

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

Making progress possible. Together.

SUBCOUNCIL 16

1. ITEM NUMBER : 16 SUB 29/09/20

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF MARINER'S WHARF LIQUOR COVE, LOT 50, HARBOUR ROAD, HOUT BAY: 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.

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 74 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):

- **Mariner's Wharf Liquor Cove**
- Liquor Licence No: WCP/031557
- OFF Consumption – Sunday trading 11h00 – 18h00
- Lot 50 Harbour Road, Hout Bay

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

- Ward Councillor: 2020/08/06: (See attached Annexure B)
 - ❖ Cllr Roberto Quintas: Supported

- Abutting neighbours: 2020/08/13: (See attached Annexure B)
 - ❖ Lionel Schkolne: Fisherman's World: Supported
- Community Organizations: 2020/08/06:
 - ❖ No comments received.
- Ward Committee of Ward 74: 2020/08/06: (See attached Annexure B)
 - ❖ Warren Abrahams: Hangberg PMF: Supported
- **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 **Mariner's Wharf Liquor Cove**, Lot 50 Harbour Road, Hout Bay 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.

ANNEXURES:

- A. Application submitted by **Mariner's Wharf Liquor Cove**, including comments by Health and Safety and Security.
- B. Email from Ward Councillor, Abutting Neighbour and Ward Committee Member in support of the application.

FOR FURTHER DETAILS CONTACT:

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



Girshwin Fouldien
SUBCOUNCIL16 MANAGER

Comment:

DATE



SUBCOUNCIL 16
CHAIRPERSON :
Cllr Matthew Kempthorne

Comment: _____

Date

02/09/2020

ANNEXURE A



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

CITY HEALTH

Colleen Heldsinger

T: 0214006513

F:

E: colleen.heldsinger@capetown.gov.za

04-08-2020

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: 185637
Liquor Licence Number: WCP/013557 Renewal 2020
Sunday
Licensee Name: Mariner's Wharf PTY Ltd
Premises Name: Mariner's Wharf Liquor Cove
Premises Address: LOT 50, Hout Bay Harbour
Harbour Road
Hout Bay
Hout Bay
7806

Date of Application Submission:

Date Application captured: 2020/08/03

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 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 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/013557**2. Full name of licensee **MARINER'S WHARF (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)

STADOR TRUST, REG NO: T217/85 OF MAZARS HOUSE, RIALTO ROAD, GRAND MOORINGS PRECINCT, CENTURY CITY**STANLEY BRIAN DORMAN, ID NO: 411114 5008 08 3 OF 49 KLAASSENS ROAD, CONSTANTIA**

4. Name and address of the licensed premises

MARINER'S WHARF LIQUOR COVE**LOT 50, HOUT BAY HARBOUR, HARBOUR ROAD****HOUT BAY 7806**

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. **LOT 50, HOUT BAY**

6. Contact number

021 790 2345 / 073 354 9484

7. State reason(s) why licensee is applying for trading on Sundays (use an annexure if required)

SEE WRITTEN REPRESENTATIONS ATTACHED

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

Signature  Date **2 JULY 2020**

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

Name (printed) **S A EPSTEIN**Application prepared by **C & A FRIEDLANDER INC**

Postal address

Physical address **3rd FLOOR 42 KEEROM STREET****CAPE TOWN, 8001**Work tel: **021 487 7900**

Cell:

Fax:

E-mail: **solly@caf.co.za**Signature  Date **2 JULY 2020**

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

Name (printed) **S A EPSTEIN**

Liquor licence number **WCP/013557****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, MARINER'S WHARF LIQUOR COVE, SITUATED AT, LOT 50, HOUT BAY

HARBOUR, HARBOUR ROAD, HOUT BAY. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR

2020. NO COMPLAINTS WERE RECEIVED BY THE 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 LOCKDOWN REGULATIONS.

Marilyn Holding
 Name of Official **Assistant Chief** Signature *M Holding*
LAW ENFORCEMENT
10001005



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



Standard Bank
3 Simmonds Street, Johannesburg, 2001

P.O. Box 61344, Marshalltown, 2107
Tel. +27 (0) 860 123 007
Fax: +27 (011) 636 4156
Website: www.businessonline.standardbank.co.za

To: CITY OF CAPE TOWN

Date: 20-06-02

Subject: **Business Online PayAlert**

An electronic payment has been initiated by MARINERS to your bank account, details below:

Bank:	NEDBANK LIMITED
Branch:	NEDBANK SOUTH AFRICA
Account Number:	*7035
Reference:	192131688/WCP031557
Amount:	8,433.00

Payments to Standard Bank accounts may take up to one business day to reflect.
Payments to other banks may take up to three business days. Please check your account to confirm you have received this payment.

