

REPORT TO SUBCOUNCIL 20

1. ITEM NUMBER:

20SUB37/08/2019

13

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
- <u>CPF:</u>
 No comment was received during the public participation stage
- Internal departments:
 - Law Enforcement: Supported – Annexure C

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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 or 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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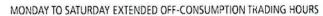
Reasons for Non Support:

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	

	C'	Comment:	
Richard W	hite R: SUBCOUNCIL 20	1 	
DATE	14 June Zoia.		





CITY HEALTH

CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD

THIS CITY WORKS FOR YOU

I declare that the information furnished in this application and in any documents attached to it, is true. Signature Date 08.04.19 [written authorisation to sign on behalf of licensee to be attached] Name (printed) ADV SHAWA MARKET Physical address Physical address FARFIELD ENTIRE FARFIELD ENTIRE Work tel: 021 701 0000 Cell: 063 7720267	II fields must be filled i	in .
Full name of licensee CARRY Full name of licensee CARRY 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) Name and address of the licensed premises VICLENDAY STENDARG Name and address of the licensed premises VICLENDAY STENDARG ST	ETAILS OF LICENC	CEE /
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Name and address of the licensed premises **TICK N PAY **STECH BEEG & REDOM AVENCE **ON STANTS** **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 **RF NO. 12489 **PREMEDIC & REDOM AVENCE **STEENBEC & REDOM AVENCE **ON STANTS** **Contact number **ON State reason(s) why licensee is applying for extension of trading hours (use an annexure if required) **TO REDOM A SERVICE DAMN TO REDUCE FOR AFFORMUS & SERVICE DAMN TO REDUCE DA	If the licenses is not a sa	
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Liquor	licence	number

WCP/031406	

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 lice

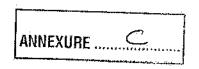
PERTAINING	TO THE MENTIONED PREMISES, NAMELY, PICK N PAY (STEENBERG VILLAGE), SITUATED AT, CNR STEENBERG &
REDDAM AV	/ENUE, CONSTANTIA. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2019, N
COMPLAINT	TS WERE RECEIVED BY THE LIQUOR UNIT WITH REGARDS TO THIS ESTABLISHMENT. THIS APPLICATION WAS
UBMITTED	TO THE PROVINCIAL OFFICE OF SAPS' LIQUOR CONTROL FOR COMMENTS, HOWEVER, NO FEEDBACK HAS BEEN
RECEIVED.	
	City of Cape Ton.
ne of Officia	Marityn Holding Signature Holding Date UZ MAY 2019
	Safety and Security
ilcation tee of F	st now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2018 a non-refundable 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, must from 1 July 2018 accompany the application when handing it in at the designated Environmental Health Office.
of payment n	

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

FORM

Please complete the information below and return to					
Subc	Subcouncil 20, Alphen Centre, Main Road Constantia 7806				
	SUNDAYS EXTE	NDED OFF-	CONSUMPTION TRADIN	IG HOURS	
Applicant Details	Details PICK N PAY STEENBERG VILLAGE – WCP/031406B				
APPLICATION	SUPPORTED	х	NOT SUPPORTED		
	Aged or Frail Care Centre	no			
Please indicate whether the business	Rehab, Drugs / Alcohol Centre	no			
is LOCATED near	School(s)	no			
	Other			-100	
PARKING	yes				
REASONS FOR NOT SUPPORTING					
ORGANISATION/OBJECTOR DETAILS Clir. I R Iversen					
NAME					
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

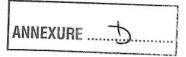
(Sundays)

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

Places complete the information by the tenth of the information by the					
Please complete the information below and return to					
Subcouncil 20, Alphen Centre, Main Road Constantia 7806					
	SUNDAYS EXTE	NDED OFF-	CONSUMPTION TRADIN	IG HOURS	
Applicant Details	PICK N PAY STEENBERG VILLAGE – WCP/031406B				
		,			
APPLICATION	SUPPORTED	x	NOT SUPPORTED		
	Aged or Frail Care Centre	no			
Please indicate whether the business	Rehab, Drugs / Alcohol Centre	no			
is LOCATED near	School(s)	no			
	Other				
PARKING	yes	yes			
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				
	SUNDAYS EXTE	NDED OFF-	CONSUMPTION TRADIN	IG HOURS
Applicant Details	PICK N PAY STEENBERG VILLAGE – WCP/031406B			
APPLICATION	SUPPORTED	V	NOT SUPPORTED	
	Aged or Frail Care Centre	no		
Wilderer the business	Rehab, Drugs / Alcohol Centre	no		
is LOCATED near	School(s)	no		
	Other			
PARKING	yes			
REASONS FOR NOT SUPPORTING	Т			
	ODCANICATION	WOD IFOT	OD DETAIL O	
	ORGANISATIO	A/OBJEC I	OR DETAILS	
	Wayne Petersen Acting S/Inspector Station Commander			
Service Substitution	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/031406/8

0001 AMOUNT

4035,09 00

CHEQUE-028103

4035 09

CHQ: STEENBERG FAMILY SUPERMARKE

#46240 28 MAY 2019 13:30 801 USR0408

Thank you for this

Pasment.

Have a nice day

ANNEXUREA

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - L.Makabeni

GENERAL LEDGER

VOTE NUMBER : 810400P18070172 TICKET CODE : 00

COMMENTS UCP/031406/B

CHEQUE-028104

0001 AMOUNT

8070.18 00

8070.18

CHQ: STEENBERG FAMILY SUPERMARKET

#46241 28 MAY 2019 13:32 801 USR0408

Thank you for this

Payment,

Have a nice day