

1. ITEM NUMBER :

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: TOPS MELKBOSSTRAND (MONDAY – SATURDAY 18H00 – 20H00)

AANSOEK OM VERLENGING VAN DRANKHANDELSURE TEN OPSIGTE: TOPS MELKBOSSTRAND (MAANDAG – SATURDAG 18H00 – 20H00)

ISICELO SOKWANDISWA KWAMAXESHA OKUTHENGISA UTYWALA NGOKUPHATHELELE KWABE: TOPS MELKBOSSTRAND (NGOMVULO - NGOMGQIBELO 18H00 – 20H00)

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 25. 5(1)

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 Manager: SubCouncils and SubCouncil 1 Manager, and was then circulated to all organisations included on the Ward 23

database and ward committee members for comment. The Ward Councilor was asked to obtain comments from the abutting neighbours if she felt it relevant.

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):

- TOPS MELKBOSSTRAND
- Liquor Licence No: WCP/00849351
- Off Consumption
- Mira Mar Centre, Beach Road, Melkbosstrand
- Current trading hours: 09h00 – 20h00
- Business Licence – in order

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

- Ward Councillor: : Nora Grose :

Supports the application

- Abutting neighbours:

No comments received.

- Community Organizations: : As per CBO Database:

No comment received

- Ward Committee of Ward: 23 :

No comment received

Comments by applicant on objection

Not applicable

- **Internal departments:**

- ❖ Town Planning:

Kindly note that P&BDM provide a zoning comment upon receipt of an application for a liquor licence; but once that licence is approved by the Liquor Board and a subsequent application for an extension of time of Trading Hours is submitted there is no zoning development parameter that regulates this aspect and therefore no further comment is required.

- ❖ Health Department:
❖

No comment required

❖ Law Enforcement Squad

See comments appended to attached application (Annexure A)

7. RECOMMENDATION

- That Subcouncil 1 considers the application for the extension of liquor trading hours submitted by TOPS MELKBOSSTRAND as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours to 20h00.

AANBEVELING

- Dat Subraad 1 die aansoek om die verlenging van drankhandelsure ingedien deur TOPS MELKBOSSTRAND asook die verskillende kommentaar ontvang, oorweeg en besluit om die aansoek om die verlenging van handelsure tot 20h00 goed te keur, van die hand te wys of te verander.

IZINDULULO

- Ukuba iBhungana 1 maliqwalasele isicelo sokwandiswa kwamaxesha okuthengisa utywala esingeniswe ngabe- TOPS MELKBOSSTRAND kwanezimvo ezininzi ezifunyenweyo, lize lenze isigqibo sokuphumeza, sokukhaba okanye lohlule isicelo sokwandiswa kwamaxesha okuthengisa utywala kude kube yintsimbi ye-20h00.

ANNEXURES:

- A Application submitted by, TOPS MELKBOSSTRAND including comments by
Safety and Security

FOR FURTHER DETAILS CONTACT:

NAME	<i>W van der Westhuizen</i>
CONTACT NUMBERS	<i>021 4446037</i>
E-MAIL ADDRESS	<i>wessievanderwesthuizen@capetown.gov.za</i>
DIRECTORATE	<i>Urban Management</i>

Comment:

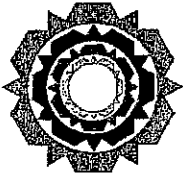
W van der Westhuizen
SUBCOUNCIL1 MANAGER

DATE

Comment: _____

Cllr N Grose
Chairperson

Date



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SUBCOUNCIL 1 MANAGER

Wessie van der Westhuizen

NAME

DATE 16.10.2020

Comment:

CHAIRPERSON

Nora Grose

NAME

DATE 16/10/2020.

