

SUBCOUNCIL 16

1. ITEM NUMBER 16 SUB 20/10/19

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF OK MINIMARK HOUT BAY, CELITA COURT, MAIN ROAD, HOUT BAY: 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 abutting neighbours, all organisations included on the Ward 74 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.

5. 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):
 - OK Minimark Hout Bay
 - Liquor Licence No: WCP/018631
 - OFF Consumption 18:00– 20:00, Monday-Saturday
 - Celita Court, Main Road, Hout Bay
- 6.2.2 SubCouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following Comments:
 - Ward Councillor: 2019/09/06: (See attached Annexure B)
 - Cllr Roberto Quintas: Not supported

- Abutting neighbours: 2019/06/10: (See attached Annexure B)
 - ❖ Lee Peacock: Harley Rentals & Tours: No objection
- Community Organizations: 2019/09/06;
 - No response received.
- Ward Committee of Ward 74: 2019/09/06: (See attached Annexure B)
 - Anthea Leppington: Safety & Security: Not supported
- Internal departments:
 - Health Department:
 Compliant see attached Annexure A
 - Law Enforcement Squad
 Compliant see attached Annexure A

6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **OK Minimark Hout Bay**, Celita Court, Main Road, Hout Bay 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 **OK Minimark Hout Bay** including comments by Health, and Safety and Security
- B. Objections received from Ward Councillor and Ward Committee member; Comment from Abutting Neighbour in support of the application
- C. Replication received from applicants representative in response to the objection received.

FOR FURTHER DETAILS CONTACT:

Name	Lucille Muller
CONTACT NUMBERS	021 487 2005
E-MAIL ADDRESS	Lucille.Muller@capetown.gov.za
DIRECTORATE	Urban Management Area 1

Mule	Comment:
Lucille Muller Acting Manager SUBCOUNCIL16	
DATE 26/09/2017	
SUBCOUNCII 16	Comment:
SUBCOUNCIL 16 CHAIRPERSON: Clir Matthew Kempthorne	
Date 26/09/2019	

ANNEXURE A



CITY HEALTH

Colieen Heldsinger

T: 0214006513

F

E: colleen.heldsinger@capetown.gov.za

05/09/2019

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:

185126

Liquor Licence Number:

WCP/018631 Renewal 2019

Licensee Name:

Oakhurst Retailers CC

Premises Name:

OK Minimark Hout Bay

Premises Address:

4661 Celita Court, Main Road

Hout Bay

Hout Bay

7806

Date of Application Submission:

Date Application captured:

2019/09/05

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

05-09-2019

Making progress possible. Together.



CITY HEALTH

CITY OF CAPE TOWN ISINEKO SASEKAPA STAD KAAPSTAO

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 FROM 18:00 TO 20:00, MONDAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES
All fields must be filled in
DETAILS OF LICENCEE
1. Liquor license number WCP/018631
2. Full name of licensee OAKHURST RETAILERS CC
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)
PAUL PSAROS, ID 550315 5135 08 8 OF 4 URISIMA CLOSE, KRONENICHT ESTATE, HOUT BAY
CAROLINE PSAROS, ID 600307 0325 18 6,0F 4 URISIMA CLOSE, KRONENICHT ESTATE, HOUT BAY
4. Name and address of the licensed premises OK MINIMARK HOUT BAY
ERF 4661, CELITA COURT, MAIN ROAD, HOUT BAY
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. (ERF 4661)
OK MINIMARK HOUT BAY, CELITA COURT, MAIN ROAD, HOUT BAY
6. Contact number
021 853 5785
7. State reason(s) why licensee is applying for extension of trading hours (use an annexure if required)
PLEASE SEE WRITTEN REPRESENTATIONS
I declare that the information (u) in shear in this application and in any documents attached to it, is true.
Signature Date AUG 0 1 2019
(written authorisation to sign on behalf of licensee to be attached)
Name (printed) DM HOOGENHOUT Application prepared by DH MANAGEMENT SERVICES
Postal address PO Box, 721, Strand, 7139 Physical address Cortland Place, Room G03, 37 Main Road, Strand
Work tel: 021-8535785 Cell: 0845/16266
Fax: Danelle volm 336 amail. cm
Signature Date AUG 0 1 2019 (written authorisation to sign on behalfor licensee to be attached)
Nome (nointed) () M Hage EN HOUT

