

1. ITEM NUMBER: 03SUB 16/01/20

2. SUBJECT

APPLICATION FOR THE RENEWAL OF THE EXTENSION OF LIQUOR TRADING HOURS: MONDAY TO SATURDAY- AND SUNDAY TRADING FOR OFF CONSUMPTION PREMISES IN RESPECT OF WARD 5: CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG, LICENCE NUMBER: WCP / 040581

ONDERWERP

AANSOEK OM DIE HERNUWING VAN DIE VERLENGING VAN DRANKHANDELSURE: MAANDAG TOT SATURDAG- EN SONDAG HANDEL VIR BUITEVERERBUIKPERSEEL TEN OPSIGTE VAN WYK WARD 5: CEDAR SPAR (TOPS), HV VRYBURGER AVE & 8 BOTMA STRAAT, BOTHASIG, LICENCE NUMBER: WCP / 040581

ISIHLOKO

ISICELO SOKUHLAZIYWA NGOKUTSHA UKWANDISWA KWEEYURE ZOKUTHENGISWA KOTYWALA: NGOMVULO UKUYA NGOMGQIBELO KUNYE NOKUTHENGISA NGECAWE KWIZAKHIWO EKUNGASELELWA KUZO NGOKUJOLISWE KWIWADI WARD 5: CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG, LICENCE NUMBER: WCP / 040581

3. PURPOSE

For the Subcouncil to approve the recommendation for an application for the renewal of the 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 in terms of Delegation 4(2)

To approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted in terms of Section 2 of the By-law: Control of Undertakings that Sell Liquor to the Public, 2013.

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 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 3 Manager, and was then circulated to abutting neighbours, all organisations included on the **Ward 5** 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.
- (j) 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 (see attached Annexure A):

- CEDAR SPAR TOPS,
- Liquor Licence No: WCP/040581
- OFF Consumption
- CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG
- Current trading hours: Monday – Saturday 09:00 – 20:00 and Sundays 11:00 – 18:00 with extension granted.
- Proposed trading hours: Monday – Saturday: Monday – Saturdays 18:00 – 20:00 and Sundays 11:00 – 18:00.
- Business Licence – in order

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

- Ward Councillor: Councillor Helen Carstens
Supported.
- Community Organisations:
No comment received.
- Ward Committee of Ward 5:
No comment received.
- Other Subcouncil 3 Councillors:
No comment received
- Other comments received:
None

- **Internal departments:**
 - ❖ Safety & Security (Liquor Control):
- Pertaining to the mentioned premises namely **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG**, it was ascertained that the applicant did renew his Liquor Licence for 2020. No complaints were received by SAPS or the Liquor Unit with regard to this establishment. The application was submitted to the Provincial Office of SAPS' Liquor Control department for comments, however, no feedback has been received.

7. RECOMMENDATION

It is recommended that the application for the renewal of the extension of liquor trading hours (off-consumption) in respect of **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG** – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00 be **approved** subject to the following conditions:

- (a) That the application for the renewal of the extension of liquor trading hours (off-consumption) submitted by **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG** – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00 be approved as it complies with the criteria included in the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law, 2013.
- (b) Should complaints be received concerning noise and/or unruly behaviour of patrons, these complaints will be investigated and may result in the extended trading hours being withdrawn and will also be referred to the Western Cape Liquor Authority which may jeopardise the renewal of the liquor licence.
- (c) The applicant must ensure that no sale of liquor is made directly to or via a third party to unemployed and/or homeless persons occupying public open spaces in the vicinity of **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG** – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00.
- (d) This approval is also subject to compliance with all relevant by-laws of the City of Cape Town.
- (e) This approval will be valid for 12 months from the date of the decision subject to the possession of a valid liquor licence.

