



REPORT TO SUBCOUNCIL 3

1. **ITEM NUMBER: 03SUB32012021**
2. **SUBJECT: LIQUOR LICENCE APPLICATIONS CONSIDERED UNDER SUBDELEGATED AUTHORITY BY RESPECTIVE WARD COUNCILLORS CHAIRPERSON AND SUBCOUNCIL MANAGERS DURING RECESS DECEMBER 2020 AND JANUARY 2021**

ISIHLOKO:

IZICELO ZEPHEPHAMVUME LOTYWALA EZITHATHELWE INGQALELO PHANTSI KWEGUNYA ELISEZANTSI EZENZIWE NGOOCEBA BEEWADI NGABANYE, USIHLALO NABAPHATHI BAMABHUNGANA KWISITHUBA SEKHEFU LWANGHEYOMNGA 2020 NANGHEYOMQUNGU 2021

ONDERWERP:

DRANKLISENSIEAANSOEKE OORWEEG ONDER GESUBDELEGEERDE MAGTIGING DEUR ONDERSKEIE WYKSRAADSLEDE, VOORSITTERS EN SUBRAADSBESTUURDERS GEDURENDE RESES DESEMBER 2020 EN JANUARIE 2021

3. **PURPOSE**

To inform the Subcouncil of the decisions and recommendations made regarding liquor license applications that were received during Council recess.

4. **FOR DECISION BY**

The Subcouncil to note.

Delegations Part 24 Liquor Licenses 4(1)(2)

(1) To comment on applications for liquor licenses in terms of the Western Cape Liquor Act, 2008, (Act 4 of 2008).

(2) Approve, refuse or amend applications for extension of trading days and hours on premises where liquor licenses have been granted in terms of section 6(2) of the By-law: Control of Undertakings that Sell Liquor to the public, 2013.

Delegation Part 24 Council Recess 13(1)

(1) To grant Sub-council managers, in consultation with the Sub-council Chairperson and the affected ward councillor, the authority to exercise all the powers of Sub-councils during periods of Council's recess, in cases of urgency.

EXECUTIVE SUMMARY

On the powers bestowed under Delegation Part 24 Council Recess 13(1), to the Subcouncil Manager, affected ward councillors and Subcouncil Chairperson has the authority to exercise all the powers of Subcouncils during periods of Council's recess, in cases of emergency.

Attached to this report, (Annexure A), is a list of liquor license applications that were received by the Subcouncil during Council Recess in December 2020.

Following the Rules and Regulations of Subcouncils, this report serves as evidence to the Subcouncil by informing the Subcouncil of the decisions and recommendations made regarding liquor license applications that were received during Council recess.

Meetings were held on 15 December 2020, 24 December 2020 and 6 January 2021.

All applicants have been informed of the outcomes of the applications.

5. RECOMMENDATION

That the contents of the report be noted.

ISIHLOKO

M2317

Ukuba makuqwalaselwe iziquletho zengxelo.

AANBEVELING

M2317

Dat daar van die inhoud van die verslag kennis geneem word.

6. DISCUSSION/CONTENTS

Refer to the executive summary listed in (5) above.

6.1. Constitutional and Policy Implications

None

6.2. Sustainability implications

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
---	--	------------------------------

6.3. Legal Implications

None

7.4 Staff Implications

Does the report impact on staff resources or result in any additional staffing resources being required?

No ☒

Yes ☐

7.5 Other Services Consulted

None

ANNEXURES:

Annexure A: LIQUOR LICENCE APPLICATIONS CONSIDERED UNDER SUB-DELEGATED AUTHORITY BY RESPECTIVE WARD COUNCILLORS, CHAIRPERSON AND SUBCOUNCIL MANAGER ON 15 DECEMBER 2020, 24 DECEMBER 2020 AND 6 JANUARY 2021

FOR FURTHER DETAILS, CONTACT:

NAME	Elizabeth Jacobs
CONTACT NUMBERS	021 444 4861
E-MAIL ADDRESS	Elize.Jacobs@capetown.gov.za
DIRECTORATE	Area Based Service Delivery: Area 1 (SC Cluster 1)
FILE REF NO	SC3 – 13/2/3

Comment:

**MANAGER: SUBCOUNCIL 3
ROXANNE MOSES**

DATE _____

Comment:

