

**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

*Making progress possible. Together.*

## **SUBCOUNCIL 16**

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**1. ITEM NUMBER :** 16 SUB 34/11/20

**2. SUBJECT**

**APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT  
OF KWIKSPAR ON KLOOF, 26/28 KLOOF STREET, GARDENS, CAPE  
TOWN: OFF CONSUMPTION SUNDAY 11:00-18:00**

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.

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**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 115 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

5.1 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.

5.2 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

5.2.1 Details of application (see attached Annexure A):

- **Kwikspar on Kloof**
- Liquor Licence No: WCP/039941
- OFF Consumption – Sunday trading 11h00 – 18h00
- 26/28 Kloof Street, Gardens, Cape Town

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

- Ward Councillor: 2020/10/19:  
❖ No comments received.

- Abutting neighbours: 2020/10/19:
  - ❖ No comments received.
- Community Organizations: 2020/10/19:
  - ❖ No comments received.
- Ward Committee of Ward 115: 2020/10/19:
  - ❖ No comments received.
- **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 **Kwikspar on Kloof**, 26/28 Kloof Street, Gardens, Cape Town as well as the various comments received, and resolve to approve, refuse or vary the application for Sunday trading hours from 11:00-18:00.


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## ANNEXURES:

- A. Application submitted by **Kwikspar on Kloof**, including comments by Health and Safety and Security.

## FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>Girshwin Fouldien</i>
<b>CONTACT NUMBERS</b>	<i>021 487 2055</i>
<b>E-MAIL ADDRESS</b>	<i>Girshwin.Fouldien@capetown.gov.za</i>
<b>DIRECTORATE</b>	<i>Urban Management Area 1 - North</i>



**Girshwin Fouldien**  
**SUBCOUNCIL16 MANAGER**

Comment:


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DATE

02/11/2020



**SUBCOUNCIL 16**  
**CHAIRPERSON :**  
**Cllr Matthew Kempthorne**

Comment:

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Date

03/11/2020

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# ANNEXURE A



**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

**CITY HEALTH**

**Colleen Heldsinger**

T: 0214006513

F:

E: colleen.heldsinger@capetown.gov.za

**15-10-2020**

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:** 186002  
**Liquor Licence Number:** WCP/039941 Renewal 2020  
Sunday  
**Licensee Name:** The Spar Group PTY Ltd  
**Premises Name:** Kwikspar on Kloof  
**Premises Address:** 26/28 Kloof Street  
Gardens  
Cape Town CBD  
8001

**Date of Application Submission:**

**Date Application captured:** 2020/10/15

**Disclaimer**

1. 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.



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

Form 3  
SUNDAY OFF-CONSUMPTION TRADING  
CITY HEALTH

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/039941

2. Full name of licensee THE SPAR GROUP 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)

SEE ATTACHED COR39 DOCUMENT

4. Name and address of the licensed premises

KWIKSPAR ON KLOOF, ERF 96229, 26/28 KLOOF STREET, GARDENS, CAPE TOWN

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 96229, KWIKSPAR ON KLOOF, 26/28 KLOOF STREET, GARDENS, CAPE TOWN

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 9.7.2020

(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: 084 511 6266

Fax:

E-mail: dorelle@dhmanagement.co.za

Signature [Signature] Date 9.7.2020

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

Name (printed) Dorelle E for DM HOOGENHOUT



**BESTUURSDIENSTE  
MANAGEMENT SERVICES**

28 September 2020

Safety and Security Directorate's  
Law Enforcement Offices  
Cnr Old Paarl & Paradys Roads  
Brackenfell

**REFERENCE : WCP/039941**

Sir/Madam

**APPLICATION FOR RENEWAL IN TERMS OF SECTION 6 OF CONTROL OF  
UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013, FOR SUNDAY OFF-  
CONSUMPTION TRADING**

**THE SPAR GROUP LTD T/A KWIKSPAR ON KLOOF, WCP/039941**

Attached hereto please find the completed application form and attachments for **Sunday Off-Consumption Trading** for the abovementioned licensed premises.

As you are aware this premises has been enjoying Sunday off consumption trading since it was granted in 2014, without having a negative impact on the surrounding environment and also without complaints to your department.