Regards,

The Business Online team

The Standard Bank of South Africa Limited (Reg.No. 1962/000738/06) Authorised financial services provider and registered credit provider (NCRCP15)

Directors: T M F Phaswana (Chairman), S K Tshabalala* (Chief Executive), D D B Band, R M W Dunne#, T S Gcabashe, K P Kalyan, B J Kruger*, S J Macozoma, Adv K D Moroka, A C Nissen, S P Ridley*, M J D Ruck, Lord Smith of Kelvin, Kt#, P D Sullivan##, P G Wharton-Hood*, E M Woods Secretary: Z Stephen
29/05/2013

*Executive Director #British ##Australian

RENEWAL APPLICATION BY MARINER'S WHARF (PTY) LTD FOR THE EXTENSION OF TRADING DAYS TO INCLUDE SUNDAYS FROM 11H00 – 18H00 IN RESPECT OF MARINER'S WHARF LIQUOR COVE (WCP/013557) LOCATED AT LOT 50, HOUT BAY HARBOUR, HOUT BAY, 7806, WESTERN CAPE

1. THE APPLICANT

We act herein, on behalf of Mariner's Wharf (Pty) Ltd who are the owners and operators of Mariner's Wharf located upon Lot 50, Hout Bay Harbour, Hout Bay, 7806.

2. VALIDITY OF LICENCE

Attached hereto and marked Annexure "A" is a copy of the Form 21A, annual licence renewal notice in respect of WCP/013557 together with proof of payment of renewal fee for the 2020 year.

Attached hereto, marked Annexure "B" is the approval of our client's application for extended trading days to include Sundays from 11h00-18h00 for the year 2019.

3. LOCATION AND ZONING

The liquor store is located upon Lot 50, Hout Bay Harbour and is in the heart of the Hout Bay Harbour tourist development. The premises is visited by a large number of foreign and local tourist and is one of the major tourist attractions of the Western Cape Province.

It will be seen from the aerial photo attached hereto and marked Annexure "C" that the premises is located within the tourist precinct of Hout Bay Harbour and is surrounded by many businesses related to the holiday and tourism trade.

4. PROXIMITY OF RESIDENTS AND CULTURAL AND RELIGIOUS INSTITUTIONS

There are no residential, cultural, religious or educational facilities in the vicinity that may possibly be detrimentally affected by the extension of the days as applied for. This is clearly depicted by the photograph attached hereto.

5. THE BUSINESS AND MANAGEMENT

The applicant has an impeccable record as far as the sale of liquor is concerned and enjoys an excellent reputation. The applicant adheres to the letter and spirit of the Liquor Legislation and great care is taken not to give offense, either to the shopping public or to any other member of the community in which the store is located.

6. IMPACT ON THE ENVIRONMENT AND COMMUNITY

It is submitted that the granting of this application will have no detrimental effect on any member of the community or impact negatively on the environment. The applicant has traded on Sundays for almost a quarter of a century and in all that time has operated in full harmony with the environment and the community. There is no reason to suppose that this will not be the case in the future.

7. REASON FOR REQUIRING EXTENDED HOURS AND DAYS

Sundays, in particular, is the day of the week upon which the premises is visited by a large number of foreign tourists, local residents and local tourists.

Consumers have become accustomed to the fact that they are able to purchase their liquor requirements when visiting Mariner's Wharf. It is to be noted that this is not a run-of-the-mill liquor store but that the store, both in its layout and with regard to the products offered, is of an upmarket nature in order to appeal to the target market which includes a large number of foreign tourists.

It is submitted that, in keeping with the trend across South Africa, Sunday has become a major shopping day for the public. As the store is located in the heart of a major tourist attraction, it is also conveniently located for the public to make their liquor purchases on Sundays when visiting the Hout Bay Harbour.

In view of the location of the premises, there is no possibility, whatsoever, that allowing them to trade on a Sunday, can be detrimental either to the neighbourhood or the community at large.

It is submitted that the closing of legitimate outlets on Sunday is not only a great inconvenience to shoppers but is also of great benefit to illegal outlets, which thrive during those times when legitimate outlets are forced to close.

Trading on Sundays is also important to the staff of Mariner's Wharf as there is a distinct possibility that the closure of the liquor store on Sundays will lead to staff retrenchments.

8. RISK OF NUISANCE AND MEASURES TO CONTROL RISKS

In view of the location of the premises, the extension of the trading days to Sundays will hold no risk of nuisance to the surrounding community and, indeed, will be of great benefit to them. The proof of the pudding is in the eating and it is a fact that having the liquor store open on Sundays for many years has not given rise to any nuisance to the public. It is further submitted that the management of the liquor store is of a high standard and that no nuisance or risk to the public will be allowed.

9. PUBLIC INTEREST

Lastly, we submit that it is clearly in the public interest for the consumer to be able to purchase his or her liquor requirements when visiting a tourist attraction of this nature. It is further in the public interest to ensure that legal outlets which are properly conducted and controlled are allowed to trade, instead of forcing the public to visit shebeens and other unsavoury, dangerous establishments to obtain their liquor requirements.

In the premises, we submit that the granting of this application will be in the public interest and request that the application be granted.