**CHAIRPERSON: SUBCOUNCIL 3
NICOLETTE RHEEDER**

DATE _____

SUBCOUNCIL 3

 LIQUOR LICENCE APPLICATIONS CONSIDERED UNDER SUB-DELEGATED AUTHORITY BY RESPECTIVE WARD COUNCILLORS, CHAIRPERSON AND SUBCOUNCIL MANAGER ON 15 DECEMBER 2020:

WARD	Name of Premises	LL Number	Type of Application	TRADING HOURS	DECISION
1	Tony's Liquor Store	WCP/020591	RENEWAL OF EXTENSION	OFF SITE: Mon – Sat 11:00 – 18:00	APPROVED
4	Gemelli Foods	LLA20110005	NEW	OFF SITE: Premises operating online and telephonically	SUPPORTED
4	Daily Dish (PTY) LTD	LLA20110042	NEW	OFF-SITE: Premises operating on delivery of liquor only.	CONDITIONALLY SUPPORTED: That a Business Licence is obtained and plans are submitted to Building Development Management for approval.
4	Sunset Beach Wines	WCP/032169	EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
70	Glory Wine	LLA20110038	NEW	OFF-SITE: On line sales only.	CONDITIONALLY SUPPORTED: 1. Should meals be provided in the premises, the applicant must be in possession of a Certificate of Acceptability for Food Premises in terms of Regulation R638 dated 22/06/2018 promulgated under the Foodstuffs, Cosmetic and Disinfectants Act, 1972 (Act 54 of 1972) and a trade licence in terms of the Businesses Act, 70 of 1991.

 Making progress possible. Together.

					<p>2. No smoking must be allowed on any public premises unless it complies with the Tobacco Products Control Amendment Act, 2008 (Act No 63 of 2008) and Notice Relating to Smoking of Tobacco Products in public places, Regulation No R975 dated 29 September 2000.</p> <p>3. Consumption off premises.</p> <p>4. That the Home Occupation criteria is being adhered to.</p> <p>5. Office space must reflect as per attached plan.</p>
70	Picardi Rebel Fine Wines & Liquor	WCP/033712	RENEWAL OF EXTENSION	OFF-SITE: OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
107	Forneria Italia	LLA20110021	NEW	ON-SITE: 09:00 – 23:00	CONDITIONALLY SUPPORTED: That a Business Licence is obtained and plans are submitted to Building Development Management for approval.
107	Park West Liquors	WCP/032839	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
107	Blouberg Kwikspar – Ward 107	WCP/041697	EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
107	Market Liquors – Ward 107	WCP/040720	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
107	Pick 'n Pay Sunningdale – Ward 107	WCP/032244	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
107	Pick 'n Pay	WCP/039960	RENEWAL	OFF-SITE:	APPROVED

	Liquors Sunningdale – Ward 107		OF EXTENSION	Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	
107	Woolworths West Coast Village – Ward 107	WCP/032206	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	PNP Parklands - Ward 113	WCP/039194	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	PNP Liquor Parklands – Ward 113	WCP/040631	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	PNP Table View – Ward 113	WCP/007215	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	PNP Liquor Table View – Ward 113	WCP/035068	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	Ribeiro's Kwiksave – Ward 113	DTI/020578	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00	APPROVED
113	Table View Tops – Ward 113	WCP/032691	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	Liquor City Milnerton –	WCP/036377	RENEWAL OF	OFF-SITE: Mon-Sat 18:00-20:00	APPROVED

	Ward 113		EXTENSION	and Sun 11:00 – 18:00	
113	Picardi Rebel Fine Wines – Ward 113	WCP/033770	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	Tops at Spar Table View – Ward 113	WCP/035987	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED
113	Woolworths Parklands – Ward 113	WCP/033804	RENEWAL OF EXTENSION	OFF-SITE: Mon-Sat 18:00-20:00 and Sun 11:00 – 18:00	APPROVED

LIQUOR LICENCE APPLICATIONS CONSIDERED UNDER SUB-DELEGATED AUTHORITY BY RESPECTIVE WARD COUNCILLORS, CHAIRPERSON AND SUBCOUNCIL MANAGER ON 24 DECEMBER 2020