It is therefore respectfully requested that the section on the back of the application form once again be completed by your good selves so that it can be forwarded to the relevant Sub Council for further processing.

We trust that you will find the above in order.

Kindly contact us when the application is ready for collection.

Yours faithfully

  
DM HOOZENHOUT



Liquor licence number **WCP/039941****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

PERTAINING TO THE MENTIONED PREMISES, NAMLEY, KWIKSPAR ON KLOOF, SITUATED AT, 26/28 KLOOF STREET, CAPE TOWN.

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, NO FEEDBACK HAS BEEN RECEIVED DUE TO THE COVID-19

PANDEMIC AND THE SAPS MAINTAINING THE LOCKDOWN REGULATIONS.

Name of Official **Marilyn Holding**

Name of Official

**Assistant Chief**

Signature

**LAW ENFORCEMENT****10001005***M. Holding*

Date

**09 OCT 2020**

Safety and Security

**LAW ENFORCEMENT**

This applicant must now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2020 a non-refundable Application fee of R8 855.00 (Vat inclusive) is payable into Profit centre 18070172 G/L 810400. Payment can be made at any cash office of the City. Proof of payment must from 1 July 2019 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date

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

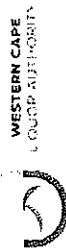
Date: 29/09/2020 Time: 6:54 AM

From account details:	SAVINGS AC
My statement description:	Form3 039941 KwiksparOnKloof
Beneficiary statement description:	192131688
To account number:	0000007938
Branch:	198765
Amount:	R 8,855.00
Payment capture date:	29/09/2020
Reference number:	20200929/NEDBANK/002740805490

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 Liquor Authority



The Spar Group Limited  
P.O. Box 721  
STRAND  
7139

## 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: WCP/039941

Name of licensee: The Spar Group Limited  
Address of the licensed premises: 26-28 Kloof Street, GARDENS, Cape Town, 8001

(If the residential or postal address has changed, please also supply the new address to the following e-mail address:  
liquor.enquiries@wcla.gov.za)

Category of licensee: Consumption Off

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

Annual: R 4 585, payable on or before 31 December 2019

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: 145 205 9883  
Branch code: 198 765

Please use your licence number (WCP/039941) as the reference on the deposit slip.

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 year. See section 62(2)(b).

3. A licence that has lapsed in this way becomes valid again only if the applicable renewal fee is 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 fees had to be paid. See section 62(3)(a)(i) and (ii).

4. A licensee 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 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).



WESTERN CAPE  
LIQUOR AUTHORITY

Licence number: WCP/039941  
LMA/TS number: 2012/970  
Representative: DM Hoogenhout  
021 8535785

## ANNEXURE

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

Licence holder		New details
Full Name:	The Spar Group Limited	
Mobile No:		
Email Address:	howard.lipman@spar.co.za	
Postal Address:	P.O. Box 721 STRAND 7139	
Identity Number:		
Registration Number:	1987/001572/06	

Licence details		New details
Licence Type:	Consumption Off	
Trading As:	Kwikspar On Kloof	
Licensed Premises:	26-28 Kloof Street GARDENS Cape Town 8001	

Licence representative		New details
Full Name:	DM Hoogenhout	
Mobile No:		
Email Address:	info.dhman@gmail.com	
Postal Address:	P.O. Box 721 STRAND 7139	
Identity Number:		
Registration Number:	1482330	

Please Note:

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

Signature of Licence Holder / Representative  
Date:



2012/970

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

Date: 11/11/2019 Time: 12:04 PM

From account details:	SAVINGS AC
My statement description:	Spar Kloof 039941 F21A
Beneficiary statement description:	F21A WCP/039941 SparkKloof
To account number:	1452069883
Branch:	145209
Amount:	R 4,585.00
Payment capture date:	11/11/2019
Reference number:	20191111/NEDBANK/002354327300

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

"B"

COR39

**Certificate issued by the Companies and Intellectual Property Commission on Wednesday, February 17, 2016 01:27**  
**Certificate of Confirmation**

Companies and Intellectual Property Commission  
a member of the SAG group

Registration number: 1967 / 801572 / 06  
Enterprise Name: THE SPAR GROUP LTD  
Enterprise Shortened Name: None provided.  
Enterprise Translated Name: None provided.