AANBEVELING

Daar word aanbeveel dat die aansoek om die hernuwing van die verlenging van drankhandelsure (buiteverbruik) ten opsigte van **CEDAR SPAR (TOPS), HV VRYBURGER AVE & 8 BOTMASTRAAT, BOTHASIG** – Maandae tot Saterdag 18:00 – 20:00 Sondag 11:00 - 18:00, goedgekeur word onderworpe aan die volgende voorwaardes:

- (a) Dat die aansoek om die hernuwing van die verlenging van drankhandelsure (buiteverbruik) ingedien deur **CEDAR SPAR (TOPS), HV VRYBURGER AVE & 8 BOTMASTRAAT, BOTHASIG** – Maandae tot Saterdag 18:00 – 20:00 en Sondag 11:00 - 18:00, goedgekeur word aangesien dit voldoen aan die kriteria vervat in die Stad Kaapstad: Verordening op Beheer oor Ondernemings wat Drank aan die Publiek verkoop, 2013.
- (b) Dat sou klagtes oor geraas en/of wilde gedrag van kliënte ontvang word, dit ondersoek sal word en daartoe kan lei dat die verlengde handelsure teruggetrek word, en dit ook na die Wes-Kaapse drankowerheid verwys sal word wat die hernuwing van die dranklisensie in gevaar kan stel.
- (c) Dat die aansoeker moet verseker dat geen drank direk of deur middel van 'n derde party verkoop word aan werkloses en/of haweloses wat die openbare oop ruimtes in die omgewing van **CEDAR SPAR (TOPS), HV VRYBURGER AVE & 8 BOTMASTRAAT, BOTHASIG** - Maandae tot Saterdag 18:00 – 20:00 en Sondag 11:00 - 18:00, beset nie.
- (d) Dat hierdie goedkeuring ook onderworpe is aan nakoming van alle toepaslike verordenings van die Stad Kaapstad.
- (e) Dat hierdie goedkeuring vir 12 maande vanaf die datum van die besluit geldig sal wees, onderworpe aan die besit van 'n geldige dranklisensie.

ISINDULULO

Kundululwe ukuba makuphunyezwe isicelo sokuhlaziywa ngokutsha ukwandiswa kweeyure zokuthengiswa kotywala (obuselelwa ngaphandle) ngokujoliswe kwabakwa- **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG** – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00, ngoMvulo ukuya ngoMgqibelo ukususela ngentsimbi ye- 18:00 ukuya kweye-20:00 nangeCawe ukususela kweye-11:00 ukuya kweye-18:00 ngokuxhomekeke kule miqathango:

- (a) Ukuba makuphunyezwe isicelo sokuhlaziywa ngokutsha ukwandiswa kweeyure zokuthengiswa kotywala (obuselelwa ngaphandle) esingeniswe ngabakwa- **CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG** – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00, njengoko sithobela ummiselo oqukwe kuMthetho kaMasipala ongoLawulo lweMigaqo yokuThengiswa koTywala eLuntwini kwiSixeko saseKapa wango-2013.

- (b) Ukuba kuthe kwafumaneka izikhalazo ngokuphathelene nengxolo okanye indlela engamkelekanga yokuziphatha kwabathengi, oku kuyakuthi kuphandwe kwaye umphumela woku ungabangela ukuba kurhoxiswe isicelo sokwandiswa kweeyure zokuthengiswa kotywala kwaye ziyakuthi zidluliselwe kuGunyaziwe ongezoTywala eNtshona Koloni ongathi acuthe amathuba okuba kuhlaziywe isicelo sephepha-mvume lokuthengisa utywala.
- (c) Umfaki-sicelo kufuneka aqinisekise ukuba akukho butywala buthengiselwa abantu abangenamisebenzi kunye/okanye nabantu abangenamakhaya abahlala kwiindawo ezivulelekileyo kummandla ongakwa- CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG - Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00.
- (d) Esi siphumezo kwakhona sixhomeke ekuthotyelweni kwayo yonke imithetho kamasipala weSixeko saseKapa efanelekileyo.
- (e) Esi siphumezo sizakuthatha isithuba esizinyanga ezili-12 ukususela ngomhla wesigqibo kuxhomekeke ekubeni unayo na ilayisenisi esemthethweni yokuthengisa utywala.

