF HOLDER PARTNERS/DIRECTORS/PRINCIPAL AS APPEARING ON PASSPORT DOCUMENT	Richard Craig Mulholland
FULL NAME OF MANAGER/ESS (AS PER ATTACHED PASSPORT DOCUMENT)	Richard Craig Mulholland
STREET ADDRESS OF BUSINESS	1 st Floor 226-228 Long Street, Cape Town 8001
REF NUMBER	4064
POSTAL ADDRESS	P O Box 12733 Mill Street, Cape Town 8001
CONDITIONS WHICH APPLY TO THIS LICENCE	

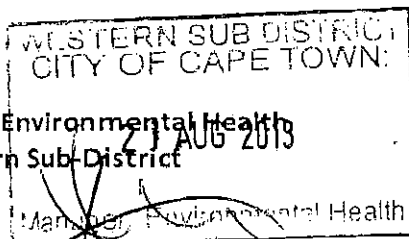
Endorsement:

APPLICATION FOR CERTAIN TYPES
OF HEALTH FACILITIES OR
ENTERTAINMENT: Keeping or
conducting a nightclub or
discotheque

Conditions

1. This business licence must be prominently displayed in a conspicuous place in or on the premises so as to be visible to patrons, public and council officials at all times;
2. This business licence is not transferable from person to person or from business to business;
3. The premises to comply with the requirements of the Tobacco Products Control Act 1993 at all times;
4. The Executive Director City Health reserves the right to call for any other requirements that may be deemed necessary;
5. The approval of this licence does not exempt the holder from compliance with any other licenses, conditions or statutory requirements;
6. The premises to comply with the requirements of the Noise Control Regulations PN200/2013 at all times;
7. Compliance with the Fire requirements at all times;
8. At no time may music that is being played within the premises be audible outside their building.
9. The 2nd Floor and roof are not to be used until plans are approved.
10. Compliance at all times with the conditions/requirements of the Noise Management Plan/Noise impact assessment.

Head : Environmental Health
Western Sub-District



For Executive Director City Health

The Licence will become invalid, unless any change of information in this Licence is submitted in writing to this Licensing Authority within 14 days of the change



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

**HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH**

Colleen Fortune

Senior Clerk
Business Licence
Western Sub-District
2nd Floor, Media City Building
Foreshore
Cape Town, 8001

Tel 021 400 6513

Colleen.Fortune@capetown.gov.za

Fiction CC
Fiction
226-228 Long Street
Cape Town
8001

Dear Sir/Madam

APPLICATION FOR EXTENDED LIQUOR TRADING HOURS: 02:00 to 04:00 ON CONSUMPTION: FICTION, 226-228 LONG STREET, CAPE TOWN 8001 ERF: 4064

Reference WCP/033509

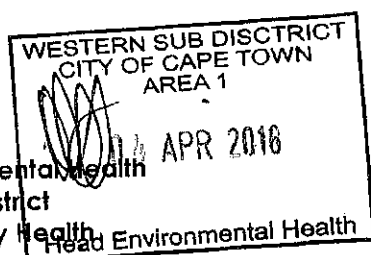
Your application for extended on consumption liquor trading hours for 02:00 to 04:00 was approved by SC 16 on 19 February 2018. Please note that this approval for extended liquor trading hours is valid from 19 February 2018 until 18 February 2019 and remains subject to possession of a valid Liquor License. Please note that extended liquor trading hours cannot be exercised where no valid liquor licence exists. The approval is subject to the following conditions:

1. Should complaints be received concerning noise and/or unruly behaviour of patrons, these complaints will be investigated and may result in the extended trading hours being withdrawn and will also be referred to the Western Cape Liquor Authority which may jeopardise the renewal of the liquor licence.
2. This approval is also subject to compliance with all relevant by-laws of the City of Cape Town.
3. This approval is valid for 12 months from the date of the decision subject to the possession of a valid liquor licence.

Yours faithfully

**Head: Environmental Health
Western-Sub-District**

For Director: City Health





CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

Ask for: Colleen
 Fortune

Tel: 0214006513

Cela: Colleen Fortune

Umnxeba: 0214006513

Vra Vir: Colleen
 Fortune

Tel: 0214006513

Email: Colleen.Fortune@capetown.gov.za

EXTENSION OF LIQUOR TRADING HOURS FOR ON CONSUMPTION LIQUOR

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

Extended liquor trading hours reference number	173450
Liquor License number	WCP/033509
Full name of Licensee	Fiction CC
Name/designation or title under which the business is carried on	Fiction
Address of the licensed premises	226 – 228 Long Street Cape Town 8001 ERF: 4064
Extended liquor trading hours permitted for on consumption	02:00 to 04:00hrs

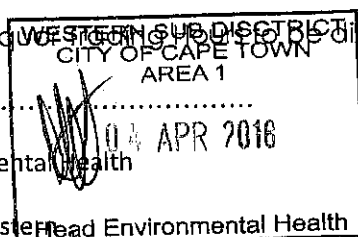
Please note that this approval for extended liquor trading hours is valid from 19 February 2018 until 18 February 2019 and remains subject to possession of a valid Liquor Licence.