Registration Date: 17/02/1967  
Business Start Date: 17/02/1967  
Enterprise Type: Public Company  
Enterprise Status: In Business  
Financial year end: September

Main Business/Main Object: WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES, MOTOR CYCLES AND PERSONAL AND HOUSEHOLD GOODS; HOTELS AND RESTAURANTS

Postal address: P O BOX 1589  
PINETOWN  
3610  
Address of registered office: 22 CHANCERY LANE  
PINETOWN  
3610

Gesertifiseer as n ware afskrif van die oorspronklike  
Certified as a true copy of the original  
2018-11-23  
COMMISSIONER OF COMPANIES & INTELLECTUAL PROPERTY  
(EX OFFICIO)  
DETECTIVE CAPTAIN  
GEORGE RAMPAH  
REFERENCE: 9/1/8/2



The Companies and Intellectual Property Commission  
of South Africa  
P O BOX 426 PRETORIA, 0001, Republic of South Africa. Drexel 284, PRETORIA  
Call Centre Tel 086 100 2472. Website www.cipc.co.za

3

COR39

**Certificate issued by the Companies and Intellectual Property Commission on Wednesday, February 17, 2016 01:27**  
**Certificate of Confirmation**

Companies and Intellectual Property Commission  
a member of the SAG group

Registration number: 1967/001572/06  
Enterprise Name: THE SPAR GROUP LTD  
Auditor Name: DELOITTE AND TOUCHE  
Postal Address: P O BOX 243  
DURBAN  
4000

**Active Directors / Officers**

Surname and first names	ID number or date of birth	Director type	Appoint-ment date	Addresses
MASHOLOU, MARANG	7603080297062	Non Executive Director	01/12/2015	Postal: PO BOX 41268, CRAIGHALL, CRAIGHALL, GAUTENG, 2024 Residential: 18 GROSFAM AVENUE, SANDHURST EXT 4, SANDTON, GAUTENG, 2196
O'CONNOR, GRAHAM OWEN	5606125026053	Director	01/02/2014	Postal: P O BOX 1589, PINETOWN, PINETOWN, KWA-ZULU NATAL, 3600 Residential: 9 HIGGATE PLACE, DURBAN NORTH, DURBAN NORTH, KWA-ZULU NATAL, 4051
WELLS, CHRISTOPHER FRANK	4910285163180	Non Executive Director	01/04/2011	Postal: PO BOX 654, KLOOF, KLOOF, KWA-ZULU NATAL, 3640 Residential: 23 MONTAGUE ROAD, LANGFORD COUNTRY ESTATE, HILLCREST, KWA-ZULU NATAL, 3610
GODFREY, MARK WAYNE	6510225024084	Director	01/10/2010	Postal: P O BOX 1589, PINETOWN, PINETOWN, KWA-ZULU NATAL, 3600 Residential: 15 GULDORF, LANGFORD COUNTRY ESTATE, OAKLANDS AVENUE, KWA-ZULU NATAL, 3610
VENTER, ROELOF	5710325009081	Director	07/02/2007	Postal: P O BOX 1589, PINETOWN, PINETOWN, KWA-ZULU NATAL, 3600 Residential: 115 ABREY ROAD, KLOOF, KLOOF, KWA-ZULU NATAL, 3610

Gesertifiseer as n ware afskrif van die oorspronklike  
Certified as a true copy of the original  
2018-11-23



COMMISSIONER OF COMPANIES & INTELLECTUAL PROPERTY  
(EX OFFICIO)  
DETECTIVE CAPTAIN  
GEORGE RAMPAH  
REFERENCE: 9/1/8/2

4

CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

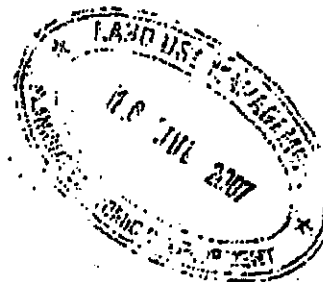
CAPE TOWN ADMINISTRATION  
LAND USE MANAGEMENT

