## SUBCOUNCIL 1 BLAAUWBERG



Making progress possible. Together,

1. ITEM NUMBER: 01SUB 21/11/2019

#### 2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: CHECKERS LIQUOR TABLE BAY (SUNDAY) 11600-18600

AANSOEK OM VERLENGING VAN DRANKHANDELSURE TEN OPSIGTE: CHECKERS LIQUOR TABLE BAY (SONDAG) 11h00 - 18h00

ISICELO SOKWANDISWA KWAMAXESHA OKUTHENGISA UTYWALA NGOKUPHATHELELE KWABE, CHECKERS LIQUOR TABLE BAY (NGECAWA) 11h00-18h00

#### 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

Manager, and was then circulated to all organisations included on the Ward 23 database and ward committee members for comment. The Ward Councillor 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):
  - CHECKERS LIQUOR TABLE BAY
  - Liquor Licence No: WCP/041641
  - Off Consumption
  - Table Bay Mall, Berkshire Road Sunningdale
  - Current trading hours: 11H00 18H00
  - 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:

Supported

Abutting neighbours:

No comments received.

• Community Organizations: : As per CBO Database:

Rhine Barnes: CPF - No objections

Warren Leslie: Bloubergstrand Residents Association – no objection Jacques Erasmus – Melkbosstrand Neighbourhood Watch – no objection

Ward Committee of Ward 23 :

Rhine Barnes: CPF - No objections

Warren Leslie: Bloubergstrand Residents Association

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 CHECKERS LIQUOR TABLE BAY as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours from 11h00 – 18h00 on a Sunday.

#### **AANBEVELING**

 Dat Subraad 1 die aansoek om die verlenging van drankhandelsure ingedien deur CHECKERS LIQUOR TABLE BAY asook die verskillende kommentaar ontvang, oorweeg en besluit om die aansoek om die verlenging van handelsure van 11h00 tot 18h00 op n Sondag goed te keur, van die hand te wys of te verander.

#### IZINDULULO

Ukuba iBhungana 1 maliqwalasele isicelo sokwandiswa kwamaxesha okuthengisa utywala esingeniswe ngabe- CHECKERS LIQUOR TABLE BAY LIQUORTABLE BAY kwanezimvo ezininzi ezifunyenweyo, lize lenze isigqibo sokuphumeza, sokukhaba okanye lohlule isicelo sokwandiswa kwamaxesha okuthengisa utywala kude kube yintsimbi ye-11h00 – 18h00 Lwesine.

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A Application submitted by, CHECKERS LIQUOR TABLE BAY including comments by Safety and Security

#### FOR FURTHER DETAILS CONTACT:

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

	Comment:
and the second	
W van der Westhuizen SUBCOUNCIL1 MANAGER	
//	
DATE	
	Comment:
Cllr Cynthia Clayton Chairperson	
Date	



Making prograss possible. Together,

Date		#
Mr W van der Westhuizen SUBCOUNCIL1 MANAGER		
DATE 13 11 2019		
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• •		
Ald C Clayton SUBCOUNCIL 1CHAIRPERSON		
Date 13/11/2019	·	
,		,
	Comment:	

# CITY OF CAPE TOWN ISJXEKO SASEKAPA STAD KAAPSTAD

#### CITY HEALTH

#### Rochelle Jones

T: 0215507563 F: 0215507623

E: rochelle.jones@capetown.gov.za

#### 03-10-2019

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:

185211

Liquor Licence Number:

WCP/041641 S RENEWAL

2019

Licensee Name:

SHOPRITE CHECKERS (PTY)

LTD

Premises Name:

CHECKERS LIQUORSHOP

TABLE BAY

Premises Address:

SHOP 53, TABLE BAY MALL,

CNR OF BERKSHIRE BOULEVARD &

SUNNINGDALE DRIVE,

SUNNINGDALE

Sunnungdale

7441

Date of Application Submission:

Date Application captured:

2019/10/01

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

03-10-2019

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RECEIVED' 01/10/2019, 4187



Form 2
MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

#### **CITY HEALTH**

REF: 185210

APPLICATION IN TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2 FOR EXTENSION OF LIQUOR TRADING HOURS FROM 18:00 TO 20:00, MONDAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES	013
All fields must be filled in	*********
DETAILS OF LICENCEE	
1. Liquor license number WCP / 041641	<del></del> -
2. Full name of licensee SHOPRITE CHECKERS (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)	نخيب
SEE ANNEXURE A	
	***************************************
	-
4. Name and address of the licensed premises	امستندانا
CHECKERS LIQUORSHOP TABLE BAY	1
(SHOP 53 TABLE BAY MALL	-
CNR OF BERKSHIRE BOULEVARD & SUNNINGDALE DRIVE	
SUNNINGDALE 7441	
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,	ز
as the case may be	
ERF No. (37373	
	$\overline{}$
	$\overline{}$
6. Contact number  021 980 4978	.منتشب
National Action Control of the Contr	$\bigcup$
7. State reason(s) why ficensee is applying for extension of trading hours (use an annexure if required)  SEE ANNEXURE B	******
declare that the interestion furnished in this application and in any documents attached to it, is true.	
Signature Date (29/08/2019)	
(written authorisation to sign on behalf of licensee to be attached)	
	_
	ر
ostal address P.O.BOX 1618 Physical address SHOPRITE CHECKERS (PTY) LTD	
BRACKENFELL CNR OF OLD PAARL & WILLIAM DABBS ROAD	)
7561 BRACKENFELL	)
/ork tel: 021 980 4978 Cell: 083 557 6903	7
E-mail: (ithomson@shoprite.co.za	<b>)</b>
gnature   MANY   Date (29/08/2019 )	بمه
vritten authorisation to sign on behalf of licensee to be attached)	
lame (printed) (IAN THOMSON	

WCP/041641

#### OFFICE 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

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MALL, CNR BIR	KENHEAD BOULEVARD &	SUNNINGDALE DRIV	/e, sunningdale.	IT WAS ASCERT	AINED THAT THE	APPLICANT
DID RENEW HIS	SUQUOR LICENSE FOR 20	19. NO COMPLAINT	S WERE RECEIVED	BÝ THE LIQUOR	UNIT WITH REGA	RDSTO THIS
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COMMENTS, H	OWEVER, NO FEEDBACK F	IAS BEEN RECEIVED,		ndirodhadanaa disa San dhistoriaa		
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Name of Official	Marilyn Holdin 10001005	Signature	/# 010	wg] i	ate	PHOREIGN STATES
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pplication Fee		Receipt number		payment	date ( )	



#### NOTIFICATION OF PAYMENT

To whom it may concern:

First National Bank hereby confirms that the following payment has been made:

Date Actioned

Time Actioned

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Trace Id

: 2019-09-06

: 15;41:17

: VODSLSG37H1F

Payer Details

Payment From

Amount

: Shoprite/clieckers (pty) Ltd

: 109634.00

Payee Details

Recipient/Account no

Recipient Name

Bank

Branch Code Recipient Reference

Chainel

:...667035

: CITY OF CAPE TO

: Nedbank Limited

: 198765

: 192131688

: INTERNET

#### END OF NOTIFICATION

To authenticate this Payment Notification please visit our website at https://www.frib.co.za, click on Online Banking, select the "Verify Payment" option and follow the on-screen instructions

Our customer (the payer) has requested FirstRand Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. FirstRand Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage; whether direct, indirect or consequential, arising from the transmission of the information and data;

First National Bank, a division of FirstRand Bank Limited. Reg.No.1929/001225/05. An Authorised Financial Services and Credit Provider (NCRCP20).