**WESTERN CAPE
LIQUOR AUTHORITY**

Western Cape Liquor Authority

"A"
NOM 215

Mariner's Wharf (Pty) Ltd
P.O. Box 26101
HOUT BAY
7872

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/013557

Name of licensee: Mariner's Wharf (Pty) Ltd

Address of the licensed premises: Lot 50 Hout Bay Harbour, Harbour Road, HOUT BAY, 7806

(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 licence: 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: 145 206 9883
Branch code: 198 765

Please use your licence number (WCP/013557) 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).

Standard Bank of South Africa

Computer Generated Copy

The Standard Bank of South Africa Limited Registered Bank Reg. No. 1982/000738/06

CUSTOMER ALL PAYMENTS FINAL AUDIT REPORT

Customer No	800740907	User Name	MARINERS WHARF PTY LTD
User ID	QHG15	Reference	2019351001
Sub Module	SSVS	Action date	20191217
Description	FEV43 20191217 09:47:04.3		WXL38 L B SCHKOLNE
Finalreleasingoperators	WUH56 A DORMAN		
Sub-batch	001	From Account no	0000071737588
		From Account Name	MARINERS WHARF PTY L
Trans No	3		
Acc No / CDI	1452069883		
Branch No	198785		
Statement Ref	WCP/013557		
Account Name	WESTERN CAPE LIQUOR AUTHORITY		
Creditor Code	NOM215		
Amount	4,585.00		
StatusDescription	FINAL AUDIT TO BE DOWNLOADED		
RTGS/RTC			
ISN/Bus Ref	0		
Pay Alert	Y		



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Ask for: Colleen Heldsinger

Cela: Colleen Heldsinger

Vra Vir: Colleen Heldsinger

Tel: 0214006513

Umnxeba: 0214006513

Tel: 024006513

Max. no. of copies: 10

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 2013 as amended.

Extended liquor trading hours reference number	184587 16 SUB 33/5/2019
Liquor License number	WCP/031557
Full name of Licensee	Mariner's Wharf (PTY) Ltd
Name/designation or title under which the business is carried on	Mariner's Wharf Liquor Cove
Address of the licensed premises	Lot 50, Hout Bay Harbour, Harbour Road Hout Bay 7806
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 20 May 2019 until 19 May 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

For Director: City Health

Environmental

"C"

AERIAL VIEW OF MARINER'S WHARF

Front - harbour

Right - parking area

Left grey roof is fish factory – Chapmans Peak Fisheries PH: 021 790 2731

Over the road - Fishermans World - building not in use PH: 021 7902345

Left of Fishermans World building - Shops - not in use



ANNEXURE B

From: Roberto Quintas

Sent: 06 August 2020 01:48 PM

To: Shireen Maggott;

Subject: RE: MARINERS WHARF LIQUOR COVE - OFF CON: SUNDAY (W74 CLLR WC COD)

Supported

Cllr Roberto Quintas

Ward 74 (Hout Bay & Llandudno)

Office: 021 400 2643

Cell: +27 82 042 3502

Roberto.Quintas@capetown.gov.za



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

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COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

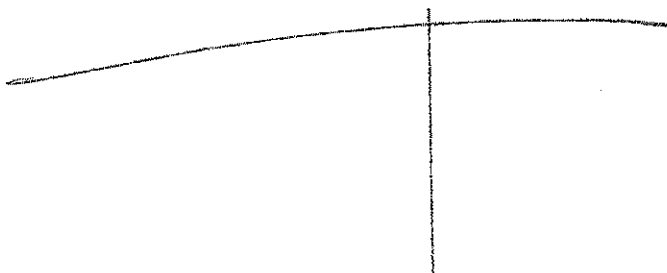
FORM

Please complete the information below and return to Subcouncil SC 16, 11 th Floor, 44 Wale Street, Cape Town				
Applicant Details	MARINER'S WHARF LIQUOR COVE OFF CON (SUNDAY)			
APPLICATION	SUPPORTED	<input checked="" type="checkbox"/>	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	N/A		
PARKING	YES			
REASONS FOR NOT SUPPORTING	N/A			
ORGANISATION/OBJECTOR DETAILS				
NAME	LR SCHULKE FISHERMAN'S WORLD (Pty) LTD			
DATE	18/08/2020			

For ease of reference community organisations/residents may submit comments to this office, to aid in the decision taken by this Subcouncil. Written comment in respect of this notice(s) of application(s)

must reach this office before or on **27/08/2020** at close of business (16:30)

18/08/2020



Shireen Maggott

From: Warren Abrahams <warren_abrahams@hotmail.com>
Sent: 06 August 2020 01:22 PM
To: Shireen Maggott
Subject: RE: MARINERS WHARF LIQUOR COVE - OFF CON: SUNDAY (W74 CLLR WC COD)

Importance: High

Good Day Shireen.

FULL SUPPORT.

Best Regards,
Warren Abrahams
Secretary and Social Development Coordinator
The Peace and Mediation Forum (130-029 NPO)
Cell: 074 803 2513



**1 Salamander Road, Hangberg Hout Bay
NPO No 130 – 029/Reg 14. 11. 2013**