INFORMAL ENQUIRY CONCERNING ZONING SCHEME & ZONING SCHEME REGULATIONS

LOCATION OF PROPERTY: <i>Gardens</i>	ERP NUMBER: <i>94460</i>
NAME OF APPLICANT:	SIGNATURE:

SKETCH PLAN:

*Attached*

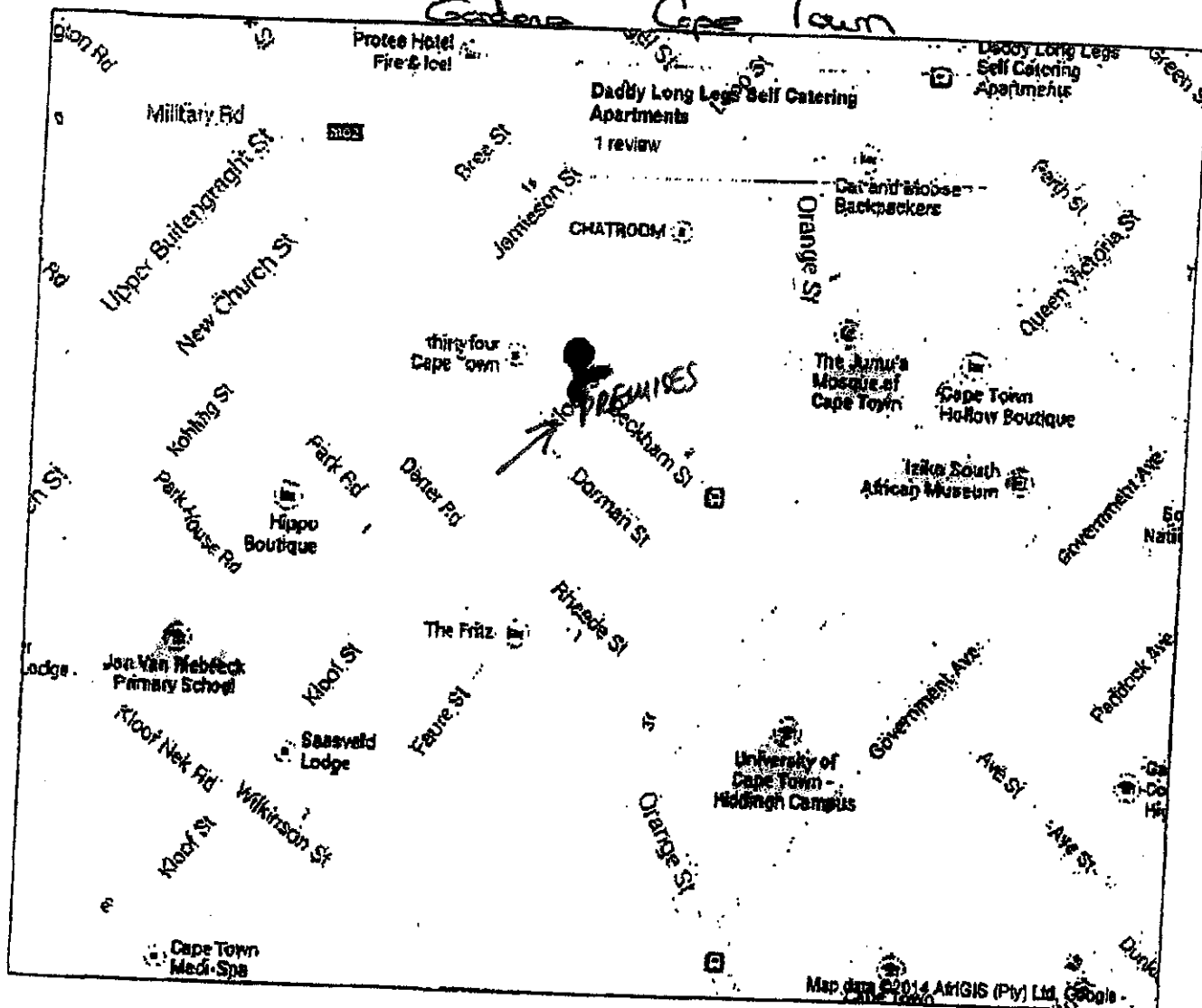


APPLICABLE ZONING SCHEME: <i>Cape Town zoning Scheme</i>	
USE ZONE: <i>General (G-4-URB)</i>	SUB ZONE: <i>C2</i>
PERMITTED USES: <i>See attached</i>	
SECTIONS (SCHEME REGS): <i>108</i>	REZONING: <i>—</i>
CONDITIONS/DEPARTURES: <i>None (See attached)</i>	ROAD WIDENING/NEW ROAD SCHEME: <i>—</i>
SETBACK: <i>Section 60</i>	PROCLAIMED MAIN ROAD: <i>—</i>
COVERAGE: <i>100%</i>	BULK FACTOR (PAR): <i>0.7</i>
HABITABLE ROOM FACTOR: <i>34</i>	HEIGHT RESTRICTION: <i>7 storeys</i>

- Notwithstanding the abovementioned information, you are required to check the Title Deed Restrictions (if any) and possible departures granted from the Zoning Scheme provisions.
- This advice is to be considered informal and without prejudice unless officially confirmed in writing by the Executive Director: Planning & Economic Development.

INFO PROVIDED BY: *J. M. M. M.*  
TELEPHONE NO: *021-222-2222*  
DATE: *2007-07-16*

Google Kwikspar on Kloof  
26-28 Kloof St  
Gardens Cape Town



### Worldchat Spar Stores

Public · 2,677 views  
Created on Jun 24, 2010 · By · Updated Oct 15, 2010

- Bergvliet Kwikspar  
Shop 1 Harry Goemans Garden Centre, 151 Main Rd, Cape Town 7800, South Africa
- Alphen Kwikspar  
Constantia Main Rd, Cape Town, South Africa
- Tableview Spar  
Blaauwberg Rd, Milnerton 7441, South Africa
- Hout Bay Spar  
Victoria Rd, Hout Bay 7806, South Africa
- Kuilsriver Super Spar  
67 Van Riebeeck Rd, Kuils River 7680, South Africa
- Heldervue Spar  
4 Cynaroides St, Somerset West 7130, South Africa
