



## **SUBCOUNCIL 5**

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**1. ITEM NUMBER: 05SUB140920**

**2. SUBJECT**

**APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FROM 11:00 TO 18:00, SUNDAY TRADING FOR OFF-CONSUMPTION PREMISES IN RESPECT OF – SHOPRITE CHECKERS (PTY) LTD, METLIFE CENTRE, VALHALLA DRIVE, CHARLESVILLE, 7490 (185724) (Ward 31)**

**ONDERWERP**

**AANSOEK OM VERLENGING VAN DRANKHANDELSURE VAN 11:00 TOT 18:00 VIR SONDAGHANDEL VIR BUITEVERBRUIKPERSEEL TEN OPSIGTE VAN SHOPRITE CHECKERS (EDMS.) BPK, METLIFE-SENTRUM, VALHALLARYLAAN, CHARLESVILLE 7490 (185724) (WYK 31)**

**ISIHLOKO**

**ISICELO SOKWANDISWA KWEYURE ZOKUTHENGISWA KOTYWALA UKUSUSELA KWEYE-11:00 UKUYA KWEYE-18:00 UKURHWEBE NGECAWE KWIZAKHIWO EKUNGASELELWA KUZO NGOKUJOLISWE KWABAKWA-SHOPRITE CHECKERS (PTY) LTD, METLIFE CENTRE, VALHALLA DRIVE, CHARLESVILLE, 7490 (185724) (iWadi 31)**

**M0837**

**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 5 in terms of Delegation 24.4.2 -

Approve, refuse or amend applications for extension of trading days and hours on premises where liquor licences have been granted in terms of section 6(2) of the By-law: Control of Undertakings that Sell Liquor to the public, 2013.

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#### **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 2014 and came into effect on 1 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 Subcouncil 5 on 17 August 2020, and was then circulated to abutting neighbours, all organisations included on the Ward 31 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.

## **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 (**Annexure A**):

- **Shoprite Checkers Charlesville**
- Liquor Licence Number: WCP / 028550
- Off-Consumption
- MetLife Centre, Valhalla Drive, Charlesville, 7490
- Current trading hours: Sunday from 11:00 to 15:00

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

- Ward Councilor: (**Annexure B**)

Notice of the application was e-mailed to the Ward Councillor on Tuesday, 2020/08/18 14:32 (see attached). Ward Councillor will comment on the application when the report is tabled at the Subcouncil meeting.

- Proportional Representative (PR) Councilor: (**Annexure B**)

Notice of the application was e-mailed to the PR Councillor on Tuesday, 2020/08/18 14:32 (see attached). PR Councilor will comment on the application when the report is tabled at the Subcouncil meeting.

- Abutting neighbors: (Annexure C)

No comment received. Notice of the application was sent via ordinary mail to the abutting neighbours on 2020/08/21 (see attached).

- Community Organizations: (Annexure F)

Comment received from Mr. G Abrahams. Notice of the application was e-mailed to the Community Organizations of Ward 31 on Tuesday, 2020/08/18 14:32 (see attached).

- Ward Committee of Ward 20: (Annexure C)

No comment received. Notice of the application was e-mailed to the Ward Committee Members of Ward 13 on Thursday, 2020/08/18 14:32 (see attached).

- **Internal departments:**

- ❖ Town Planning: (Annexure D)

Comments received on Monday, 2020/09/07 15:45 (see attached). The property has a General Business zoning that permits sale of liquor.

- ❖ Health Department: (Annexure E)

Comments received from Mrs. T. Kotze on Tuesday 2020/09/08 09:19 AM. The department have no objection subject to the City of Cape Town liquor trading days and hours by law, 2010 as amended (council policy).

- ❖ Law Enforcement Squad: Liquor Unit

No comments received from Mr. A Davids. Notice of the application was e-mailed to the Liquor Unit on Thursday, 2020/08/18 14:32

- ❖ Fire and Rescue Services:

No comments received. Notice of the application was e-mailed to the Department of Fire Services on Thursday, 2020/08/18 14:32 (see attached).

## **7. RECOMMENDATION**

It is recommended that Subcouncil 5 consider the application for the extension of liquor trading hours submitted by Shoprite Checkers(PTY)LTD, MetLife Centre, Valhalla Drive, Charlesville 7490, as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours from 11:00 to 18:00, Sunday for Off-Consumption Premises.

## **AANBEVELING**

Daar word aanbeveel dat subraad 5 die aansoek om die verlenging van drankhandelsure ingedien deur Shoprite Checkers (Edms.) Bpk., Metlifesentrum, Valhallarylaan, Charlesville 7490, asook die verskillende kommentaar ontvang, oorweeg en besluit om die aansoek om die verlenging van handelsure vir 'n buiteverbruikperseel van 11:00 tot 18:00, Sondag, goed te keur, van die hand te wys of te verander.

## **ISINDULULO**

Kundululwe ukuba iBhungana-5 malithathele ingqalelo isicelo sokwandiswa kweeyure zokuthengiswa kotywala esingeniswe ngabakwa-Shoprite Checkers (PTY)LTD, Metlife Centre, Valhalla Drive, Charlesville 7490, kunye nezimvo ezahlukeneyo ezithe zafunyanwa, kwakhona lithabathe isigqibo sokuphumeza, sokukhaba okanye sokulungisa isicelo sokwandiswa kweeyure zokuthengiswa kotywala, kwindawo ekungaselelwa kuyo – ukuthengisa ngeCawe ukususela ngeye-11:00 ukuya kweye-18:00.

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## **ANNEXURES:**

- A. Application for extension of liquor trading hours from 11:00 to 18:00, Sunday trading for off-consumption premises in respect of – Shoprite Checkers (pty) ltd, MetLife Centre, Valhalla Drive, Charlesville, 7490 (185724) (ward 31).
- B. Notice of application e-mailed to the Chairperson, Councillors, Officials, Ward Committee Members Ward 13 and Members of the Public on Tuesday, 2020/08/18 14:32.
- C. Proof of Registered Mailing List (Abutting Neighbours and Ward Committee Members) Friday, 2020/08/21 13:00.
- D. Comment from Town Planning – Tess Kotze
- E. Comment from Environmental Health – Algernon Davids
- F. Comment from Community Organization – Graham Abrahams

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Nomfundo Mdingi
<b>CONTACT NUMBERS</b>	021 444 2962
<b>E-MAIL ADDRESS</b>	<a href="mailto:Nompumelelo.Mdingi@capetown.gov.za">Nompumelelo.Mdingi@capetown.gov.za</a>
<b>DIRECTORATE</b>	Urban Management



**MANAGER: SUBCOUNCIL 5**

NAME Ms. Nomfundo Mdingi

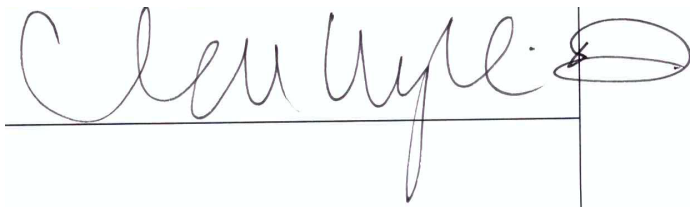
DATE 10 September 2020

Comment:

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**CHAIRPERSON: SUBCOUNCIL 5**

NAME Cllr Courtney van Wyk

DATE 10/09/2020

Comment:

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