



SUBCOUNCIL 5

1. ITEM NUMBER :

05SUB 34/8/2019

2. SUBJECT

RENEWAL APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 18:00 TO 20:00, MONDAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES IN RESPECT OF: IVAN WAYNE LIQUOR STORE, NO. 78 BLUEGUM STREET, BONTEHEUWEL, 7764

ONDERWERP

HERNUWINGSAANSOEK VIR VERLENGING VAN DRANKHANDELSURE VAN 18:00 TOT 20:00 MAANDAG TOT SATERDAG VIR BUITEVERBRUIKPERSEEL TEN OPSIGTE VAN: IVAN WAYNE LIQUOR STORE, NO. 78 BLUEGUM STREET, BONTEHEUWEL, 7764

ISIHLOKO

ISICELO SOKUHLAZIYWA NGOKUTSHA UKWANDISWA KWEERYURE ZOKUTHENGISWA KOTYWALA UKUSUSELA NGEYE-18:00 UKUYA KWEYE-20:00, NGOMVULO UKUYA NGOMGQIBELO KWIZAKHIWO EKUNGASELELWA KUZO NGOKUJOLISWE IVAN WAYNE LIQUOR STORE, NO. 78 BLUEGUM STREET, BONTEHEUWEL, 7764

3. PURPOSE

To decide on an renewal 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 hours on premises where liquor licenses 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 Manager: Subcouncils and Subcouncil 5 Manager, and was then circulated to abutting neighbours, all organisations included on the Ward 50 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.

- (j) 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 renewal 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):

- Ivan Wayne Liquor Store
- No. 78 Bluegum Street, Bonteheuwel, 7764
- Liquor License No: WCP/038964
- Off-Consumption
- Current trading hours: Mondays to Saturdays from 09h00 to 20h00, and Sundays from 11h00 to 15h00.

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

- Ward Councillor:

Notice of the application was e-mailed to the Ward Councillor on Monday, July 22, 2019 06:54 AM and comments will be submitted at the Subcouncil meeting when the report is tabled.

- Proportional Representative (PR) Councillor:

Notice of the application was e-mailed to the PR Councillor on Monday, July 22, 2019 06:54 AM and comments will be submitted at the Subcouncil meeting when the report is tabled.

- Abutting neighbours:

No comment received. Notice letters was sent inviting comments from the abutting neighbours.

- Community Organizations

No comments received. Notice of the application was e-mailed to the Community Organizations of Ward 50 on Monday, July 22, 2019 07:54 AM

- Ward Committee of Ward 50

No comment received. Notice letters was sent inviting comments from the Ward Committee Members.

- **Internal departments:**

- ❖ Town Planning

Comments received on Wednesday, July 24, 2019 13:43 PM from Darrel Stevens

See Annexure C

- ❖ Health Department:

No comments received. Notice of the application was e-mailed to the Department of City Health on Monday, July 22, 2019 06:54 AM.

- ❖ Law Enforcement Squad

No comments received. Notice of the application was e-mailed to the Department of Law Enforcement on Monday, July 22, 2019 06:54 AM.

- ❖ Fire and Rescue Services

No comments received. Notice of the application was e-mailed to the Department of Fire Services on Monday, July 22, 2019 06:54 AM.

7. RECOMMENDATION

It is recommended that Subcouncil 5 consider the renewal application for the extension of liquor trading hours submitted by Ivan Wayne Liquor Store as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours until 20:00.

AANBEVELING

Daar word aanbeveel dat subraad 5 die hernuwingsaansoek vir die verlenging van drankhandelsure wat deur Ivan Wayne Liquor Store ingedien is, asook die kommentaar wat daarop ontvang is, oorweeg en besluit om die aansoek om verlenging van drankhandelsure tot 20:00 goed te keur, af te keur of te wysig.