Liquor licence number WCP 018651

FOR OFFICIAL USE ONLY

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

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Name of official	Marilyn Holding	Signature	(M91	duy	Date	del on
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(The applicant must now hand the application form in at the designated Environmental Health office. Please note: As from 1 July 2014 a non-refundable application fee of R4 217.00 (Vat. inclusive) is payable into Profit centre 18070172. Payment can be made at any cash office of the City. Proof of payment must from 1 July 2014 accompany the application when handing it in at the designated Environmental Health Office.

Application fee

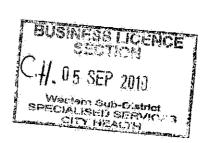
Receipt number

Payment date

(4217.00)

(SELNEXT PAGE

SELVERTPHOE



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Once-off payment notification

Date: 19/08/2019 Time: 8:52 AM

From account details:	SAVINGS AC
My statement description:	Form2 018631 OKMinimarkHoutBay
Beneficiary statement description:	192131688
To account number:	000007938
Branch:	198765
Amount:	R 4,217.00
Payment capture date:	19/08/2019
Reference number:	20190819/NEDBANK/002258092557

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

Nedbank Limited, Reg No 1951/000009/06, VAT Reg No 4320116074, 135 Rivonia Road, Sandown, Sandton, 2196, South Africa.





WESTERN CAPE

Western Cape Liquor Authority

Haliburbon Markets (Pty) Ltd. P.O. Box 721 STRAND



OFFICE USE

FORM 21A

ANNUAL LICENCE RENEWAL NOTICE:

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2019

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/018631

Address of the Ilcensed premises: Celita Court, Main Road, HOUT BAY, 7806 Name of licensee: Haliburton Markets (Pty) Ltd

(if the residential or postal address has chainged, plasse also supply the new address to the following s-mail address:

Catagory of licerice: Consumption Off

You are hereby notified that the total renewel fees payable to the Western Cape Liquor Authority ene

Annual: R 4,350, payable on or before 31 December 2018

. Payment must be made by direct deposit into the following bank account of the Authority:

Bank: Nedbank

Account holder: Western Cape Liquor Authority Account number: 145 206 9883

Branch code: 198 765

Please use your licence number (WCP/018631) as the reference on the deposit slip.

Kindly email proof of payment to Finance@wcla.gov.za

2. A licence layses on 1 January of the year in respect of which the applicable renewel fee is not paid on or before 31 December of the preceding year. See section 62(2)(b). 3. A licence that has lapsed in this way becomes vaild again only if the applicable renewal fee to paid along with a penialty of 50% of the fee on or before the less day of February, or with a penelty of 190% of the fee on or before the last day of February of the year in respect of which the renewal fees had to be paid. See section 62(3)(a)(1) and (ii). 4. A licensee who has falled to pay the prescribed ronewal fee on or before the last day of February of the year in respect of which the renewal fee had to be paid may, on or before 31 March of that year, apply in writing (on Form 23) to the Chief Executive Officer for condonation of such relate, and the Chief Executive Officer may condone the failure and allow the late payment of the prescribed fee by a date to be determined by the Aufhority, subject to the payment of the renewal fee plus a penalty of 150% of the fee. See section 63(4).



