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REPORT TO SUBCOUNCIL 6

1. ITEM NUMBER:

06SUB38/08/19

2. SUBJECT

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 THE RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS FOR MONDAY TO SATURDAY TRADING FROM 18:00 TO 20:00 FOR AN OFF-CONSUMPTION PREMISES FOR: TOPS AT OLD OAK – WCP/033173

ONDERWERP

AANSOEK INGEVOLGE ARTIKEL 6 VAN DIE STAD KAAPSTAD: VERORDENING OP BEHEER VAN ONDERNEMINGS WAT DRANK AAN DIE PUBLIEK VERKOOP 2013 VIR DIE HERNUWING VAN DIE VERLENGDE DRANKHANDELSURE VIR MAANDAE VANAF 18:00 TOT 20:00 VIR 'N BUITEVERBRUIKPERSEEL VIR: TOPS AT OLD OAK - WCP/033173

ISIHLOKO

ISICELO **NGOKWECANDELO-6** LOMTHETHO KAMASIPALA WESIXEKO SASEKAPA **ONGOLAWULO LWEMIMISELO** YOKUTHENGISWA KOTYWALA KULUNTU WANGO-2013. ESINGOKUHLAZIYWA ZOKUTHENGISWA KOTYWALA UKUSUSELA NGEYE- 18:00 UKUYA KWEYE- 20:00 FOR MONDAY TO SATURDAY TRADING UKUYA NGOMGQIBELO NGOKUJOLISWE KWIZAKHIWO EKUNGASELELWA KUZO: TOPS AT OLD OAK - WCP/033173

3. PURPOSE

To decide on an application for the renewal of extension of liquor trading hours in terms of Section 6 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 Part 24.4 (2)

To approve, refuse or vary applications for extension of trading hours on premises where liquor licences have been granted in terms of section 2 of the By-Law: Control of Undertakings that Sell Liquor to the Public 2013.

5. EXECUTIVE SUMMARY

An application for the renewal of extension of liquor trading hours in terms of Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law 2013 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 6 Manager, and was then circulated to all Interested and Affected Parties for comment.

6. DISCUSSION

- 6.1 Subject to subsection (5), (6) and (7) of the By-Law 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 City may approve, amend or refuse an application for an extension of liquor trading days and hours for both on and off consumption premises.
- 6.3 An application for the extension of trading days and hours is not automatically renewable and
 - (a) must be submitted to the City for consideration on an annual basis; and
 - (b) may be approved by the City, subject to the imposition of conditions for extended liquor trading days and hours.
- 6.4 The following application for the renewal of extension of liquor trading hours in Terms of Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law 2013 has been received by the Subcouncil:

6.4.1 Details of application (See attached Annexure A):

- Tops at Old Oak
- Liquor Licence No: WCP/033173
- OFF Consumption
- Old Oak Centre, Meerlust Street, Old Oak, Bellville
- 6.4.2 Subcouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following Comments:
 - Ward Councillor: 12 July 2019
 Email sent to Cllr B van der Merwe on 12 July 2019 for comment (See Annexure B)
 The application is supported by Cllr B van der Merwe.
 - Bellville CPF/Bellville SAPS: 12 July 2019
 Email sent to Bellville CPF/ Bellville SAPS on 12 July 2019
 No objection received from Bellville CPF/ Bellville SAPS.
 - Internal departments:
 - ❖ Town Planning sent on 12 July 2019
 The subject property is zoned for General Business (GB3) purposes, which allows for the sale of liquor.
 (See Annexure C)
 - Law Enforcement Services No Objection received (See application as per Annexure A)

7. RECOMMENDATION

That Subcouncil 6 considers the application for the renewal of extension of liquor trading hours submitted Tops at Old Oak – WCP/033173 for Monday to Saturday trading for an Off-Consumption Premises as well as the various comments/objections received, and resolves to approve, refuse or vary the application for extension of trading hours from 18:00 to 20:00.