WARD	Name of premises	Liquor Licence Number	Type of Application	TRADING HOURS	DECISION
1	Saratoga Spur Steak Ranch	LLA20120012	NEW	ON SITE: Mon – Sun: 09:00 – 23:00	<p>CONDITIONALLY SUPPORTED:</p> <p>1. The use of premises for the purpose of a Restaurant, consumption of liquor ON premises, is subject to the approval of the Area Land-Use Planner and must comply with any conditions or requirements that may be stipulated by the Town Planning Department. Any alterations or additions carried out or expense incurred by the applicant on the premises before the Town Planning aspect has been finalised, is done so at the risk of the applicant.</p> <p>2. The premises must comply with the National Building Regulations & Building Standards Act (Act 103 of 1977) and SANS 10400 of 2011. In this regard building plans must be submitted for approval for all additions and alterations to the building.</p> <p>Note: Adequate toilet facilities must be provided to all patrons and staff. Sanitary facilities must also be provided for disabled persons that comply with the requirements of SANS 10400-S: 2011 Edition 3. This includes ramps/walkways, toilet facilities and removal of</p>

					<p>obstructions in the path of travel for disabled persons.</p> <p>3. The applicant must at all times be in possession of 1) a valid Certificate of Acceptability in terms of the Regulations governing General Hygiene requirements for Food Premises, the Transport of Food and related matters: R638 dated 22 June 2018 as promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and 2) a Trade Licence in accordance with the Businesses Act No. 71 of 1991.</p> <p>4. The premises must comply with the Tobacco Products Control Amendment Act No. 83 of 1993 and the Notice Relating to Smoking of Tobacco Products in public places, Regulation No R975 dated 29 September 2000.</p> <p>5. At no time may a noise nuisance or a disturbing noise, as defined in the Western Cape Noise Control Regulations P. N. 200/2013 as promulgated under the Environmental Conservation Act, 1989 (Act 73 of 1989), be created to surrounding property owners.</p> <p>6. The applicant must comply with the City of Cape Town, Environmental Health By-Law, No. 13333 of June 2003, Part 1, Prevention and Suppression of Health Nuisances.</p>
1	Best of Asia	LLA20120013	NEW	<p>ON SITE: Mon – Sun 09:00 – 23:00</p>	<p>CONDITIONALLY SUPPORTED:</p> <p>1. The use of premises for the purpose of a Restaurant, consumption of liquor ON premises, is subject to the approval of the Area Land-Use Planner and must comply with any conditions or requirements that may be stipulated by the Town Planning Department. Any alterations or additions carried out or expense incurred by the applicant on the premises before the Town Planning aspect has been finalised, is done so at the risk of the applicant.</p> <p>2. The premises must comply with the National Building Regulations & Building Standards Act (Act 103 of 1977) and SANS 10400 of 2011. In this regard building plans must be submitted for approval for all additions and alterations to the building.</p> <p>Note: Adequate toilet facilities must be provided to all patrons and staff. Sanitary facilities must also be provided for disabled persons that comply with the requirements of SANS 10400-S: 2011 Edition 3. This includes ramps/walkways, toilet facilities and removal of obstructions in the path of travel for disabled persons.</p> <p>3. The applicant must at all times be in possession of 1) a valid Certificate of Acceptability in terms of the Regulations governing General Hygiene requirements for Food Premises, the Transport of Food and related matters: R638 dated 22 June 2018 as promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and 2) a Trade Licence in accordance with the Businesses Act No. 71 of 1991.</p>

				<p>4. The premises must comply with the Tobacco Products Control Amendment Act No. 83 of 1993 and the Notice Relating to Smoking of Tobacco Products in public places, Regulation No R975 dated 29 September 2000.</p> <p>5. At no time may a noise nuisance or a disturbing noise, as defined in the Western Cape Noise Control Regulations P. N. 200/2013 as promulgated under the Environmental Conservation Act, 1989 (Act 73 of 1989), be created to surrounding property owners.</p> <p>6. The applicant must comply with the City of Cape Town, Environmental Health By-Law, No. 13333 of June 2003, Part 1, Prevention and Suppression of Health Nuisances.</p>	
5	OK Village Centre	WCP/041523	RENEWAL OF EXTENSION	OFF-SITE: Mon – Sat: 18:00 – 20:00 Sun: 11:00 – 18:00	APPROVED
70	D'Aria Winery-Durbanville	WCP/041625	RENEWAL OF EXTENSION	ON-SITE: 09:00 – 23:00	APPROVED

