

REPORT TO SUB COUNCIL 24

1. ITEM NUMBER:

24SUB 19/02/2020

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF WARD 15: TOPS, HELDERVUE — SOMERSET WEST WCP/018164 REF 185374 FOR OFF CONSUMPTION PREMISES MONDAY TO SATURDAY

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 24(4)(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 24 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 hours, from 18H00 until 20H00, Monday to Saturday for off- consumption premises.

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."
- 6.2 The following application for the extension of liquor trading days and hours was received by the Sub Council from the City's Environmental Health Office:
 - Details of applicant:

- WCP/018164
- Tops Heldervue
- Erf 7693
 Cnr Abelia & Cynaroides Streets, Heldervue Shopping Centre, Heldervue, Somerset West
- DM Hoogenhout
- 021 853 5785
- 6.2.1 SubCouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following comments-
- Ward Councillor- Ward 15: Cllr Gregory Peck

I am in support of the two applications as shown in the subject line above.

- Elected Ward Committee Members- Ward 15
 - I have no objection from Gail Sykes;
 - I am in support of the two applications from Hennie Smit;
 - I read and except the extended hours from Sarah Owen;
- CPF Helderberg Crime Watch

No problem from me from Hugh Roe.

As per Subcouncil 24 Community Based Organisations

No comment received

- South African Police Services Designated Liquor Officer: WO NF Berg No comment received.
- internal departments:
- **❖** Town Planning:

Development Management has no objection to this application.

City Emergency Services:

THIS DEPARTMENT HAS NO OBJECTIONS - WITH CONDITIONS: SEE COMMENT BELOW:

Relative to the above Liquor Licence Applications - Please be advised that this department has **NO OBJECTION** to the above Liquor Licence Applications - Please take note that **THE NO OBJECTION FROM THIS DEPARTMENT IS SUBJECT** to the above Liquor Licence Applications complying with the National

Building Regulations and The CCT By-law Relating to Community Fire Safety and or any other pertinent regulations.

There must be an Approved Fire Protection Plan for the Building / Structure – And All the Fire Safety Requirements as per this Approved Fire Protection Plan for the Building / Structure shall be implemented.

Law Enforcement Squad:

Supported by Marilyn Holding of Law Enforcement as indicated on the 3rd page of the application form which reads as follows: "Pertaining to the mentioned premises, namely, Heldervue Tops, situated at, cnr Abelia & Cynaroides Street, Heldervue Shoppoing Centre, Heldervue, Somerset West. It was ascertained that the applicant did renew his liquor licence for 2018. 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.

7. RECOMMENDATION

Subcouncil 24 recommends that the application for a liquor licence received from Tops Heldervue, Cnr Abelia & Cynaroides Streets, Heldervue Shopping Centre, Heldervue, Somerset West, Reference No WCP/018164 for the extension of trading hours, 18H00 until 20H00 Monday to Saturday for Off Consumption 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, <u>may not grant a licence</u>, 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;

Building Regulations and The CCT By-law Relating to Community Fire Safety and or any other pertinent regulations.

There must be an Approved Fire Protection Plan for the Building / Structure — And All the Fire Safety Requirements as per this Approved Fire Protection Plan for the Building / Structure shall be implemented.

❖ Law Enforcement Squad:

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7. RECOMMENDATION

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- (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."

ANNEXURE A – Comments

ANNEXURE B - The application from Tops Heldervue - Ref 185374

FOR FURTHER DETAILS, CONTACT:

NAME	Chrystal Frantz
CONTACT NUMBERS	021 444 7531
E-MAIL ADDRESS	Chrystal.Frantz@capetown.gov.za
DIRECTORATE	Urban Management

Quito	Comment:
Goodman Rorwana	
MANAGER: SUBCOUNCIL 24	
DATE 12/02/2020	

Ward all

COMMENTS

From:

Gregory Peck

Sent:

Wednesday, 22 January 2020 7:54 PM

To:

Chrystal Frantz; Edward Labuschagne; Nyameko Thuvana; Gail Sykes; Hennie Smit;

Jo Swart; ops@hcw.org.za; Hennie; 'SARAHOWEN888@GMAIL.COM'

(SARAHOWEN888@GMAIL.COM); apvm@mweb.co.za;

vermeuleneugene@gmail.com; 'AANHOUWEN@TELKOMSA.NET';

'ACVVSWE@TELKOMSA.NET'; 'ADMIN@DACKERMANPS.WCAPE.SCHOOL.ZA';

'HEAD@DEHOOP.WCAPE.SCHOOL.ZA'; 'DIEWINGERD@WOL.CO.ZA';

'HSGORDON@HSGORDON.WCAPE.SCHOOL.ZA'; 'SW@HEARTLANDSBABY.ORG'; 'PRESIDENT@HBC.AC.ZA'; 'NEDSPOT@GMAIL.COM'; 'DBULLARD@MWEB.CO.ZA';

'LOUISE@NGHELDER.CO.ZA'; 'SOMERSETWESTNW@GMAIL.COM';

'Mandy@PreciousPatch.co.za'; marvin.roos74

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Dear Ms Frantz

I am in support of the two applications as shown in the subject line above

Regards

Cllr Greg Peck

Ward 15 Somerset West

Vice Chairperson of Energy and Climate Change portfolio

Member of Water, Sanitation and Solid Waste (Utilities) portfolio

PAAC Helderberg Nature reserve

Southey's Vines Centre Association Committee

Sub Council 24

Mobile 0824481218

Gregory.peck@capetown.gov.za

Contact the City via <u>contact.us@capetown.gov.za</u> or @CityofCT on Twitter or phone 0860 103089 (between 07:30 to 17:00).