Comment:

CITY HEALTH

CITY OF CAPE TOWN | ISIZAKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

REF: 185506

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 SUNDAY TRADING FOR OFF-CONSUMPTION PREMISES FROM 11:00 TO 18:00

All fields must be filled in

DETAILS OF LICENCEE

1. Liquor license number WCP/008493

2. Full name of licensee A AND G WATERS HOLDINGS (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)

ANDREW ROBERT WATERS, ID 810911 5022 08 0 OF 21 MALGAS ROAD, FLAMINGO VLEI, TABLE VIEW

GRAHAM MICHAEL WATERS, ID 840210 5133 08 6 OF 12 GREENFIELD ROAD, KENILWORTH

4. Name and address of the licensed premises

ERF 187

TOPS MELKBOS, MIRA MAR CENTRE, SHOP 14, CNR BEACH ROAD & SIXTH AVENUE, MELKBOSSTRAND

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 187

TOPS MELKBOS, MIRA MAR CENTRE, SHOP 14, CNR BEACH ROAD & SIXTH AVENUE, MELKBOSSTRAND

6. Contact number

021 853 5785

7. State reason(s) why licensee is applying for trading on Sundays (use an annexure if required)

PLEASE SEE ANNEXURE

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

Signature [Signature] Date MAR 18 2020

(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: 0845116266

Fax: [Signature]

E-mail: daniel@dhmanagement.co.za

Signature [Signature] Date MAR 18 2020

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

Name (printed) DM HOOGENHOUT

Liquor licence number

WOP/008493

FOR OFFICIAL USE ONLY

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, TOPS MELKBOS,
 SITUATED AT, MIRA MAR CENTRE, SHOP 14, CNR BEACH ROAD &
 SIXTH AVENUE, MELKBOSSTRAND. IT WAS ASCERTAINED THAT THE
 APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2020. 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, DUE
 TO THE COVID-19 PANDEMIC AND SAPS MAINTAINING LOCKDOWN
 REGULATIONS, NO FEEDBACK HAS BEEN RECEIVED.

Name of official Marilyn Holding
Assistant Chief

LAW ENFORCEMENT
 10001005

Signature

M. Holding

Date

04 JUN 2020

City of Cape Town
 Safety and Security
 LAW ENFORCEMENT

(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 R8 433,00 (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

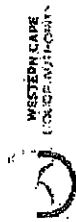
**NEDBANK****Once-off payment notification**

Date: 23/03/2020 Time: 7:26 AM

From account details:	SAVINGS AC
My statement description:	Form3 008493 Tops Melkbos
Beneficiary statement description:	192131688
To account number:	0000007938
Branch:	198765
Amount:	R 8,433.00
Payment capture date:	23/03/2020
Reference number:	20200323/NEDBANK/002501720017

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

Western Cape Liquor Authority



WESTERN CAPE
LIQUOR AUTHORITY
P.O. Box 721
STRAND
7130

FORM 21A

ANNUAL LICENCE RENEWAL NOTICE

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2020

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP008493

Name of licensee: A & G Water Holdings (Pty) Ltd

Address of the licensed premises: Shop 14, Nieu Mar Centre, Cnr Kruis Road & 6th Avenue, MELKBOSSTRAND, 7441

If the constitutional or postal address has changed, please also supply the new address to the following e-mail address: liquorauthority@wca.gov.za

Category of licence: Consumption Off

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

Amount: R 1,585, payable on or before 31 December 2019

Please Note:

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

Bank: Nedbank
Account holder: Western Cape Liquor Authority
Account number: 143 265 9883
Branch code: 793 765

Please use your licence number (WCP008493) as the reference on the deposit slip.

Kindly email proof of payment to finance@wca.gov.za

2. A licence holder on 1 January of the year to which the application renewal fee is not paid on or before 31 December of the preceding year. See section 6(2)(b).

3. A licence holder who has failed to pay the prescribed renewal 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 the year, apply in writing for Form 21 in the Chief Executive Office for consideration of such failure, and the Chief Executive Office 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 6(3).

