

REPORT TO SUBCOUNCIL 20

1. ITEM NUMBER : 20SUB34/01/19

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP038224/A:- PICK 'N PAY LIQUOR PLUMSTEAD, ERF 73984, SHOPS 4 AND 5, KFC CENTRE, CNR GABRIEL AND WICKLOW ROADS, PLUMSTEAD (OFF CONSUMPTION - MONDAYS TO SATURDAYS)

3. PURPOSE

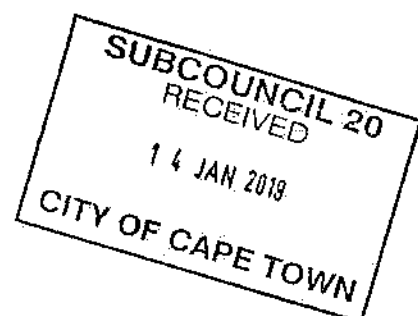
To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours applicable to Section 6(5)A of the City of Cape Town Liquor Trading Days and Hours By-Law 2013 as amended.

4. FOR DECISION BY

Delegation Part 24-4 (2) To approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted

5. EXECUTIVE SUMMARY

The Liquor Trading Days and Hours By-Law, 2010 as amended by the Liquor Trading Days and Hours By-law, 2012 requires that the needs of the community and the liquor license holder are considered by following due administrative processes. The application before Subcouncil 20 is at the stage where public participation was facilitated by the administration of Subcouncil and the comments from the affected stake holders are attached for the Subcouncil to approve, refuse or vary the application for the extension of trading days and hours, Mondays to Saturdays from 18H00 until 20H00 for Consumption OFF premises applicable to the business trading as Pick 'n Pay Liquor Plumstead, Erf 73984, Shop 4 and 5, KFC Centre, cnr Gabriel and Wicklow Roads, Plumstead.



6. DISCUSSION

6.1 Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of addresses the Notice of Application process. Section 37(4), (5) and (6) of the Act reads as follows:

"(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) where section 36(1)(c) applies—

- (i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;*
- (ii) obtain the comment of the ward councillor;*
- (iii) comment on the application; and*
- (iv) allow for the consideration of the planning application in relation to the application for a liquor licence; or*

(b) where section 36(1)(c) does not apply—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward councillor; and

(iii) comment on the application.

*(5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must or the municipality **may**, within the prescribed time, give notice of the application to—*

(a) neighbouring residents or such persons who in his, her or its judgement may be affected by, or have an interest in, the granting or refusal of the application; and

(b) the community policing forum, if any, of the area in which the premises are located.

(6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate."

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6.2 The following application for the extension of liquor trading days and hours was received by the Subcouncil from the City's Environmental Health Office:

6.2.1 Details of applicant:

- **WCP038224/A**
- **Danie Cronje**
- **Pick 'n Pay Liquor Plumstead, Erf 73984, Shop 5, KFC Centre**
- **Erf 73984**
- **Cnr Gabriel and Wicklow Roads, Plumstead**

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

- **WARD 62 COUNCILLOR: Liz Brunette**
No Objection – Annexure B
- **Community Based Organizations: As per CBO Database:**
No comment was received during the public participation stage
- **Ward Committee: Elected members of Ward 62:**
No comment was received during the public participation stage
- **CPF:**
No comment was received during the public participation stage
- **Internal departments:**
 - ❖ **Town Planning:**
Not applicable for extended liquor trading hours
 - ❖ **Health:**
No comment was received during the public participation stage
 - ❖ **City Emergency Services:**
Not applicable for extended liquor trading hours
 - ❖ **Law Enforcement:**
No Objection – Annexure C

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7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Pick 'n Pay Liquor Plumstead, Erf 73984, Shops 4 and 5, KFC Centre, cnr Gabriel and Wicklow Roads, Plumstead, Reference No WCP038224/A:- for the extension of trading days and hours Mondays to Saturdays, 18H00 until 20H00 for Consumption OFF Premises, be APPROVED, REFUSED or VARIED.