Licence number: WCP/018631 LMaTS number: 2013/681

Representative: DM Hoogenhout 021 8535785

ANNEXURE

PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE; AND RETURN THIS FORM BY EMAIL: LIQUOR, ENQURIES@WCLA.GOVZA

PLEABE COMPLETE IN BLOCK LETTERS

New details Licence holder Haliburton Markets (Pty) Ltd P.O. Box 721 STRAND 7139 On record Postal Address: Email Address: Full Name: Mobile No:

New details Licence details

2017/453792/07

Registration Number:

Identity Number:

OK MiniMark Hout Bay Consumption Off On record Licence Type: Trading As:

Celita Court Main Road HOUT BAY 7806 Licenced Premises:

Licence representative

On record

New details

info.dhman@gmail.com DM Hoogenhout Email Address: Full Name: Mobile No:

P.O. Box 721 STRAND 7139 dentify Number

postal Address:

1482330 Registration Number:

Please Note:

A licensee who intends to subscribe to a blennial renewal cycle, must lodge with the Authority a notice in the form of Form 218 by no later than 30 November 2018,

Signature of Licence Holder / Representative Date:



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Once-off payment notification

Date: 04/12/2018 Time: 10:05 AM

From account details:	SAVINGS AC
My statement description:	OKMiniMarkHoutBay 018631 F21A
Beneficiary statement description:	WCP/018631 F21A OKMiniMHoutBay
To account number:	1452069883
Branch:	145209
Amount:	R 4,360.00
Payment capture date:	04/12/2018
Reference number:	20181204/NEDBANK/001994884077

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

Nedbank Limited, Reg No 1951/000009/06, VAT Reg No 4320116074, 135 Rivonia Road, Sandown, Sandton, 2196, South Africa.



Ask for: Colleen Fortun

Tel: 0214006513

Cela: Colleen Fortune

Vra Vir: Colleen Fortune

Umnxeba: 0214006513

Tel: 0214006513

Making progress possible. Together.

EXTENSION OF LIQUOR TRADING HOURS FOR OFF CONSUMPTION LIQUOR - Monday to Saturday

Approval in terms of Section 6(5)(A) of the City of Cape Town: Control of undertakings that sell-Liquor to the public, By-law 2013 as amended.

Extended liquor trading hours reference number	173715 GENAP 08/09/18
Liquor License number	WCP/018631
Full name of Licensee	Haliburton Markets (PTY) Ltd
Name/designation or title under which the business is carried on	Ok Minimark Hout Bay
Address of the licensed premises	Celita Court, Main Road Hout Bay 7806
Extended liquor trading hours permitted for off consumption	Monday to Saturday 18:00 to 20:00hrs

Please note that this approval for extended liquor trading hours is valid from 14 September 2018 to 13 September 2019 and remains subject to possession of a valid Liquor Licence.

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

AREA 1

Director: City Health

WESTERN SUB DISCTRICT
OF CAPE TOWN
AREA 1 Head Environmental Health

110000170 : 0836507170

Scott ESTATE. HOUT

780K

Telephone numbers: Postal code

Office

234NION STREET

HOYT BAY

2181

Postal code

Physical address

FORM 24

APPLICATION FOR TRANSFER OF LICENCE IN TERMS OF SECTION 65(1)

[Reg. 32(2)(a)]

ORIGINAL MUST BE LODGED WITH AUTHORITY AND ONE COPY WITH DESIGNATED LIQUOR OFFICER.

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	Sate Ething of designated liquor officer on receipt Date stamp				The state of the s

AUTHORITY REFERENCE NUMBER: WCP CO 18 631

INDEX

Description of documents to be attached	Annexure
Written representations in support of the application	Ą
A certified copy of the identity card or document, or the passport and visa or permanent residence permit of the proposed licensee if the proposed licensee is a foreigner, or, in the case of a person other than a natural person, copies of the relevant registration documents, indicating the identity and, where applicable, the financial interest of all members, directors, permers, beneficiaries or trustees of the proposed licensee	p
Proof of payment of the applicable application fee set out in Item 10(a) of Americe 1	ပ
Afficient by the proposed licensee that he, she or it is not disqualified in terms of section 35 from holding a liquor licence	ď
Proof that the applicant has lodged a copy of this application with the designated liquor officer	μū
Proof that the proposed licensee has the right to occupy the licensed premises	14
Proof of ownership of the licensed premises or, if the proposed licensee is not the owner of the premises, written consent from the owner that the proposed licenses owner that the proposed licenses may not the license breakes for the purposes of the licence in respect of which	g