Criteria for granting extension of liquor trading hours:

Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law 2013:

"Council, in considering the application referred to in subsection (1) shall take into account the following factors:

- (a) outcome of community consultation;
- (b) impact on the environment;
- (c) any other relevant factor."

AANBEVELING

Dat Subraad 6 die aansoek om die hernuwing van die verlenging van drankhandelsure ingedien deur Tops at Old Oak – WCP/033173 vir n buiteverbruiksperseel as ontvang, oorweeg en besluit om die aansoek om die verlenging van handelsure vir Maandae tot Saterdae handeldryf van 18:00 tot 20:00 goed te keur, van die hand te wys of te verander.

Maatstawwe vir die toestaan van verlenging van drankhandelsure: Artikel 6 van die Stad Kaapstad: Verordering op Beheer van Ondernemings wat Drank aan die Publiek Verkoop 2013:

"Die Raad, in sy oorweging van die aansoek waarna in subartikel (1) verwys word, sal ag slaan op die volgende faktore:

- (a) resultate van oorlegpleging met gemeenskap;
- (b) impak op die omgewing:
- (c) enige ander tersaaklike faktor."

ISINDULULO

Ukuba iBhungana 6 maliqwalasele isicelo sokwandiswa kwamaxesha okuthengisa utyala esingeniswe ngabe- Tops at Old Oak – WCP/033173, ukukhaba okanye ukusichasa isicelo sokwandiswa kwamaxesha okuthengiswa kotywala kude kube yintsimbi Monday to Saturday ye- 18:00 to 20:00

Inkqubo eza kulandelwa yokunikezelwa kwemvume yokwandisa amaxesha okuthengisa utywala:

Ngokwecandelo-6 Lomthetho Kamasipala Wesixeko Sasekapa Ongolawulo Lwemimiselo Yokuthengiswa Kotywala Kuluntu Wango- 2013:

"IBhunga, xa liqwalaselwa isicelo esibhekiselwe kuso kwicandelwana (1) liza kuthathela ingqalelo oku kulandelayo:

- (a) isiphumo sothetha-thethwano noluntu;
- (b) ifuthe kokusingqongileyo;
- (c) nayiphina enye into efanelekileyo."

ANNEXURES:

Annexure A: Application for the renewal of extension of the trading hours and days submitted by Tops at Old Oak – WCP/033173 for Monday to Saturday trading including comments from the Safety and Security Department – Liquor Control Unit

Annexure B: Comments received from the Ward Councillor

Annexure C: Comments received from Town Planning and Land Use Management

FOR FURTHER DETAILS CONTACT:

NAME	Pat Jansen	
CONTACT NUMBERS	021 444 3717	
E-MAIL ADDRESS	Pat.Jansen@capetown.gov.za	
DIRECTORATE	Urban Management	
REF No	SC6 17/1/2/1 - 2019/20 -	
	Tops at Old Oak – WCP/033173	

MANAGER: SUBCOUNCIL 6 PAT JANSEN	Comment:
CONTACT NO: 021 444 3717 DATE: 12/08/2019	
CHAIRPERSON: SUBCOUNCIL 6 CLLR MERCIA KLEINSMITH	Comment:
CONTACT NO: 021 444 3721	



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Belivite Environmental Health Midmar Street Bellville 7530

Ask for: Bruce Neethling Tel: 021 400 6110 Fax: 021 919 6559

E-mail: Bruce Neethling@capetown.gov.za

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Bellville Environmental Health Midmar Street Beliville 7530 Vra vir: Bruce Neethling Tel: 021 400 6110 Faks: 021 919 6559

COMMUNITY SERVICES AND HEALTH: AREA CENTRAL-ENVIRONMENTAL HEALTH BELLVILLE:

RENEWAL APPLICATION

Memorandum to Manager: Mrs. Jansen

Sub Council 6

This application, with license reference number 184769 is a renewal application for the extension of liquor trading hours, in terms of Section 6 of the City of Cape Town Liquor Trading Days and Hours By-law 2013 as amended, was received from Tops At Old Oak (Mon to Sat Trading), and is forwarded to you for consideration and public participation.