If Not Supported, Note the following grounds for disqualification.

Criteria for granting licences

- 31.(1) *The Liquor Licensing Tribunal or Presiding Officer, as the case may be, may not grant a licence, unless it or he or she is satisfied on the balance of probabilities that -*
- (a) the granting thereof is in the public interest;*
 - (b) the applicant is of good character, and not disqualified from holding a licence in terms of section 35;*
 - (c) the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;*
 - (d) the applicant has the right to occupy the proposed licensed premises; and*
 - (e) the granting of the application does not prejudice -*
 - (i) the residents of a residential area;*
 - (ii) the residents of an institution for the aged or frail;*
 - (iii) the learners of an educational institution who are under the age of eighteen (18) years;*
 - (iv) the patients of an institution for drug or alcohol related dependencies; or*
 - (v) the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

Reasons for Non Support:

The granting of the application prejudices-

- (i) the residents of a residential area;*
- (ii) the residents of an institution for the aged or frail;*
- (iii) the learners of an educational institution who are under the age of eighteen (18) years;*
- (iv) the patients of an institution for drug or alcohol related dependencies; or*
- (v) the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

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NAME	Richard White
CONTACT NUMBERS	021 444 8112
E-MAIL ADDRESS	Richard.White@capetown.gov.za
DIRECTORATE	Urban Management



Richard White
MANAGER: SUBCOUNCIL 20

Comment:

DATE

14 January 2018

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MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

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/038224**2. Full name of licensee **Plumstead Family Store (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)

Annexure A

4. Name and address of the licensed premises

Pick 'n Pay Liquor (Plumstead)**Shop no. 4 & 5, KFC Centre****Cnr of Gabriel and Wicklow Roads****Plumstead**

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 73984****Plumstead**

6. Contact number

Danie Cronje : 021 883 3906

7. State reason(s) why licensee is applying for extension of trading hours (use an annexure if required)

Annexure B

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

Signature **D.L. Cronje** Date **13/11/2018**

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

Name (printed) **D.L. Cronje**Application prepared by **Danie Cronje Attorneys**Postal address **P.O. Box 621**Physical address **1 Andringa Street****Stellenbosch****Stellenbosch****7599****7600**Work tel: **021 883 3906**Cell: **082 772 3517**Fax: **086 552 5884**E-mail: **danie@daniecronje.com**Signature **D.L. Cronje** Date **13/11/2018**

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

Name (printed) **D.L. Cronje**

Liquor licence number

WCP/038224

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, NAMELY, PICK N PAY LIQUOR (PLUMSTEAD), SITUATED AT, SHOP NO 4 & 5

KFC CENTRE, CNR GABRIEL AND WICKLOW ROAD, PLUMSTEAD. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS

LIQUOR LICENSE FOR 2019. 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.

Name of Official

Marilyn Holding
10001005

Signature

M. Holding

Date

25 NOV 2018

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 2018 a non-refundable Application fee of R4 035.09 (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 2018 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date

ANNEXURE A

PLUMSTEAD FAMILY STORE (PTY) LTD

REG NO. 1999/015951/07

SHAREHOLDERS:

1. The Good Hope Trust
Reg. no. IT 4241/95
33.33%
2. The Selbourne Towers Trust
Reg. no. IT 4310/95
33.33%
3. The Sunshine Family Trust
Reg. no. IT 4687/99
33.33%

ANNEXURE B – Form 2

Pick 'n Pay Liquor (Plumstead)

The Applicant was allowed to sell liquor until 20h00 in terms of its licence issued under the Liquor Act 27 of 1989.

The Western Cape Liquor Act was approved after widespread public participation and it is submitted that it reflects the will of the people of the Western Cape.

The Act provides for licence holders with off-consumption liquor licenses to apply for trading hours until 20h00.