ANNEXURES:

A - Application submitted by CEDAR SPAR (TOPS), CNR VRYBURGER AVE & 8 BOTMA STREET, BOTHASIG – Mondays to Saturdays 18:00 – 20:00 and Sundays 11:00 - 18:00

FOR FURTHER DETAILS, CONTACT:

NAME	Catherine Law	07 JAN 2020
CONTACT NUMBERS	021 444-4864	
E-MAIL ADDRESS	Catherine.law@capetown.gov.za	
DIRECTORATE	Area-Based Management	

Comment:


JDJA BRAND
SUBCOUNCIL 3 MANAGER

DATE

16/1/2020


CLLR HELEN CARSTENS
SUBCOUNCIL 3
CHAIRPERSON

Comment:

Date

16/01/2020



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH

Danielle Mac Farlane
Durbanville Civic Centre
c/o Oxford & Queen Street
DURBANVILLE 7550
P O Box 100, DURBANVILLE 7551

Tel 021 444 0734
fax 021 970 3611

E-mail: Danielle.macfarlane@capetown.gov.za

CITY HEALTH - Environmental Health - Northern Sub-District - Durbanville Office

Memorandum to Manager:

Sub Council

The attached application, liquor license **reference number 185353 & 185352** for extended liquor trading times for **weekdays Mon – Sat and Sundays**, in terms of Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-law, 2013, was received from **CEDAR SPAR (TOPS) – BOTHASIG** and is herewith forwarded to you for consideration and public participation.

Please communicate the decision of the Sub Council to the Business Licensing Officer in order for City Health to advise the applicant regarding the outcome.

Business Licensing Officer: **DANIELLE MAC FARLANE**
Sub-District: **NORTHERN**
Date: **9 DECEMBER 2019**



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Form 2
MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH

MON - SAT
18:00 - 20:00

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

2. Full name of licensee

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

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.

6. Contact number

Office:

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

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

Signature Date

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

Name (printed) Application prepared by

Postal address Physical address

Work tel: Cell:

Fax: Email:

Signature Date

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

Name (printed)

OFFICE USE ONLY

Liquor licence number WCP/039802

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, LIQUOR FOR AFRICA BOTTLE LIQUORS, SITUATED AT, SHOP 2, RUWARI

CENTRE, KRUISPAD, BRACKENFELL. 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 IS

RECOMMENDED BY THE SAPS.

Name of Official Martlyn Holding
10001005

Signature

A. Siang

Date

03 JAN 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



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Form 3
SUNDAY OFF-CONSUMPTION TRADING

Sunday
11:00 - 18:00

CITY HEALTH

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
2. Full name of licensee
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)

DETAIL AS PER ANNEXURE "G"

4. Name and address of the licensed premises

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.

6. Contact number

Office: Fax: Email:

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

DETAIL AS PER ANNEXURE "A"

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

Signature Date

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

Name (printed) Application prepared by

Postal address Physical address

Worktell:

Cell:

Fax:

Email:

Signature Date

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

Name (printed)

OFFICE USE ONLY

Liquor licence number WCP/036521

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, CEDAR SPAR, SITUATED AT, SHOP 16, SULNISA CENTRE, CNR

VRYBURGER AVENUE & BOTMA STREET, BOTHASIG. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR

LICENSE FOR 2020. NO COMPLAINTS WERE RECEIVED BY THE LIQUOR UNIT WITH REGARDS TO THIS ESTABLISHMENT. THIS

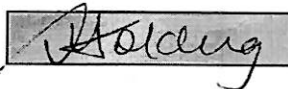
APPLICATION WAS SUBMITTED TO THE PROVINCIAL OFFICE OF SAPS' LIQUOR CONTROL FOR COMMENTS, HOWEVER, NO

FEEDBACK HAS BEEN RECEIVED.

Name of Official

Marilyn Holding
10001005

Signature



Date

20 NOV 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 2019 a non-refundable Application fee of R8 433.00 (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