IZINDULULO

Ukuba iBhungana 5 maliqwalasele isicelo sokuhlaziywa ngokutsha sokwandiswa kwamaxesha okuthengisa utywala esingeniswe ngabe-Ivan Wayne Liquor Store, kwanezimvo ezininzi ezifunyenweyo, lize lenze isigqibo sokuphumeza, sokukhaba okanye lohlule isicelo sokwandiswa kwamaxesha okuthengisa utywala kude kube yintsimbi ye-20H00.

ANNEXURES:

- ANNEXURE A:** Application for extension of liquor trading hours from 18:00 to 20:00, Monday to Saturday for off-consumption premises in respect of Ivan Wayne, No. 78 Bluegum Street, Bonteheuwel, 7764
- ANNEXURE B:** Notice of the application e-mailed to the Chairperson, Councillors, Officials;
- ANNEXURE C:** Comments from Town Planning;

FOR FURTHER DETAILS CONTACT:

NAME	George van der Westhuizen
CONTACT NUMBERS	021 444 2963
E-MAIL ADDRESS	George.vanderWesthuizen@capetown.gov.za
DIRECTORATE	Urban Management

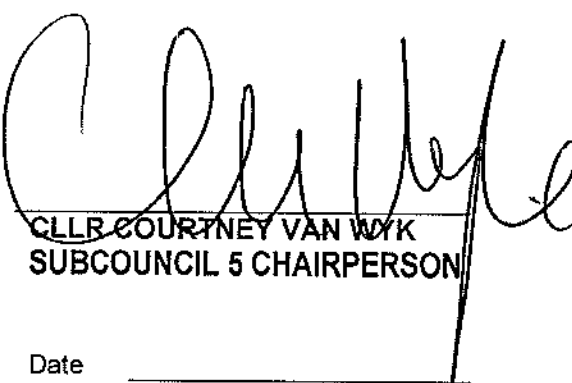
Comment: _____


MR GEORGE VAN DER WESTHUIZEN
SUBCOUNCIL 5 - MANAGER

DATE

8-8-2019

Comment: _____


CLLR COURTNEY VAN WYK
SUBCOUNCIL 5 CHAIRPERSON

Date

Hillary Lewis

From: Hillary Lewis
Sent: Monday, July 22, 2019 6:54 AM
To: Angus Mckenzie; Courtney Van Wyk; Celeste Petersen; Tess Kotze; Jacobus Kellerman; Liquor Control
Cc: George van der Westhuizen; Sandiswa Faith Mankayi; Andrea Kline; Subcouncil 5; Bruce Neethling
Subject: Extension of Liquor Trading Hour Application - Ward 50: Ivan Wayne
Attachments: Renewal Application - Ivan Wayne Liquor Store - Sunday Trading (2).pdf; NOTICE LETTER.doc; Renewal Application - Ivan Wayne Liquor Store - Mon to Sat Trading.pdf

Dear Sir / Madam

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS, OFF-CONSUMPTION: NOTICE IN TERMS OF SECTION 6 OF THE CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013

Notice is hereby given of the following applications for the extension of liquor trading hours:

APPLICATION	APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 18:00 TO 20:00, MONDAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES IN RESPECT OF IVAN WAYNE LIQUOR STORE, 78 BLUEGUM STREET, BONTEHEUWEL, 7764
APPLICATION	APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 11:00 TO 18:00, SUNDAY TRADING FOR OFF-CONSUMPTION PREMISES IN RESPECT OF IVAN WAYNE LIQUOR STORE, 78 BLUEGUM STREET, BONTEHEUWEL, 7764

These applications have been lodged at the City of Cape Town. In terms of Section 6(2) of the City of Cape Town: Control of Undertakings that Sell Liquor to the public By-law, 2013, the City may **approve, amend or refuse** an application for an extension of liquor trading days and hours for both on and off consumption premises.

Please complete your comments on the template below with regard to the application concerned, and submit within **Fourteen (14) calendar days** from date hereof. This will enable our office to submit the formal comments received to the Subcouncil on the application for a decision.