Please communicate the decision of Sub Council 6, to the Business Licensing Officer (B Neethling), in order for him to advise the applicant regarding the outcome.

(for) Head: Area Central



CITY HEALTH

Bruce Neethling

T: 0219108620 F: 0219196559

E: Bruce.Neethling@capetown.gov.za

10/07/2019

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:

184769

Liquor Licence Number:

WCP / 033173

Licensee Name:

NISTAR BELEGGINGS BK

Premises Name:

Tops At Old Oak

Premises Address:

Old Oak Centre, Meerlust

Street

Old Oak

Bellville

7530

Date of Application Submission:

Date Application captured:

2019/06/10

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.

2. The application fee is non-refundable.

Pages: 1 of 1

10-07-2019

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CITY HEALTH

CITY OF CAPE TOWN SINERO SASEKAPA STAD KAAPSTAD

THIS CITY WORKS FOR YOU

All fields must be filled in DETAILS OF LICENCEE 1. Liquor license number	APPLICATION IN 1	TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LA
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FOR OFFICIAL USE ONLY	Liquor licence number WCP 033173
	(s) and/or any complaints received or action taken in respect of the premises or licensee.
ASCEPTAINED THAT THE	MEERLUST STREET, OLD DAY BELLVILLE IT HAS APPRICANT DID REMEW HIS LIQUOR LICENSE FOR SOM. CCEINED BY THE LIQUOR UNIT WITH REGARDS TO THIS LICATION WAS SUBMITTED TO THE OPERATORS.
RECEIVED.	FOR COMMENTS, HOWEVER NO FEEDBACK HAS BEEN
	THOUSE AND THE PARTY OF THE PAR
Name of official Marilyn Holdi 10001005	Signature Signature Date 01 JUL 2019 Safety and Security AW ENFORCEMENT
(The applicant must now hand the application form in application fee of R9-226.05 (Vat. inclusive) is payable must from 1 July 2014 accompany the application when Application fee	at the designated Environmental Health office. Please note: As from 1 July 2014 a non-refundable into Profit centre 18070172. Payment can be made at any cash office of the City. Proof of payment handing it in at the designated Environmental Health Office.
	Receipt number



Once-off payment notification

Date: 10/06/2019 Time: 3:28 PM

From account details:	January Ton
	SAVINGS AC
My statement description:	Form2 033173 Tops Old Oak
Beneficiary statement description:	192131688
To account number:	000007938
Branch:	198765
Amount:	R 4,035.09
Payment capture date:	10/06/2019
Reference number:	20190610/NEDBANK/002187630793
Please note: Payments to athen had	110002107030793

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 CARE

Western Cape Liquor Authority

Nistar Beleggings BK P.O. Box 721 STRAND 7139



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/033173

Name of licensee: Nistar Beleggings BK

Address of the licensed premises Old Oak Centre, Meerlust Street, BELLVILLE, 7530

(If the residential or postal address has changed, please also supply the new address to the following e-mail address:

Cafegory of licence: Consumption Off

You are heroby notified that the total renewal fees payable to the Western Cape Liquor Authority are:

Annual: R 4.360, payable on or before 31 December 2018

Please Note:

1. 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/033173) as the reference on the deposit stip.

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

2. A licence lapses on 1 January of the year in respect of which the applicable renewal fee is not paid on or before 31 December of the preceding

A licence that has lepsed in this way becomes valid again only if the applicable renewal feers paid along with a penalty of 50% of the fee on or before 31 January, or with a penalty of 100% of the fee on or before the last day of February of the year in respect of which the renewal hees had

4. A licensee who has tailed to pay the prescribed renewal fee on or belone 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 failure, 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 Authority, subject to the payment of the renewal fee plus a penalty of 150% of the fee. See section 63(4).



