

REPORT TO SUBCOUNCIL 20

1. ITEM NUMBER : 20SUB37/08/2019

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP031406/A:- PICK N PAY STEENBERG, ERF 12489, STEENBERG VILLAGE, TOURIST RETAIL CENTRE, SPAANSCHMAT RIVER ROAD, CONSTANTIA (OFF CONSUMPTION - MONDAYS TO SATURDAYS)

3. PURPOSE

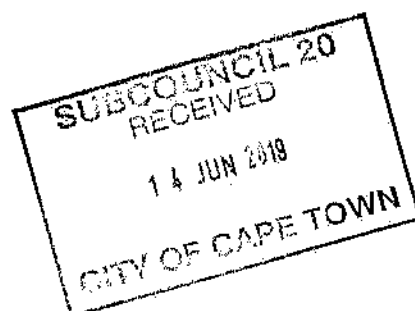
To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours 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 25-5 (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 Steenberg, Steenberg Village, Tourist Retail Centre, Spaanschemat River Road, Constantia.



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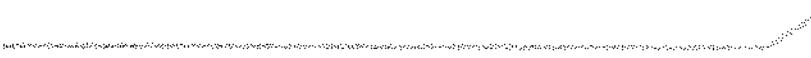
6.2 The following application for the extension of liquor trading days and hours was received by the Subcouncil from the City's Environmental Health Office:

6.2.1 Details of applicant:

- **WCP031406/A**
- **Shaun Malander**
- **Pick n Pay Steenberg**
- **Erf 12489**
- **Steenberg Village, Tourist Retail Centre**

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

- **CHAIRPERSON SUBCOUNCIL 20: Ian Iversen**
Supported – Annexure B
- **WARD 71 COUNCILLOR: Penny East**
No comment was received during the public participation stage
- **Community Based Organizations: As per CBO Database:**
No comment was received during the public participation stage
- **Members of the Ward 71 Committee**
No comment was received during the public participation stage
- **CPF:**
No comment was received during the public participation stage
- **Internal departments:**
 - ❖ **Law Enforcement:**
Supported – Annexure C

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Liquor License WCP031046/A:- Pick n Pay Steenberg, Steenberg Village, Tourist Retail Centre (Off Consumption – Mondays to Saturdays)

7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Pick n Pay Steenberg, ERF 12489, Steenberg Village, Tourist Retail Centre, Spaanschemat River Road, Constantia, Reference No WCP031406/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*
 - (iv) the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

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Liquor License WCP031046/A:- Pick n Pay Steenberg, Steenberg Village, Tourist Retail Centre (Off Consumption – Mondays to Saturdays)

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*
- (i) the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

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


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Richard White
MANAGER: SUBCOUNCIL 20

Comment:

DATE 14 June 2019.

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3785

Form 2

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 WICP / 031406 / B

2. Full name of licensee GARY LEON KRUGER

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)

4. Name and address of the licensed premises

PICK N PAY (STEENBERG VILLAGE)

STEENBERG & REDDAM AVENUE

CONSTANTIA

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. 12489

PICK N PAY (STEENBERG VILLAGE)

STEENBERG & REDDAM AVE

CONSTANTIA

6. Contact number

021 701 0000

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

TO PROVIDE A SERVICE / DEMAND TO PUBLIC FOR AFFORDABLE &

GOOD QUALITY LIQUOR & WINE IN A CONVENIENT & SAFE ENVIRONMENT

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

Signature [Signature] Date 08.04.19

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

Name (printed) ADV SHAWN MALANDER Application prepared by ADV SHAWN MALANDER

Postal address 68 REIN STREET Physical address 68 REIN STREET

FAIRFIELD ESTATE FAIRFIELD ESTATE

PAROW 7500 PAROW 7500

Work tel: 021 701 0000 Cell: 063 7720267

Fax: E-mail: shawnmalander@gmail.com

Signature [Signature] Date 08.04.19

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

Name (printed) ADV SHAWN MALANDER

OFFICE USE ONLY

Liquor licence number WCP/031406

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 (STEENBERG VILLAGE), SITUATED AT, CNR STEENBERG & REDDAM AVENUE, CONSTANTIA. 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 Holdings
10001005