	Description of documents to be attached	Annerare
the application for transfer is lodged	nsfer is lodged	
Documented proof of	Documented proof of the reason for the transfer	H
Name, signature and c	Name, signature and contact details of the person who prepared this application:	
Name	Pay Poplass	
Signature	(Cypes	
Postal address	, DOBOX 26563	

PART A: DETAILS OF LICENSEE

2430@ ok , co. 2a

E-mail address

Fax number

Home or other

Cell phone

- Full name of licensee. HALI BURTON MARKETS (PTY) LTD
- Name and address of the licensed premises. EAF 4661 CELETA COURT, MAIN LOAD HOUT BAY. CITY OF CAPETOWN Sus Garacie 16, wared 74

PART B: DETAILS OF PROPOSED LICENSEE

RESOLUTION

AT A MEETING OF THE MEMBERS OF OAKHURST RETAILERS CC, REGISTRATION NUMBER: 2003/006389/23, HELD ON 31 JULY 2019, IT WAS RESOLVED THAT:

The members hereby appoint Daniel Marais Hoogenhout t/a DH Management Services (Sole Proprietor) or Danelle van der Merwe or René Ras as my authorised agent to prepare and sign on my behalf and/or to appear before the City of Cape Town's Council and to do whatever is necessary to be done in connection with the undermentioned application, as well to withdraw it:

Application in terms of Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public, 2013, for extension of off-consumption trading hours from Monday to Saturday, in respect of a premises situated at Erf 4661, Celita Court, Main Road, Hout Bay, City of Cape Town, Sub Council 16, Ward 74, known as OK MiniMark Hout Bay, (WCP/018631).

This resolution is irrevocable and will remain in power until the application is finalised and the competent authority has considered the application.

C PSAROS MEMBER

P PSAROS MEMBER

ANNEXURE B

Shireen Maggott

From: Sent: Roberto Quintas

09 September 2019 12:14 PM

To:

Shireen Maggott; aleppington@me.com; ashley@houtbaypartnership.co.za; danielle@envirochild.org; "huckles@polka.co.za" (huckles@polka.co.za)' (huckles@polka.co.za); geraldaphillips2@gmail.com; keri.cross@seeff.com;

vincentsodladla@yahoo.com; Warren Abrahams; school.office@amblesideschool.co.za; properties@capecoast.co.za; shaunb@capecoast.co.za; admin@ccphoutbay.co.za; honey1124@gmail.com; hangbergeducation@yahoo.com; hhstars96@gmail.com;

hangingmeadow@absamail.co.za; kzjarze@gmail.com;

cpfhoutbay.chairperson@gmail.com; hb.heritage@zsd.co.za; timothyj@telkomsa.net;

stanleymeter@gmail.com; info@valleychurch.co.za; hbcca@iafrica.com;

nomawethu@jameshouse.org.za; juanjulius66@gmail.com; houtbayhigh@gmail.com;

montehb@telkomsa.net; kerin.goosen@gmail.com; admin@hbnw.co.za; chair@hbnw.co.za; info@houtbaypartnership.co.za; swimmer@telkomsa.net;

sforster@mweb.co.za; loyiso@lalela.org; sdlule@gmail.com; info@circelaunches.co.za; lulama.bini@gmail.com; mkhululimndude95@gmail.com; dwynne@intekom.co.za;

secretary@kronendal.co.za; principal@llandudnoprimary.co.za; ammiecamoo@gmail.com; ''admin@okmp.wcape.school.za'

(admin@okmp.wcape.school.za)' (admin@okmp.wcape.school.za); Jan Lewis; admin@sentinelps.wcape.school.za; len@pothier.biz; nelsonlulane@gmail.com;

welcome@live.co.za; 'chudson@iafrica.com'; kikiloubser@gmail.com

OBJECTION 4: OK MINIMARK HOUT BAY - OFF CON: Mon-Sat (W74 CLLR WC COD)

Subject:

I do not support.