- Kwikspar on Kloof



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

Asst. for: Colleen Heldsinger / Cel: Colleen Heldsinger / Vra. Vir: Colleen Heldsinger

Tel: 0214006513

Umnxeba: 0214006513

Tel: 021-006513

City of Cape Town

Email: colleen.heldsinger@capetown.gov.za

# EXTENSION OF LIQUOR TRADING HOURS FOR OFF CONSUMPTION LIQUOR –SUNDAY

Approval in terms of Section 6 (6) (b) of the City of Cape Town Liquor Trading Days and Hours By-law 2012 as amended.

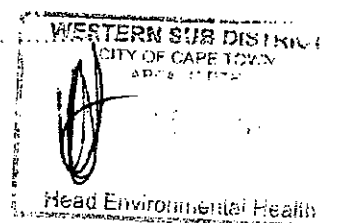
Extended liquor trading hours reference number	184671 15 SUB 31/8/2019
Liquor License number	WCP/039941
Full name of Licensee	The Spar Group (PTY) Ltd
Name/designation or title under which the business is carried on	Kwikspar on Kloof
Address of the licensed premises	26-28 Kloof Street Clarendon 6001
Extended liquor trading hours permitted for off consumption	Sundays 11:00 to 18:00hrs

Please note that this approval for extended liquor trading hours is valid from 16 August 2019 until 15 August 2020 and remains subject to possession of a valid liquor licence.

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

AREA 1

Sub Council 16





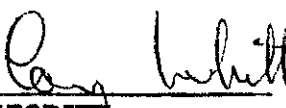
## RESOLUTION

**AT A MEETING OF THE DIRECTORS OF THE SPAR GROUP LTD,  
REGISTRATION NUMBER : 1967/001572/06, HELD ON 7 JULY 2020 IT  
WAS RESOLVED THAT:**

The directors 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 **Sunday Off-Consumption Trading**, in respect of a premises situated at Erf 96229, 26-28 Kloof Street, Gardens, Cape Town, City of Cape Town, Sub Council 16, Ward 115, known as **Kwikspar On Kloof**, (WCP/039941).*

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

  
**C NESBITT**  
**RETAIL OPERATIONS DIRECTOR**