LIQUOR LICENCE APPLICATIONS FOR CONSIDERATION UNDER SUB-DELEGATED AUTHORITY BY RESPECTIVE WARD COUNCILLORS, CHAIRPERSON AND SUBCOUNCIL MANAGER ON 6 JANUARY 2021:

WARD	Name of premises	Liquor Licence Number	Type of Application	TRADING HOURS	DECISION
4	Cubana – Ward 107	WCP/033985	APPLICATION WAS CHANGED FROM <u>RENEWAL OF EXTENSION</u> TO <u>APPLICATION FOR EXTENSION</u>	ON-SITE: Mon to Thurs 11:00 – 02:00 Fri, Sat, Sun & PH: 11:00 – 02:00	APPROVED AS PER RECOMMENDATION

SYNOPSIS

OF A VIRTUAL MEETING WITH THE SPEAKER, CHAIRPERSON AND WARD COUNCILLOR AND SUBCOUNCIL MANAGER REGARDING RENEWAL OF LIQUOR LICENCE APPLICATION ON SITE: CUBANA, WCP 037297, UNIT1, 12 BEACH BOULEVARD, TABLEVIEW ON 06 JANUARY 2021 AT 09:00 – 09:10 AND RESUMED AT 15:00 – 15:47.

PRESENT

COUNCILLORS

Alderman Dirk Smit – Speaker (attended meeting of 9:00 – 9:10)

Chairperson and Ward Councillor N Rheeder – Ward 107

OFFICIALS

Ms R Moses – Manager Subcouncil 3

Ms E Jacobs – Administration Officer

Ms Bettie Leedo – Health Department (attended meeting of 3pm)

The Chairperson greeted everyone present at the meeting and said that the item for discussion was the application for renewal of extension of liquor trading hours from 11:00 – 04:00 Mondays to Sundays: Cubana Tableview: WCP/037287, situated at Unit 1, 12 Beach Boulevard, Tableview, 7441, to which the Chairperson and Ward Councillor and Subcouncil Manager should comment and recommend under delegated authority, Delegation 4(1) & (2).

It was noted that the letter from the Health Department dated 18 December 2020, indicated the incorrect Liquor License Number and should read: WCP/ 037287 and not WCP/033985.

During the discussion with Ms Bettie Leedo (Head: Department of Health), it was determined that Cubana Tableview did not renew their liquor licence WCP/033985 situated at Erf4557, 9 North Point Centre, Portfield Road, Table View, 7441 but instead took over a Certificate of Transfer of the previous traders, Medley'z, situated at Unit 1, 12 Beach Boulevard, Table View, 7441 under Liquor Licence WCP/037297.

Cubana Tableview subsequently closed their premises at 9 North Point Centre, Portfield Road, Table View and re-opened their business at Unit 1, 12 Beach Boulevard, Table View on 6 December 2019.

The Certificate of Transfer dated 12 November 2019 – pages 10 - 11 of the application is included on pages 5 & 6 of this synopsis.

It must therefore be taken into account that the liquor licence previously in the name of Medley'z, Ref WCP/033985 applied for extended trading hours during 2018, after which it was refused by the Subcouncil as well as the Appeals Committee. Therefore, Medley'z trading hours remained 11:00 – 02:00.

Making progress possible. Together.

Refer to pages 7 – 10 in this synopsis.

Understanding from the Ms Leedo's remarks, Cubana could not transfer the trading hours: Sundays – Thursdays 11:00 – 02:00 and Fridays, Saturdays and Public Holidays 11:00 – 04:00 to the new Liquor Licence WCP033985 that only caters for trading hours from 11:00 – 02:00 Mondays to Sundays.

Ms Leedo therefore said that Cubana's application must be seen as a **new** application for extension of trading hours under Liquor License Ref: WCP/033985 situated at Unit 1,12 Beach Boulevard, Table View, 7441 and not as an application for the renewal of their previous Liquor Licence WCP/037297 situated at 9 North Point Centre, Portfield Road, Table View, 7441.

