

REPORT TO SUBCOUNCIL 20

1. ITEM NUMBER : **20SUB34/08/2019**

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP031008/B:- PICK N PAY LIQUOR STORE, STEENBERG VILLAGE, ERF 12489, TOURIST RETAIL CENTRE, SPAANSCHMAT RIVER ROAD, CONSTANTIA (OFF CONSUMPTION - SUNDAYS)

3. PURPOSE

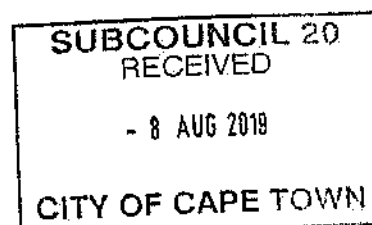
To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours 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, Sundays from 11H00 until 18H00 for Consumption OFF premises applicable to the business trading as Pick n Pay Liquor Store, Steenberg Village, Erf 12489, Tourist Retail Centre, Spaanschmat 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:

- **WCP031008/B**
- **Shaun Malander**
- **Pick n Pay Liquor 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**
No comment was received during the public participation stage
- **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 B

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Liquor License WCP031008/B:- Pick n Pay Liquor Store, Steenberg Village, Erf 12489, Tourist Retail Centre, Spaanschemat River Road, Constantia (Off Consumption – Sundays)

7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Pick n Pay Liquor Store, Steenberg Village, Erf 12489, Tourist Retail Centre, Spaanschemat River Road, Constantia, Reference No WCP031008/B:- for the extension of trading days and hours Sundays, 11H00 until 18H00 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."*

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."*

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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

8 August 2019

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Liquor License WCP031008/B:- Pick n Pay Liquor Store, Steenberg Village, Erf 12489, Tourist Retail Centre, Spaanschemat River Road, Constantia (Off Consumption – Sundays)

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 / 031 008 / A

2. Full name of licensee

CARY 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

SHOP C 5

TOURIST RETAIL CENTRE

SPAANSCHENAT RIVER ROAD

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.

124 89

SHOP C 5

TOURIST RETAIL CENTRE

SPAANSCHENAT RIVER ROAD

CONSTANTIA

6. Contact number

021 701 0000

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

TO PROVIDE A SERVICE/DEMAND TO PUBLIC FOR AFFORDABLE & GOOD QUALITY WOOD & 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

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 PEIN STREET

Physical address

68 PEIN STREET

FAIRFIELD ESTATE

FAIRFIELD ESTATE

PAROW 7500

PAROW 7500

Work tel:

021 701 0000

Cell:

063 772 0267

Fax:

E-mail:

shawnmalander@gmail.com

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/031008

SAFETY AND SECURITY

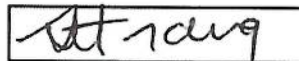
Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises or licensee

PERTAINING TO THE MENTIONED PREMISES, NAMELY, PICK N PAY LIQUOR STORE (STEENBERG VILLAGE), SITUATED AT, SHOPC5, TOURIST RETAIL CENTRE, SPAANSCHMAT RIVER ROAD, CONSTANTIA. IT WAS ASCERTAINED THAT THE APPLICANT DIDRENEW HIS LIQUOR LICENSE FOR 2019. NO COMPLAINTS WERE RECEIVED BY THE LIQUOR UNIT WITH REGARDS TO THISESTABLISHMENT. THIS APPLICATION WAS SUBMITTED TO THE PROVINCIAL OFFICE OF SAPS' LIQUOR CONTROL FORCOMMENTS, HOWEVER, NO FEEDBACK HAS BEEN RECEIVED.

Name of Official

Marilyn Holding
10001005

Signature



Date

02 MAY 2019

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 R8 070.18 (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

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - L. Makabeni

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TICKET CODE : 00

COMMENTS WCP/031008/A

0001 AMOUNT

4035 09 CD

CHEQUE-028102

4035.09

CHQ: STEENBERG FAMILY SUPERMARKET

#46243 28 MAY 2019 13:35 801 USR0408

Thank you for this
payment.

Have a nice day

From: Heinrich Ras <Heinrich.Ras@capetown.gov.za>
Sent: Friday, 12 July 2019 10:15 AM
To: Celes René Allies <CelesRene.Allies@capetown.gov.za>
Cc: Wayne Petersen <Wayne.Petersen@capetown.gov.za>
Subject: FW: WCP031008A Trading Mon - Sat and Sunday

Good morning.

Please be advised Law Enforcement do not have any objection with regards to this application as we have not received any complaints against this establishment.

Kind regards.

S/Insp. H. Ras.
Law Enf.
Wynberg.
021 761 3923