Representative: DM Hoogenhout Licence number: WCP/033173 021 8535785 LMaTS number: 2011/1525

ANNEXURE

PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY EMAIL: LIQUOR.ENQUIRIES@WCLA.GOV.ZA

PLEASE COMPLETE IN BLOCK LETTERS

Licence holder Nistar Beleggings BK On record Full Name: Mobile No:

New details

P.O. Box 721 STRAND 7139 Postal Address:

Email Address:

1997/055892/23 Registration Number: Identify Number:

New details Licence details

Consumption Off Tops at Old Oak On record Licence Type: Trading As:

Old Oak Centre Meerlust Street BELLVILLE 7530 Licenced Premises:

New details Licence representative On record

info.dhman@gmail.com Email Address:

DM Hoogenhout

Full Name: Mobile No: P.O. Box 721 STRAND 7139 Postal Address:

Identity Number:

1482330 Registration Number:

Please Note: A liconseq who intends to subscribe to a biannial renewal cycle, must lodge with the Authority a notice in the form of Form 218 hy no later than 30 November 2618.

Signature of Licence Holder / Representative





Once-off payment notification

Date: 01/11/2018 Time: 8:51 AM

From account details:		Date
	SAVINGS AC	
My statement description:	Tops Old Oak 033173 F21A	
Beneficiary statement description:	WCP/033173 F21A TopsOldOak	
To account number:	1452069883	
Branch:	145209	
Amount:	R 4,360.00	
Payment capture date:	01/11/2018	
Reference number:	20181101/NEDBANK/001960610732	
Please note: Payments to other hank	- 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	

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.



Enquiries: Bruce Neethling

Tel: 021 910 8620 Fax: 021 919 6559

Bruce.Neethling@capetown.gov.za

CITY HEALTH - AREA 3 - ENVIRONMENTAL HEALTH BELLVILLE 28 August 2018

Dear Sir/Madam

APPLICATION FOR THE EXTENSION OF LIQUOR TRADING HOURS FOR SUNDAY TRADING, OFF - CONSUMPTION PREMISES FROM 11:00 TO 18:00

Extended liquor trading hours reference number	173941
Full name of licensee	WCP/033173
Name/designation or the title under which the	NITSTAR BELEGGINGS BK
= 000 10 COLLIECT OU	TOPS AT OLD OAK
Address of the licenced promises	
ar avided breitinges	Erf: 21702
	Old Oak Centre, Meerlust Street
	Old Oak
	Bellville

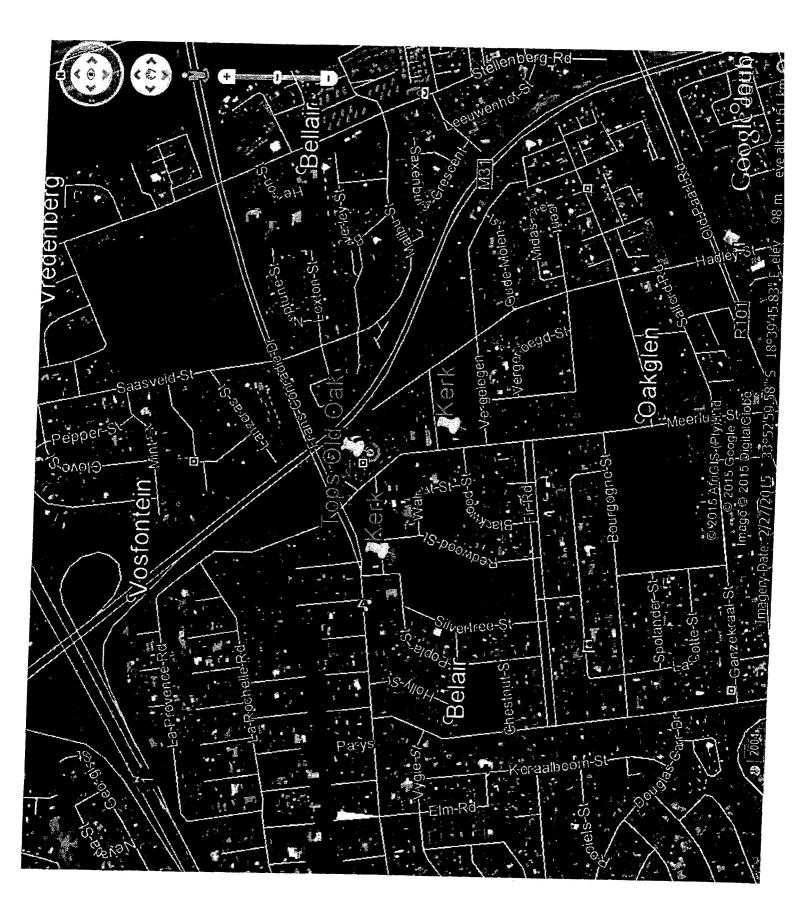
I refer to your application dated 24 May 2018 regarding the abovementioned matter and wish to advise that your application to extend your trading hours for Sunday's, from 11:00 to 18:00 has been considered by Sub-Council 6, and it was approved subject to the following conditions:

- (a) Should complaints be received concerning noise and unruly behaviour of patrons, these will be investigated and recorded by the City's Law Enforcement Division.
- (b) The applicant is advised that any complaints received concerning the applicant's premises, will be forwarded to the Western Cape liquor Authority to be handled in terms of section 64(1)(e) and 64(2) of the Western Cape Liquor Act 4 of 2008 as

This approval for the extension of liquor trading hours for off-consumption premises for Sunday Trading is valid for one year, from 14 August 2018 until 14 August 2019, and remain subject to the possession of a valid Liquor Licence. Extension of Liquor Trading Hours to be displayed together with the Liquor Licence. Yours faithfully

Head Environmental Health

Area 3 For Director: City Health



RESOLUTION

AT A MEETING OF THE MEMBERS OF NISTAR BELEGGINGS CC, REGISTRATION NUMBER: 1997/055892/23, HELD ON 5 JUNE 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 21702, Old Oak Centre, Meerlust Street, Old Oak, Bellville, City of Cape Town, Sub Council 6, Ward 3, known as Tops old Oak, (WCP/033173).

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

WJ FORBES MEMBER

MEMBER

FH FORBES **MEMBER**

WJ FORBES (JNR)

MEMBER

Nadene Abagail Hermanus

From:

Brendan Van Der Merwe

Sent:

07 August 2019 12:19 PM

To:

Nadene Abagail Hermanus

Subject:

RE: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon to Sat

& Sunday)

Importance:

High

Good afternoon Nadene,

I have distributed the application to the CBO's and have had no response.

This application is a renewal and there have been no associated complaints to date and so the application is not opposed.

May I suggest that we include the usual feedback from Councillors relating to the application.

Water-Saving Regards,

PLEASE BE AWARE THAT CAPE TOWN IS AT LEVEL 3 WATER RESTRICTIONS AND WE HAVE TO COMPLY

Brendan van der Merwe

Ward Councillor - Ward 3

P.O. Box 452, Parow, 7499 Bellville Sub-Council – Voortrekker Road, Bellville - 021 444 3717 Transport Portfolio Committee

Tel: 021 905 0929 Fax: 086 588 6242 Cell: 082 927 0515



Making progress possible. Together.

The City currently has one call centre number for all accounts and general enquiries, such as water, electricity, solid waste, accounts enquiries, valuations, creditors accounts, traffic fines, motor vehicle registration, etc.

The number is 0860103089 OR SMS 31373 (160 Characters) OR email contactus@capetown.gov.za OR visit https://eservices1.capetown.gov.za/coct/wapl/zsreq_app/index.html#

From 1 July 2019, land use and building applications may only be submitted via the City's e-Services portal. Register as a business partner before 1 July 2019 to submit your application via e-Services and track its progress.