COMMENTS FROM THE CHAIRPERSON AND WARD COUNCILLOR, CLLR NICOLETTE RHEEDER:

Cllr N Rheeder presented her comments and recommendation after due consideration of all the received objections as well as all the appropriate legislation in regard to the application for extended trading hours for Cubana, Table View as discussed and decided in the meeting.

Cllr N Rheeder recommended that the trading hours for Cubana be Sunday to Thursday from 11h00 until 02h00 and Friday, Saturday and Public Holidays from 11h00 – 02h00 for the reasons set out below:

- There have been 10 objections to the application that have been taken into consideration.
- The establishment is less than 20m from a residential block of apartments containing 53 units and the surrounding area, in close proximity, contains predominantly residential properties zoned GR1, 2, 3 and SR1.
- According to the Control of Undertakings that Sell Liquor to the Public By-Law 2013, a business premises in a Local business or neighbourhood business area including mixed use areas as well as a general business area has a maximum permitted hours of trade from 11h00 – 02h00.
- The Alcohol Harms Reduction Paper (AHRP) aims to make our communities safer and our opportunities greater, by minimising **alcohol** consumption and **reducing** unnecessary **harm** to individuals, families and society as a whole. Alcohol is the most commonly abused drug countrywide. In 2013, it was recognised as the 3rd leading risk factor for death and disability in South Africa, following unsafe sex and obesity. It's also a dominant substance of abuse in the Western Cape. Cases of Foetal Alcohol Spectrum Disorder recorded in the Western Cape are among the highest in the country. Statistics show that 70% of trauma victims in our hospitals test positive for alcohol. As a City we need to assist with the aims of the AHRP.
- The current pandemic confirms the accuracy of the statistics mention in the previous point with regards to trauma victims in hospitals. Once the ban on the sale of alcohol was implemented there was an immediate and significant decrease in the numbers of alcohol related trauma injuries which hospitals treated.

Taken into account the above discussion it was decided that the Chairperson and Ward Councillor and Subcouncil Manager resolved to recommend the application for the extension of trading hours for Cubana Table View, Unit 1, 12 Beach Boulevard, Table View, 7441, to Mondays to Thursdays 11:00 – 02:00 and Fri, Sat and PH 11:00 – 02:00.

UNANIMOUSLY RESOLVED:

**DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE CHAIRPERSON, WARD COUNCILLOR AND SUBCOUNCIL MANAGER IN RESPECT OF: -
APPLICATION FOR EXTENDED LIQUOR TRADING HOURS: FOR ON-CONSUMPTION PREMISES SUNDAY TO THURSDAY AND FRIDAYS, SATURDAYS AND PUBLIC HOLIDAYS
TRADING FOR ON-CONSUMPTION PREMISES IN RESPECT OF WARD 107:
CUBANA TABLEVIEW: UNIT 1, 12 BEACH BOULEVARD, TABLEVIEW: WCP/037297**

Subcouncil 3 considered the application for extended trading hours (on-consumption) and resolved as follows:

Sundays to Thursdays 11:00 – 02:00 and Fridays, Saturdays and Public holidays 11:00 to 02:00, subject to the following conditions:

- (a) That the application for the renewal of extended trading hours (off-consumption) submitted by Cubana Tableview, Unit 1, 12 Beach Boulevard, Tableview, 7441, be considered as it complies with the criteria included in the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law, 2013.
- (b) 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.
- (c) The applicant must ensure that no sale of liquor is made directly to or via a third party to unemployed and/or homeless persons occupying public open spaces in the vicinity of Cubana Tableview, Unit 1, 12 Beach Boulevard, Tableview, 7441.
- (d) This application is also subject to compliance with all relevant by-laws of the City of Cape Town.
- (e) This application will be valid for 12 months from the date of the decision subject to the possession of a valid liquor licence.
- (f) That this application is granted subject to the specific level of Lockdown Regulations applicable.