It is submitted that the Control of Undertakings that Sell Liquor to the Public Bylaw reflects the will of the citizens of the City of Cape Town.

This includes allowing responsible licence holders to apply for extended trading hours until 20h00.

Due to their working hours a significant percentage of the applicant's customers find it very difficult to purchase liquor before 18h00 on weekdays.

The extension of trading hours until 20h00 will allow them to do so (as they had been able to do under the Liquor Act 27 of 1989).

THE PROXIMITY OF LICENSED PREMISES TO SURROUNDING RESIDENTIAL ZONED AREA, CULTURE, RELIGIOUS AND EDUCATIONAL FACILITIES

- The nearest residential area is: Wicklow Gardens, approximately 15 m from the premises
- The nearest religious facility is: Methodist Church Plumstead, approximately 370 meters from the premises
- The nearest educational facility is: Timour Hall School, approximately 190 m from the premises

The manner in which the business is carried on under the current trading hours does not prejudice the residents of a residential area or the proceedings in cultural, religious or educational facilities and it is submitted that there is no reason why an extension to 20h00 will change this situation.

THE POTENTIAL IMPACT ON THE SURROUNDING ENVIRONMENT

The current activities of the applicant do not have any negative impact on the surrounding environment and it is submitted there is no reason why an extension to 20h00 will change this situation.

THE RISKS TO AND NUISANCES ON THE SURROUNDING COMMUNITY

The current activities of the applicant do not pose a risk or nuisance to the surrounding community and it is submitted there is no reason why an extension to 20h00 will change this situation.

MITIGATION MEASURES TO ASSIST THE CONTROL OF RISKS AND NUISANCES

The applicant submits that its current activities do not cause risk or nuisance to the surrounding community.

No mitigation measures are therefore required.

However, should the applicant become aware of any risk or nuisance in future it will implement suitable measures to mitigate the risk or nuisance.

PUBLIC INTEREST

The proposed extension will improve the shopping experience of the public by allowing customers time after working hours in which to purchase their liquor.



WESTERN CAPE
LIQUOR AUTHORITY

Western Cape Liquor Authority

Plumstead Family Store (Pty) Ltd
P.O. Box 273
PLUMSTEAD
7801



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/038224

Name of licensee: Plumstead Family Store (Pty) Ltd

Address of the licensed premises: Shop No. 5, KFC Centre, Cnr Gabriel & Wicklow Road, PLUMSTEAD, 7800

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

Category of licence: Consumption Off

You are hereby 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 8883

Branch code: 108 765

Please use your licence number (WCP/038224) as the reference on the deposit slip.

Kindly email proof of payment to Finance@wcln.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).



Absa Online: Notice of Payment

12 November 2018

Dear PICK 'n PAY PLUMSTEAD

Subject: Notice Of Payment: WESTERN CAPE LIQUOR

Please be advised that you made a payment to WESTERN CAPE LIQUOR as indicated below.

Transaction number:	8052C67442-2
Payment date:	2018-11-12
Payment made from:	PnP CURRENT
Payment made to:	WESTERN CAPE LIQUOR
Beneficiary bank name:	NEDBANK
Beneficiary account number:	1452069883
Bank branch code:	198765
For the amount of:	4,360.00
Immediate interbank payment :	N
Reference on beneficiary statement:	WCP / 038224 PLUMST
Additional comments by payer:	REF: WCP / 038224 PLUMSTEAD FAMILY STORE

Please remember that the following apply to Absa Online payments to non-ABSA bank accounts.

- Payments made on weekdays before 15:30 will be credited to the receiving bank account by midnight of the same day but may not be credited to the beneficiary's bank account at the same time.
- Payments made on weekdays after 15:30 will be credited by midnight of the following day.
- Payments made on a Saturday, Sunday or Public holiday will be credited to the account by midnight of the 1st following weekday.

If you need more information or assistance, please call us on 08600 08600 or +27 11 501 5110 (International calls).