Signature

Handwritten signature

Date

02 MAY 2019

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

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

FORM

Please complete the information below and return to				
Subcouncil 20, Alphen Centre, Main Road Constantia 7806				
Applicant Details	SUNDAYS EXTENDED OFF-CONSUMPTION TRADING HOURS PICK N PAY STEENBERG VILLAGE – WCP/031406B			
APPLICATION	SUPPORTED	X	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no		
	Rehab, Drugs / Alcohol Centre	no		
	School(s)	no		
	Other			
PARKING	yes			
REASONS FOR NOT SUPPORTING				
ORGANISATION/OBJECTOR DETAILS				
NAME	Cllr. I R Iversen			
	Office	021 444 8117		
	E-mail	lan.iversen@capetown.gov.za		
DATE	30 May 2019			

For ease of reference community organisations/residents may submit comments to this office, to aid the Subcouncil in its decision-making. Written comment in respect of this notice(s) of application(s) must reach this office before or on **13 June 2019** (date 14 calendar days for public participation) at close of business (16:00)

-----Original Message-----

From: Penny East <Penny.East@capetown.gov.za>

Sent: Thursday, 30 May 2019 10:18

To: Richard White <Richard.White@capetown.gov.za>

Subject: RE: Application for extended Liquor Trading Hours - Pick n Pay Steenberg Village, Constantia (Sundays)

Dear Mr White,

I have no objection to this application.

Regards

Penny East

Councillor, Ward 71

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM

Please complete the information below and return to				
Subcouncil 20, Alphen Centre, Main Road Constantia 7806				
Applicant Details	<u>SUNDAYS EXTENDED OFF-CONSUMPTION TRADING HOURS</u> PICK N PAY STEENBERG VILLAGE – WCP/031406B			
APPLICATION	SUPPORTED	x	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no		
	Rehab, Drugs / Alcohol Centre	no		
	School(s)	no		
	Other			
PARKING	yes			
REASONS FOR NOT SUPPORTING	Although KERA has no objection to this application, let it be noted that it is near a school.			
ORGANISATION/OBJECTOR DETAILS				
NAME	Kirstenhof & Environs Residents' Association			
DATE	03 June 2019			

For ease of reference community organisations/residents may submit comments to this office, to aid the Subcouncil in its decision-making. Written comment in respect of this notice(s) of application(s) must reach this office before or on **13 June 2019** (date 14 calendar days for public participation) at close of business (16:00)

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS FORM

Please complete the information below and return to				
Subcouncil 20, Alphen Centre, Main Road Constantia 7806				
Applicant Details	<u>SUNDAYS EXTENDED OFF-CONSUMPTION TRADING HOURS</u> PICK N PAY STEENBERG VILLAGE – WCP/031406B			
APPLICATION	SUPPORTED	√	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre	no		
	Rehab, Drugs / Alcohol Centre	no		
	School(s)	no		
	Other			
PARKING	yes			
REASONS FOR NOT SUPPORTING				
ORGANISATION/OBJECTOR DETAILS				
NAME	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			
DATE	30/05/2019			

For ease of reference community organisations/residents may submit comments to this office, to aid the Subcouncil in its decision-making. Written comment in respect of this notice(s) of application(s) must reach this office before or on **13 June 2019** (date 14 calendar days for public participation) at close of business (16:00)

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - L. Makabeni

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TICKET CODE : 00

COMMENTS: WCP/031406/B

0001 AMOUNT 4035.09 CQ

CHEQUE-028103 4035.09

CHQ: STEENBERG FAMILY SUPERMARKE

#46240 28 MAY 2019 13:30 801 USR0408

Thank you for this
Payment.

Have a nice day

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - L. Makabeni

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TICKET CODE : 00

COMMENTS WCP/031406/B

0001 AMOUNT

8070.18 CQ

CHEQUE-028104

8070.18

CHQ: STEENBERG FAMILY SUPERMARKET

#46241 28 MAY 2019 13:32 801 USR0408

Thank you for this
payment.

Have a nice day