Extension of Liquor Trading Hours to be displayed together with Liquor License

Head: Environmental Health

Sub-District: Western Head Environmental Health

For Director: City Health



ANNEXURE F

The applicant is:

Name:

BIRHED PROPERTIES (PTY) LTD

Registration Number:

2001/002710/07

Registered address:

55 Victoria Avenue

Hout Bay

7806

The director of the applicant is:

LOLA ROSE KRAMER

ID: 460710 0106 08 5

SAUNDERS ATTORNEYS

& TRADE MARK AGENTS

P.O. Box 1742
Cape Town
8000

No. 68 Keenon Street
Cape Town
8001

saundersgroup@africa.com

Tel: (27) (21) 4221108
Fax: (27) (21) 4221109

Your Reference: WCP/042484
Our Reference: AWS/

The City of Cape Town
Land Use Management Department
Cape Town
8001

Date stamp of Law Enforcement on receipt of application	Date stamp of relevant municipality on receipt of application
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Dear Sir/Madam,

RE: APPLICATION IN TERMS OF SECTION 6(1) OF THE CITY OF CAPE TOWN CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW 2013: CERTIFICATION OF CATEGORY 3 OR 4 PREMISES.

Enclosed please find an application by Birhed Properties (Pty) Ltd in respect of its business trading as Fiction, First Floor & Second Floor, 226 Long Street, Cape Town.

Regards,

ALLAN SAUNDERS

Allan W Saunders : B.A. LL.B. Grad. Dip Co. Law
Professional Assistant : R G Dormehl : B.A. LL.B

ANNEXURE B

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM

Please complete the information below and return to Subcouncil SC16 11th Floor, 44 Wale Street, CAPE TOWN 8000		
Applicant Details		FICTION (ON CON)
APPLICATION	SUPPORTED	NOT SUPPORTED
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	X
	Rehab, Drugs / Alcohol Centre	
	School(s)	
	Other	
PARKING	Kindergarten	
	Church	
REASONS FOR NOT SUPPORTING	A lot of waste gets dumped onto the church premises eg. Beer bottles. For health and safety reasons we are against this extension.	
ORGANISATION DETAILS		
NAME	St.Martini Evangelic Lutheran Church	SIGNATURE: M. Montanari
DATE	21.11.2019	CONTACT NUMBER 021 423 5947

For ease of reference community organisations/residents may submit comments to this office, to aid in the decision taken by this SubCouncil.
Written comment in respect of this notice[s] of application[s]

Zonwabele Vuso

From: gemeinde@st-martini.co.za
Sent: Thursday, 21 November 2019 08:59
To: Zonwabele Vuso
Subject: COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM
Attachments: COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM.pdf

See attached

ANNEXURE C

SAUNDERS ATTORNEYS
& TRADE MARK AGENTS

PO Box 1742
Cape Town
8000

No. 68 Keerom Street
Cape Town
8001

saundersgroup@africa.com

Tel: (27) (21) 4221108

Fax: (27) (21) 4221109

Your Reference: WCP/042484
Our Reference: AWS/

The City of Cape Town
Land Use Management Department
Cape Town
8001

4 December 2019

Dear Sir/Madam,

**APPLICATION IN TERMS OF EXTENDED TRADING HOURS: FICTION
(WCP/042484)**

We refer to the single objection by St Martini Evangelic Lutheran Church.

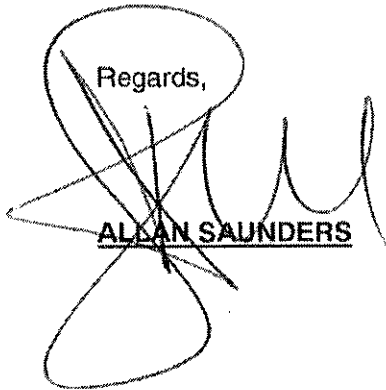
The applicant replies to the objection as follows;

1. The objection by the St Martini Evangelic Lutheran Church does not in any way attempt to deal with the merits of the application under consideration, but simply makes a sweeping statement regarding dumped waste.
2. The applicant has been granted extended trading hours in previous years, and this application is merely to renew the extended trading hours, not to introduce new hours into the area.
3. The Law Enforcement report also confirms that no complaints whatsoever have been received in respect of the premises.
4. An approval of the application therefore merely maintains the status quo, and authorises the business to continue in the same manner in which it's regular patrons are accustomed to.

Allan W Saunders ; B.A. LL.B.Grad.Dip Co.Law

5. This objection also in no way deals with the merits of the application, the trading history of the premises, or the fact that extended hours have existed previously, and no incidents relating thereto have arisen or been reported, which is again why the Law Enforcement report is entirely positive.
6. There are also at least 5 other liquor licensed establishments on Long Street which are closer to the Church than the applicant's premises. Refer to annexure "A".
7. In the circumstances, we request that the application now be finalised at the first available opportunity, given that no evidence whatsoever is presented to suggest the applicant is responsible for beer bottles being dumped onto the church premises. The applicant also strongly denies the allegation, given that it's waste disposal is done on it's own premises and in the ordinary course of solid waste disposal.

We thank you for your assistance, and await confirmation of the approval of the application.

Regards,

ALLAN SAUNDERS

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