## SHOPRITE/CHECKERS HEAD OFFICE CREDITORS PAYMENT ADVICE

ZAPR PAYMENT ADVICE CMPF RUN ON 27/11/2017 at 14:36 PAGE 1 PAGE 1 of 1

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W/House Allowance : 0.00%
\*\*\*END OF SUPPLIER\*\*\*



REG. NO. 1929/001817/07 (PTY) LTD

Annexure B

City of Cape Town

#### Application for extension of trading hours:

- Shoprite Checkers (Pty) Ltd ("Shoprite Checkers") currently has 41 (forty one) liquor shops and 75 grocer wine licenses in die Western Cape, which provides employment for 105 (one hundred and five) full time employees and an additional 31 (thirty one) third party workers consisting of security officers and cleaning assistants.
- 2. The amount of workers in a specific liquor shop is based on the number of shifts scheduled for that particular store. The longer the trading hours of the store, the more shifts are required to ensure that the store achieves maximum productivity and efficiency and jobs and additional income for individuals is accordingly generated in the process. Public consumption of any commodity boosts economic growth.
- 3. We do not believe that there is a downside to longer trading hours or including Sundays to trade. The question should therefore be centralised around public and economic policy. By allowing reputable retailers (such as Shoprite Checkers) to trade on Sundays (for instance), we submit that the playing field, with reference to illegal liquor traders, will be levelled as it stands to reason that their commercial relevance will dissipate. It should be noted that it will remain less challenging to continue policing the compliance of large retailers with liquor laws as the processes of a retailer such as Shoprite Checkers are visible and transparent and Shoprite Checkers prides itself that it trades in strict compliance with the prescribed hours in the Act, and continues to ensure that it does not sell alcohol to minors. Another factor which should not be discounted is that of convenience, especially where time is a valuable commodity for most consumers.
- 4. When consumers therefore go to a grocery store on a Sunday, they want to do all of their family grocery shopping at that time. This could include buying wine other liquor simultaneously.



REGISTERED OFFICE: CNR WILLIAM DABS & OLD PAARL ROADS, PO BOX 215, BRACKENFELL, 7561, SOUTH AFRICA
TEL: +27 (0) 21 980-4000 FAX: +27 (0) 21 980-4050 www.shoprileholdings.co.za

DIRECTORS: JW BASSON (CEO), C G GOOSEN, JM ALBERTS, JA L BASSON, C BLAIR, M BOSMAN, S B BRAUDE, J V R BRÖNN, C J C DE W BURGER, A J DE SWARDT, P G DU PREEZ, D F DU TOIT, P C ENGELBRECHT, J FOURIE, G FRITZ, A B GARDENER, A GOUWS, D HALLALE, B HARISUNKER, G HAYES, A M HOWARD, J H HUNTER, W J HUNLUN, A JANSE VAN RENSBURG, M G JOUBERT, A E KARP, G G KRIEL, P J MALAN (NAMIBIAN), G M P MENTZ, F K G MULLER, E L NEL, S SCHIFF, N L SCHREUDER, P TZELLIOS (GREEK), P B VAN DER MERWE, J G VAN DEVENTER, H J VAN ROOYEN, S M VISSER, A C VOSLOO, B R WEYERS, J J ZWENNIS. ALTERNATE DIRECTORS: A DE BRUYN, T A FORREST, S G GOUWS, D H JACOBS, E L MARAIS, D G MÖLLER, V P SCHOELER, P SOLMS, P G VAN BREDA, J J VAN ZYL, L G VAN DER SPUY, A A WAGENAAR

#### Certificate issued by the Companies and Intellectual Property Commission on Monday, December 18, 2017 08:25 Certificate of Confirmation



Companies and intellectual Property Commission

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Registration number

1929 / 001817 / 07

Enterprise Name

SHOPRITE CHECKERS (PTY) LTD

Enterprise Shortened Name

None provided.

Enterprise Translated Name

None provided.

Registration Date

05/09/1929

Business Start Date

05/09/1929

Enterprise Type

**Private Company** 

Enterprise Status

In Business

Financial year and

June

Main Business/Main Object.

PRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER

**ACTIVITIES NOT ADEQUATELY DEFINED** 

Postal address

P O BOX 215 BRACKENFELL

7561

Address of registered office

WILLIAM DABS AND OLD PAARL ROAD

BRACKENFELL

7560



The Companies and Intellactual Property Commission of South Africa

P.O. BÓX 429, PRETORIA, 0001, Republic of Geen Abide Doter 256, PRETORIA Car Centel Tel 086 100 2472; Webste Mick opicio za

## Certificate issued by the Companies and Intellectual Property Commission on Monday, December 18, 2017 08:25 Certificate of Confirmation



Companies and Intellectual Property Commission

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Active Directors / Officers		Parket and Parket and Annual Parket Annual Parket Annual Parket Annual Parket Annual Parket Annual Parket Annu	The state of the s	
Sumaine and first names	date of birth	Director type	Appoint- ment date	Addresses
SHOPRITE HOLDINGS, as a secretary of M1929001817	M1936007721	Secretary (Companies and CC's)	02/11/1998	Postal: PO BOX 215, BRACKENFELL, 7561
		, , , , , , , , , , , , , , , , , , ,		Residential: CNR-WILLIAM DABS AND, OLD PAARL ROAD, BRACKENFELL, 7560
eośman, marius	570 <u>8</u> 015072082	Director	17/06/1999	Postal: P.O BOX.215, BRACKENFELL, BRACKENFELL, WESTERN CAPE, 7561 Residential: 26 VISVANGER WAY, MELKBOSSTRAND, MELKBOSSTRAND, WESTERN CAPE, 7441
NEL, ETIENNE LOÙRENS	4907135009084	Director	17/06/1999	Postal: 5 TAMBOER STREET, BOSCH EN ZICHT DE ZALZE, WINELANDS GOLF ESTATE, WESTERN CAPE, 7600 Residential: 5 TAMBOER, BOSCHENZICHT, DE ZALZE WINELANDS GOLF ESTATE, WESTERN CAPE, 7600
VAN DER MERWE, PHILIP BAUKE	6009185062085	Director	17/06/1999	Posial: P O BOX 215, BRACKENFELL, BRACKENFELL, WESTERN CAPE, 7551 Residential: 5 VYGEBOOMSLOT, DURBANVILLE, DURBANVILLE, WESTERN CAPE, 7550
HARISUNKER, BHIKRAM	5112095026082	Director	47 <i>1</i> 06/1999	Postal: P O BOX 11700, MARINE PARADE, MARINE PARADE, NORTHERN CAPE, 4056 Residențial: 7 RIDGE ROAD, LA LUCIA, LA LUCIA, NORTHERN CAPE, 4051



The Companies and Instructual Property Communicati of Book Alien

PIO BOX 429, PRETORIA, 6001, Reputate de Social Africa Divisar 250, PRETORIA Con Contro Tel 086-100 2472 (Vehero vayo modico za

## SHOPRITE CHECKERS (PROPRIETARY) LIMITED REG. NO. 1929/001817/07 ("THE COMPANY")

WRITTEN RESOLUTION PASSED BY THE DIRECTORS OF THE COMPANY ON 4 JUNE 2015:

APPLICATION FOR EXTENDED TRADING HOURS – SECTION 6 OF THE PUBLIC BY-LAW OF THE CITY OF CAPE TOWN:

It is hereby resolved that:

- 1. that the Company appoints Mr. Ian Richard Thomson with identity number 610405 5128 080 for and on behalf of the Company to undertake an application in terms of Section 6 of a Public By-law ("the Application") issued by the City of Cape Town in 2013.
- Such application will be for a concession that all off-consumption liquor premises of the Company in the jurisdiction of the City of Cape Town be permitted to trade on Sundays and with extended hours (until 20H00) from Mondays to Saturdays.

**AUTHORISATION:** 

It is also resolved that **Mr Ian Richard Thomson** be and is hereby authorised to execute the Application, sign all documentation and to do all necessary to give effect to this resolution.

**APPROVED:** 

PC ENGELBRECHT DIRECTOR

JVR BRÖMY- DIRECTOR