The meeting closed at 15:47

.....
COUNCILLOR NICOLETTE RHEEDER



**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

Ref number: WCP/ 037297
Enquiries: Thuliswa Klaas

Date: 12 November 2019

ANTOINETTE VAN DALEN
P O BOX 719
BREDASDORP
7280

**RE: APPLICATION IN TERMS OF SECTION 65(1) OF THE LIQUOR ACT, ACT 4 OF 2008 IS HEREBY
ISSUED IN TERMS OF SECTION 65(17) OF THE LIQUOR ACT, ACT 4 OF 2008**

PREMISES NAME: CUBANA TABLEVIEW
MAGISTERIAL DISTRICT: CAPE METROPOLE: TABLE VIEW

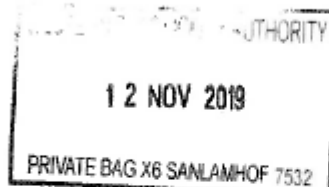
Dear Sir/Madam

Enclosed, please find a copy of the Certificate of Transfer for your information.

Yours faithfully,

Thuliswa Klaas

Liquor Licensing Administration
Western Cape Liquor Authority



Adv ThembaRhe Sidosi (Chairperson) | Mr Ronald Kingwili (Deputy Chairperson) | Dr Lourine Plotzky | Ms Underé Degion | Ms Lizanne Venter | Mr Jacobus Louw |
Dr Lukas Muntingh



Western Cape
Government

Western Cape Liquor Authority

FORM 25

CERTIFICATE OF TRANSFER OF A LIQUOR LICENCE IN TERMS OF SECTION 65(17)
REG. 32(12) AND (16)

AUTHORITY REFERENCE NUMBER: WCP/037297

Licence held by Mr JJ Van Zyl in respect of the premises situated at Unit 1, 12 Beach Boulevard, TABLE VIEW, 7441 in the municipality of City Of Cape Town - Subcouncil 1, under which the licensed business is conducted under the name: Medeyz is hereby transferred to Kalithea Investments CC subject to the conditions attached hereto.

The licensed business will in future be conducted under the name of: **Cubana Tableview**

This certificate must at all times be attached to the licence concerned.

Presiding Officer of the Liquor Licensing Tribunal
(or person acting under power delegated by the Presiding Officer)

Date: 12 November 2019





CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Rochelle Jones
Senior Clerk
Business Licence
Western Sub-District
Royal Ascot, Block A
1st Floor, Bridle Way
Milnerton, 7441

Tel: 021 444 5648

Fax: 021 444 6678
Rochelle.jones@capetown.gov.za

Alfred Crous
32 Allen Drive
Loevenstein
7530

Dear Sir

**APPLICATION FOR EXTENDED LIQUOR TRADING HOURS: 02:00 – 04:00 ON CONSUMPTION: MEDLEY'Z,
12 BEACH BOULEVARD, TABLE VIEW: ERF 4565**

Reference WCP/037297

I refer to your application dated 26 October 2018 regarding the abovementioned matter and wish to advise you that your application for the extension of liquor trading hours was considered by Sub Council 03, on 22 November 2018 and it was resolved that your application for extension of liquor trading hours be **refused** for the following reasons:

- Noise complaints received by the **Liquor Unit** on the 24th of March 2018;
- A compliance notice was issued for the trading hours which is in contravention with City's By-Laws;
- On the 7th of April 2018 a spot fine was issued for an expired fire extinguisher;
- On the 21st of April 2018 a spot fine was issued for consumption of liquor 30 minutes after the time permitted which is also in contravention with the City's By-Laws;
- The letter from **SAPS** dated 17 May 2018 on page 242 of the agenda does not recommend the extension of trading hours for the following reasons:
- Noise reports were received in November 2017 from a resident in the area – inspections were conducted and it was found that the establishment was in non-compliance with the liquor law regarding their closing hours in terms of their operating times;
- Compliance notices were given on the 2nd of June 2017 in terms of section 69(1) – On the 3rd of December 2017 a section 73(7)(c) report was submitted in terms of non-compliance where a liquor inspection was conducted and it was found that at 02:50 Medley'z doors were still open and patrons were still active inside and was in operation;
- Inspections were conducted on the following dates where it was found that Medley'z was operating past their closing time: on the 05/05/2018 at 02:30 and 13/05/2018 at 02:15;
- Complaints were forwarded to SAPS from neighbouring licensees regarding Medley'z operating past their trading time. The CPF was also informed;

ROYAL ASCOT BLOCK A GROUND FLOOR
BRIDLE WAY, MILNERTON
www.capetown.gov.za

Together.