Cilr Roberto Quintas

Ward 74 (Hout Bay & Llandudno)

Office: 021 400 2643 Cell: +27 82 042 3502

Roberto.Quintas@capetown.gov.za



Making progress possible. Together.

Shireen Maggott

From:

Amakhaya Golf Lodge and Harley Tours <amakhaya@cuinkapstadt.com>

Sent:

10 September 2019 12:55 PM

To:

Subject:

Shireen Maggott; peninsulagl@mweg.co.za; fiddlesticks@telkomsa.net RE: OK MINIMARK HOUT BAY - OFF CON: MON-SAT (NEIGHBOURS)

Good day,

We have got no objections do you need us to fill out anything?

Regards, Lee Peacock

Shireen Maggott

From:

Anthea Leppington <aleppington@me.com>

Sent:

06 September 2019 12:54 PM

To:

Shireen Maggott

Subject:

OBJECTION 2: OK MINIMARK HOUT BAY - OFF CON: Mon-Sat (W74 CLLR WC COD)

Do not approve

Sent from my iPhone

ANNEXURE C



13 September 2019

The Manager Good Hope Sub Council 16 11th Floor 44 Wale Street Cape Town 8001 ATTENTION: SHIREEN MAGGOTT

REFERENCE: WCP/018631

Dear Ms Maggott

APPLICATION IN TERMS OF SECTION 6(3)(a) OF CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 FOR ANNUAL RENEWAL OF MONDAY TO SATURDAY EXTENDED OFF CONSUMPTION TRADING FROM 18:00 – 20:00 AND SUNDAY TRADING FROM 11:00 – 18:00 – OK MINIMARK HOUT BAY, CELITA COURT, MAIN ROAD, HOUT BAY

AS REQUESTED IN YOUR E-MAIL DATED 9 SEPTEMBER 2019, WE COMMENT ON OBJECTIONS RECEIVED AGAINST THE ABOVE APPLICATION

1. Objection "1": E-mail from Anthea Leppington with cryptic subject description

It is not sure against which part of the application the objection is aimed and applicant cannot identify the objector, Antea Leppington, nor is applicant aware of objector's interest in the matter.

The content of the e-mail simply read "Do not approve". Once again applicant cannot identify what the objector's objection is about and what the objector's interest in the matter is. It is therefore suggested that the "objection" should be ignored.

2. Objection "2": E-mail from Roberto Quintas to Anthea Leppington and Shireen Maggott

Once again it is not clear against what the objector is objecting to. The objector is the Councilor for Ward 74, Hout Bay and Llandudno.

2/...

By definition councilors are people elected to represent their local community in the running of their local council and they have an important role in many of the major decisions that affect people's lives.

If standing for election, it is important to understand the varied and important work that councilors do. It is obvious that Councilor Quintas is not aware or do not understand the function of a Ward Councilor. By merely sending an email "I do not support", is definitely not serving the community and more specific the rate payer applying for the extended days and hours of trading.

One would expect the Ward Councilor, (objecting to an application lodged by a ratepayer/"voter"), to have taken more trouble in motivating his objection. Even more so, taking into consideration that this is an application for renewal of an existing approval and that no incident was recorded since approval of this extension for hours and days of business.

As Sub Council is aware, application fee for extension of trading days and hours payable to City of Cape Town is in access of R11 000.00 (plus VAT). Taking this into consideration, once again, merely sending an e-mail saying "I do not support", is not expected from a person holding office of Ward Councilor.

Applicant sincerely hopes that Sub Council will treat these objections with the contempt it deserves.

Yours faithfully

DM HOGOWHOUT