Kindly note that hard copies of the applications are available for scrutiny at the following location:

- Subcouncil 5 Administrative Offices, corner of Jakkalsvlei Avenue & Klaat Street, Bonteheuwel.

Criteria for extension of liquor trading hours:

In terms of section 6(9) of the City of Cape Town: Control of Undertakings that Sell Liquor to the public By-law, 2013, 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.

Should you have any queries in this regard, please contact Hillary Lewis at 021 444 2966.

I thank you in anticipation of your most valued cooperation.

Yours faithfully,

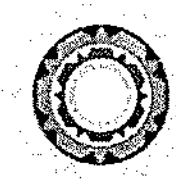


GEORGE VAN DER WESTHUIZEN
MANAGER: SUBCOUNCIL 5

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM

Please complete the information below and return to Subcouncil 5, Cnr Jakkalsvlei Avenue & Kiaat Street, Bonteheuwel 7764				
Applicant Details	WARD 50 – IVAN WAYNE LIQUOR STORE, 78 BLUEGUM STREET, BONTEHEUWEL, 7764 (Monday to Saturday Trading from 18:00 to 20:00)			
APPLICATION	SUPPORTED	X	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre			
	Rehab, Drugs / Alcohol Centre			
	School(s)			
	Other			
PARKING				
REASONS FOR SUPPORTING	Erf 140415 has obtained a temporary land use approval on 30 July 2018, for a period of 3 years.			
	Thus the sale of liquor is permitted until 30 July 2021.			
	Therefore in terms of operating hours to be in line			
	With the relevant legislation.			
ORGANISATION / OBJECTOR DETAILS				
NAME	Darrel Stevens			
ADDRESS	Tygerberg District Office: Land Use Management			
DATE	24 July 2019			

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) must reach this office before or on **Monday, 05 August 2019 at close of business (16:30).**



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

SUBCOUNCIL 5

COLLECTION SHEET

Name & Surname:

Ntshabane

Staff Number:

10006697

Contact Number:

44 44 857

Date:

25/7/2019

Time:

09:00

Signature:

[Signature]

Description

Letters inviting comments from Abutting Neighbors and Ward Committee Members of Ward 50 in respect of the following:

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 18:00 TO 20:00
MONDAY – SATURDAY TRADING FOR OFF CONSUMPTION PREMISES IN RESPECT OF –
IVAN WAYNE LIQUOR STORE, 78 BLUEGUM STREET, BONTEHEUWEL, 7764 IN WARD 50

Mailing List: Abutting Neighbours and Ward Committee Members of Ward 50**APPLICATIONS FOR EXTENSION OF LIQUOR TRADING HOURS – Ivan Wayne: WARD 50**

Mr John Petersen
69 Plumbago Street,
Bonteheuwel, 7764

Mr Abdulbaasit Jeppe
70 Bonteheuwel Avenue,
Bonteheuwel, 7764

Ms Shireen Johnson
74 Chestnut Street,
Bonteheuwel, 7764

Mr Clavin Hendricks
93B Firethorn Street,
Bonteheuwel, 7764

Mr Leonard Luikes
112 Firethorn Street,
Bonteheuwel 7764

Mr Christian Lucas
90D Karee Road,
Bonteheuwel, 7764

Dear Resident
76A Bluegum Street
Bonteheuwel
7764

Dear Resident
76B Bluegum Street
Bonteheuwel
7764

Dear Resident
80 Bluegum Street
Bonteheuwel
7764

Dear Resident
82 Bluegum Street
Bonteheuwel
7764

Dear Resident
81 Bluegum Street
Bonteheuwel
7764

Dear Resident
83 Bluegum Street
Bonteheuwel
7764

Mr Sidney Baatjies
16 Terblans Road,
Bonteheuwel; 7764

Mr Trevor Marman
5 Helena Close,
Mandalay; 7785

Ms Helen Mandeau
11 Bluegum Street,
Bonteheuwel, 7764