If you have made an incorrect internet banking payment, please send an email to digital@absa.co.za

Yours sincerely

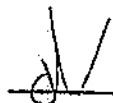
General Manager: Digital Channels

This document is intended for use by the addressee and is privileged and confidential. If the transmission has been misdirected to you, please contact us immediately. Thank you.

RESOLUTION OF THE DIRECTORS OF PLUMSTEAD FAMILY STORE (PTY) LTD (REGISTRATION
NUMBER 1999/015951/07) AT A MEETING HELD ON THIS 18th DAY OF OCTOBER 2017 AT
PLUMSTEAD

RESOLVED THAT:

1. Application is made to the City of Cape Town Municipality for extended trading hours (Monday to Saturday) and Sunday trading for the store trading under the liquor licence with reference number WCP/038224.
2. DANIËL LODEWIKUS CRONJÉ of Danie Cronje Attorneys Inc, 1 Andringa Street, Stellenbosch is hereby appointed to prepare the applications and any other documents which may be required on our behalf and to do all necessary acts, including signing the applications and any other documents required for the finalisation of said applications by the City.

 J.P. ROBINS

DIRECTOR



Proof of payment

Date: 14/11/2018 Time: 9:34:29 AM	
Profile name:	DANIE CRONJE ATTORNEYS INC
Batch reference number:	713942428
Payment reference number:	000000001969733199
Payment date:	14/11/2018
Payment capture date:	14/11/2018
Payment authorise date and time:	14/11/2018 09:34:21 AM
From account name:	*DANIE CRONJE ATTORNEYS INC
From account description:	*DANIE CRONJE ATTORNEYS INC
From account statement description:	PLU2/0010
Beneficiary account number:	4056584569
Beneficiary/ Recipient name:	City of Cape Town Municipality
Beneficiary statement description:	192131688
Branch code:	632005
Amount:	4,035.09
Real-time:	No
Additional comments by payer:	

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name: DANIE CRONJE ATTORNEYS INC
Profile number: 4000360115

User name: LIZL CRONJE
User ID: 1

Small Business Services: 0860 115 400
Business Banking: 0860 111 055

ANNEXURE

13

From: Liz Brunette <Elizabeth.Brunette@capetown.gov.za>

Sent: Friday, December 7, 2018 5:36 PM

To: Stacy Kroukamp <Stacy.Kroukamp@capetown.gov.za>

Cc: Alizan Plaaityies <Alizan.Plaaitjies@capetown.gov.za>; Wayne Petersen <Wayne.Petersen@capetown.gov.za>

Subject: RE: Pick n Pay Liquor (Plumstead) - WCP/038224 - Monday to Saturday Trading

I have no objection to the renewal of the Application for Extended Liquor Hours Off-Consumption for **Pick n Pay Liquor (Plumstead)** (Monday – Saturday and Sunday's).

Regards

Councillor Liz Brunette

City of Cape Town: Ward 62 | *Constantia, Bishopscourt, Fernwood, Wynberg west, Plumstead west*

Cell: 082 823 6584 | Office: 021 444 8118



Working together positively. Together.

Please keep saving water! *WhatsApp Water issues to 063 407 3699*

From: Wayne Petersen <Wayne.Petersen@capetown.gov.za>
Sent: Sunday, December 9, 2018 7:11 AM
To: Stacy Kroukamp <Stacy.Kroukamp@capetown.gov.za>; Liz Brunette <Elizabeth.Brunette@capetown.gov.za>
Cc: Alizan Plaaityies <Alizan.Plaaitjies@capetown.gov.za>
Subject: RE: Pick n Pay Liquor (Plumstead) - WCP/038224 - Monday to Saturday Trading

Good morning Stacy
I have no objections to this application.
We have not received any complaints against the establishment.

Regards

Wayne Petersen
Acting S/Inspector
Station Commander
Wynberg Law Enforcement (West)
Tel: 021 761 8187
Fax to Email: 086 576 2862
Email: wayne.petersen@capetown.gov.za



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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