Making progress possible.

Please note that in terms of Section 62 of the Local Government Municipal Systems Act, 2000 you may appeal to the City Manager against this decision by giving written notice of such appeal and the reasons therefore to the City Manager. All appeals should be submitted to and received by the Head: Environmental Health Western: Area North, 1st floor, Room 107, Berkley Road – Maitland or hand delivered to the offices within 21 days of the date of receipt of this notification. Appeals may also be submitted via email to Bettie.Leedo@capetown.gov.za

Your attention is drawn to the fact that it is an offence in terms of Section 2(1) of the City of Cape Town Liquor Trading Days and Hours by-Law 2010 as amended to continue to sell liquor on the licensed premises outside of the hours of 02:00 to 04:00 the following day.

Yours faithfully

Head: Environmental Health
Western-Sub-District
For Director: City Health

APPLICATION FOR THE RENEWAL OF EXTENDED LIQUOR TRADING HOURS: FOR ON CONSUMPTION PREMISES IN RESPECT OF WARD 107: MEDLEY'Z WCP/037297

Councillor Nicky Rheeder (Ward Councillor: Ward 107) referred to the comments from the City of Cape Town's Liquor Unit and SAPS on pages 241 and 242 of the agenda indicating that they were not in support of the approval of extended liquor trading hours for the following reasons:

- Noise complaints were received by the **Liquor Unit** on the 24th of March 2018;
- A compliance notice was issued for trading hours which is in contravention with City's By-Laws;
- On the 7th of April 2018 a spot fine was issued for an expired fire extinguisher;
- On the 21st of April 2018 a spot fine was issued for consumption of liquor 30 minutes after the time permitted which is also in contravention with the City's By-Laws.

The letter from **SAPS** dated 17 May 2018 on page 242 of the agenda does not recommend the extension of trading hours for the following reasons:

- Noise reports were received in November 2017 from a resident in the area – inspections were conducted and it was found that the establishment was in non-compliance with the liquor law regarding their closing hours in terms of their operating times.
- Compliance notices were given on the 2nd of June 2017 in terms of section 69(1) – On the 3rd of December 2017 a section 73(7)(c) report was submitted in terms of non-compliance where a liquor inspection was conducted and it was found that at 02:50 Medley'z doors were still open and patrons were still active inside and was in operation.
- Inspections were conducted on the following dates where it was found that Medley'z were operating past their closing time: on the 05/05/2018 at 02:30 and 13/05/2018 at 02:15.
- Complaints were forwarded to SAPS from neighbouring licensees regarding Medley'z operating past their trading time. The CPF was also informed.

In view of the above Councillor Rheeder indicated that she was not in support of the application.

UNANIMOUSLY RESOLVED

That the application for the renewal of extended trading hours (on-consumption) submitted by Medley'z, situated at 12 Beach Boulevard, Table View, **be refused** for the following reasons:

- Noise complaints were received by the **Liquor Unit** on the 24th of March 2018;
- A compliance notice was issued for trading hours which is in contravention with City's By-Laws;
- On the 7th of April 2018 a spot fine was issued for an expired fire extinguisher;
- On the 21st of April 2018 a spot fine was issued for consumption of liquor 30 minutes after the time permitted which is also in contravention with the City's By-Laws.

The letter from **SAPS** dated 17 May 2018 on page 242 of the agenda does not recommend the extension of trading hours for the following reasons:

- Noise reports were received in November 2017 from a resident in the area – inspections were conducted and it was found that the establishment was in non-compliance with the liquor law regarding their closing hours in terms of their operating times.
- Compliance notices were given on the 2nd of June 2017 in terms of section 69(1) – On the 3rd of December 2017 a section 73(7)(c) report was submitted in terms of non-compliance where a liquor inspection was conducted and it was found that at 02:50 Medley'z doors were still open and patrons were still active inside and was in operation.
- Inspections were conducted on the following dates where it was found that Medley'z were operating past their closing time: on the 05/05/2018 at 02:30 and 13/05/2018 at 02:15.
- Complaints were forwarded to SAPS from neighbouring licensees regarding Medley'z operating past their trading time. The CPF was also informed.

**ACTION: CINDY LOURENS
SECTION 24 DELEGATION 4(2)**