4. A licence holder who has failed to pay the prescribed renewal 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 the year, apply in writing for Form 21 in the Chief Executive Office for consideration of such failure, and the Chief Executive Office 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 6(3).



WESTERN CAPE
LIQUOR AUTHORITY

License number: WCP008493
Licence number: 2019263
Representative: DM Hoogenhout
021 8535785

ANNEXURE

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

PLEASE COMPLETE IN THE LEFT HAND SIDE

Full Name:	On record	License Holder	New details
Mobile No:			
Email Address:			
Postal Address:			
Identity Number:			
Registration Number:	301309172307		

License Type:	On record	License Holder	New details
Trading As:	Consumption Off		
	Shop 14		
	Nieu Mar Centre		
	Cnr Kruis Road & 6th Avenue		
	MELKBOSSTRAND		
	7441		

Full Name:	On record	License Holder	New details
Mobile No:			
Email Address:	info@wca.gov.za		
Postal Address:	P.O. Box 721		
	STRAND		
	7130		
Identity Number:			
Registration Number:	1462300		

Please Note:

A licensee who intends to subscribe to a blanket renewal cycle must lodge with the Authority a notice in the form of Form 21B, by no later than 30 November 2019.

Signature of License Holder / Representative

Date



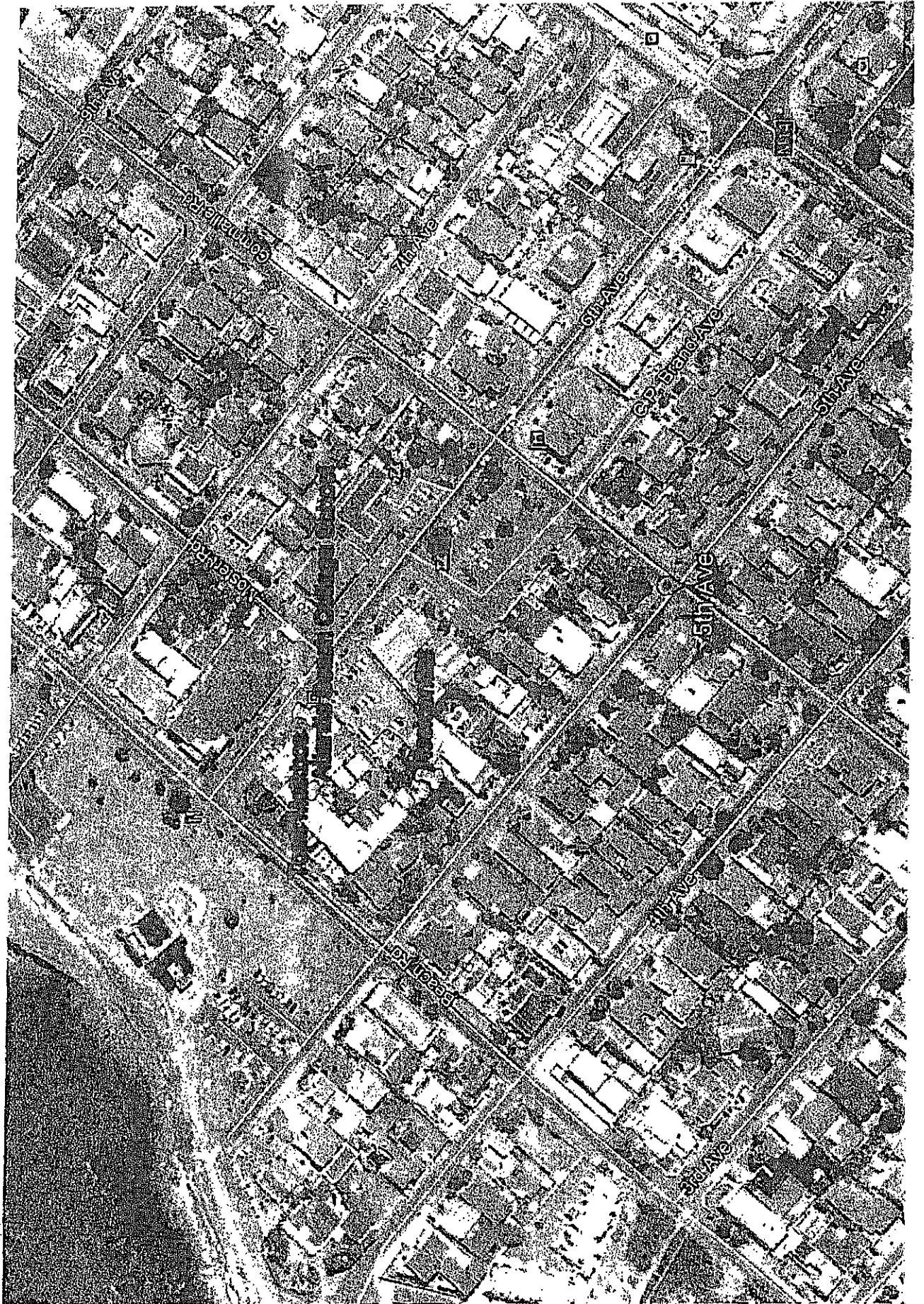
2019263

**NEDBANK****Once-off payment notification**

Date: 30/10/2019 Time: 8:58 AM

From account details:	SAVINGS AC
My statement description:	Tops Melkbos 008493 F21A
Beneficiary statement description:	WCP/008493 F21A Tops Melkbos
To account number:	1452069883
Branch:	145209
Amount:	R 4,585.00
Payment capture date:	30/10/2019
Reference number:	20191030/NEDBANK/002341009469

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





CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

Ask for: Rochelle Jones

Tel: 0214445648

Fax: 0214446678

Email: Rochelle.Jones@capetown.gov.za

Cell: Rochelle Jones

Umnxeba: 021444 5648

Ifeksi: 0214446678

Vra Vir: Rochelle Jones

Tel: 0214445648

Faks: 0214446678

EXTENSION OF LIQUOR TRADING HOURS FOR OFF CONSUMPTION LIQUOR – SUNDAY

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	01SUB 43/5/2019
Liquor License number	WCP/008493
Full name of Licensee	A AND G WATERS HOLDINGS (PTY) LTD
Name/designation or title under which the business is carried on	TOPS MELKBOS
Address of the licensed premises	MIRA MAR CENTRE, SHOP 14 C/O BEACH ROAD & SIXTH STREET, MELKBOSSTRAND ERF NO.: 187
Extended liquor trading hours permitted for off consumption	11:00 to 18:00hrs

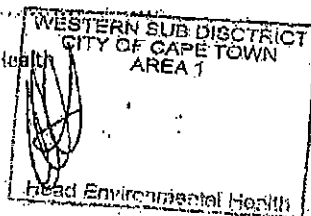
Please note that this approval for extended liquor trading hours is valid from 23 May 2019 until 22 May 2020 and remains subject to possession of a valid Liquor Licence.

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

Head: Environmental Health

Sub-District: Western

For Sub Council: 01



RESOLUTION

AT A MEETING OF THE DIRECTORS OF A AND G WATERS HOLDINGS (PTY) LTD, REGISTRATION NUMBER : 2013/091793/07, HELD ON 17 MARCH 2020 IT WAS RESOLVED THAT :

The directors hereby appoint Daniel Marais Hopgenhout t/a DH Management Services (Sole Proprietor) or Danielle 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 **Sunday Off-Consumption Trading**, in respect of a premises situated at Erf 187, Mira Mar Centre, Shop 14, cnr Beach Road & Sixth Avenue, Melkbosstrand, City of Cape Town, Sub Council 1, Ward 23, known as **Tops Melkbos**, (WCP/008493).*

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



GM WATERS
DIRECTOR

AR WATERS
DIRECTOR