New SAPS Contact details for the Bellville Precinct:

Direct Number: 021 918 3000 / 12 / 14

Duty Manager: 082 301 7402 Operations Room: 021 918 3661

From: Nadene Abagail Hermanus < Nadine. Hermanus@capetown.gov.za>

Sent: Wednesday, 07 August 2019 11:27 AM

To: Brendan Van Der Merwe < Brendan. Van Der Merwe@capetown.gov.za >

Subject: RE: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon to Sat & Sunday)

Good day Councillor

Just a reminder that the Subcouncil did not receive any comments from you on the abovementioned renewal of extension of liquor trading hours.

Kind Regards

Nadine Hermanus

Administrative Officer: Subcouncil 6 Directorate: Urban Management

Department: Area 3

Bellville Civic Centre Voortrekker Road Bellville 7530

Tel: (021) 444-3718 Cell: 084 390 1520 Fax: 086 75 12 112

Email: nadene.hermanus@capetown.gov.za



Making progress possible. Together.

From: Nadene Abagail Hermanus Sent: 12 July 2019 04:13 PM To: Brendan Van Der Merwe

Cc: Malusi Booi

Subject: FW: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon to Sat & Sunday)

Importance: High

Dear Councillor

Kindly find attached application for the Renewal Extension of Liquor Trading Hours for Tops at Old Oak (Mon to Sat & Sunday) for your attention and comments by no later than 26 July 2019.

Kind Regards

Nadine Hermanus

Administrative Officer: Subcouncil 6 Directorate: Urban Management

Department: Area 3

Bellville Civic Centre Voortrekker Road Bellville 7530

Tel: (021) 444-3718 Cell: 084 390 1520 Fax: 086 75 12 112

Email: <u>nadene.hermanus@capetown.gov.za</u>



Making progress possible. Together.

Annexure C

Town Planning

Nadene Abagail Hermanus

From:

Darrel Stevens

Sent:

Wednesday, 17 July 2019 08:26

To:

Nadene Abagail Hermanus

Subject:

RE: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon

to Sat & Sunday)

Good morning Nadene

The subject property is zoned for General Business (GB3) purposes, which allows for the sale of liquor.

Regards

Darrel Stevens (Pr Pin A/1641/2013)

Senior Professional Officer: Land Use Management

Department, Spatial Planning and Environment Directorate

Tel:

+27 21 444 7510 | **Fax**:

+27 86 202 9256

Land use and building applications may only be submitted via the City's e-Services portal.

Register as a business partner to submit your application via e-Services and track its progress.

City of Cape Town's call centre number: 0860 103 089 (free call 24/7)

From: Tess Kotze <Therese.Kotze@capetown.gov.za>

Sent: Monday, July 15, 2019 8:33 AM

To: Darrel Stevens < Darrel. Stevens@capetown.gov.za>

Subject: FW: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon to Sat & Sunday)

Importance: High

Good day,

Please provide a response to the sub-council on the liquor licence application.

Regards

Tess Kotze

Senior Professional Officer: Land Use Management

Department, Spatial Planning and Environment Directorate

3rd floor, room 315, Parow Municipal Offices, cnr Tallent Road and Voortrekker Road, Parow

Tel: 021 444 7506 | Fax: 0862029256 | Email: tess.kotze@capetown.gov.za

Web: www.capetown.gov.za

Report a fault | Enquiry | 0800 65 64 63 (free call 24/7)



From: Nadene Abagail Hermanus **Sent:** Friday, July 12, 2019 4:14 PM **To:** Tess Kotze; Jacques Loots

Subject: FW: Tops at Old Oak Renewal Extension of Liquor Trading Hour Applications (Mon to Sat & Sunday)

Importance: High

Dear Tess / Jacques

Kindly find attached application for the Renewal Extension of Liquor Trading Hours for Tops at Old Oak (Mon to Sat & Sunday) for your attention and comments by no later than 26 July 2019.

Kind Regards

Nadine Hermanus

Administrative Officer: Subcouncil 6 Directorate: Urban Management

Department: Area 3

Bellville Civic Centre Voortrekker Road Bellville 7530

Tel: (021) 444-3718 Cell: 084 390 1520 Fax: 086 75 12 112

Email: nadene.hermanus@capetown.gov.za



Making progress possible. Together.