This C3 electronic reporting system ensures that your contact is logged & a reference number will track progress.

You can also log it yourself: https://eservices1.capetown.gov.za/coct/wapl/zsreq app/index.html

Enquiries and/or complaints regarding burst and leaking water mains, faulty and leaking water meters, blocked and overflowing sewers, etc. can also be sent via Whatsapp 0634073699 (you can add a photo and google map) or SMS to 31373. Enquiries and/or complaints regarding Electricity fault reporting, power outages; pre-paid meter queries can also be sent via SMS to 31220.

All emergency complaints should be directed to the Public Emergency Communications Centre (PECC), also called 107, on the telephone number

107 (from a landline), 021 480 7700 from a cellphone or @pecc107 on Twitter.

From: Chrystal Frantz < Chrystal. Frantz@capetown.gov.za>

Sent: Wednesday, 22 January 2020 8:44 AM

To: Gregory Peck <Gregory.Peck@capetown.gov.za>; Edward Labuschagne

<Edward.Labuschagne@capetown.gov.za>; Nyameko Thuvana <Nyameko.Thuvana@capetown.gov.za>; Gail Sykes <gail@helderberghospice.org.za>; Hennie Smit <hwjsmit@gmail.com>; Jo Swart <joswart@lifechurch.co.za>; ops@hcw.org.za; Hennie <27845992006@vodamail.co.za>; 'SARAHOWEN888@GMAIL.COM' (SARAHOWEN888@GMAIL.COM') (SARAHOWEN888@GMAIL.COM)

(SARAHOWEN888@GMAIL.COM) < SARAHOWEN888@GMAIL.COM>; apvm@mweb.co.za;

vermeuleneugene@gmail.com; 'AANHOUWEN@TELKOMSA.NET'; 'ACVVSWE@TELKOMSA.NET';

'ADMIN@DACKERMANPS.WCAPE.SCHOOL.ZA'; 'HEAD@DEHOOP.WCAPE.SCHOOL.ZA'; 'DIEWINGERD@WOL.CO.ZA';

'HSGORDON@HSGORDON.WCAPE.SCHOOL.ZA'; 'SW@HEARTLANDSBABY.ORG'; 'PRESIDENT@HBC.AC.ZA';

'NFDSPOTAGMAIL COM': 'DRIIII ARDAMMAER CO 7A': 'LOLIISEANGUELDED CO 7A'.

Ward Committee Member

From:

Gail Sykes <gail@helderberghospice.org.za>

Sent:

Wednesday, 22 January 2020 9:38 AM

To:

Chrystal Frantz

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Dear Chrystal,

I have no objection.

Best regards,

Gail Sykes

From: Chrystal Frantz [mailto:Chrystal.Frantz@capetown.gov.za]

Sent: 22 January 2020 08:44 AM

To: Gregory Peck < Gregory. Peck@capetown.gov.za >; Edward Labuschagne

<Edward.Labuschagne@capetown.gov.za>; Nyameko Thuvana <Nyameko.Thuvana@capetown.gov.za>; Gail Sykes <gail@helderberghospice.org.za>; Hennie Smit <hwjsmit@gmail.com>; Jo Swart <joswart@lifechurch.co.za>;

ops@hcw.org.za; Hennie <27845992006@vodamail.co.za>; 'SARAHOWEN888@GMAIL.COM'

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Subject: FW: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Good Day All

Attached please find the extension of liquor trading hours for Heldervue Tops, Somerset West for your required comment by Friday, 31 January 2020.

Regards

Chrystal Frantz

Subcouncil 24

Urban Management

Kuyasa Library, 1st Floor, Walter Sisulu Road, Khayelitsha

T + 27 21 444 7531 E Chrystal.Frantz@capetown.gov.za W www.capetown.gov.za

Cell: 076 021 5099

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Ward Committee Member

From:

Hennie Smit <hwjsmit@gmail.com>

Sent:

Thursday, 23 January 2020 4:21 AM

To: Cc:

Gregory Peck Chrystal Frantz

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Dear Greg,

Hope you are well. I am in support of the two applications. I did reply to Magdelina on the 13 January 2020 under the same references.

Regards.

Hennie Smit.

From: Gregory Peck [mailto:Gregory.Peck@capetown.gov.za]

Sent: 22 January 2020 07:54 PM

To: Chrystal Frantz; Edward Labuschagne; Nyameko Thuvana; Gail Sykes; Hennie Smit; Jo Swart; ops@hcw.org.za;

Hennie; 'SARAHOWEN888@GMAIL.COM' (SARAHOWEN888@GMAIL.COM); apvm@mweb.co.za; vermeuleneugene@gmail.com; 'AANHOUWEN@TELKOMSA.NET'; 'ACVVSWE@TELKOMSA.NET';

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'SOMERSETWESTNW@GMAIL.COM'; 'Mandy@PreciousPatch.co.za'; marvin.roos74

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Regards

Cllr Greg Peck

Ward 15 Somerset West

Vice Chairperson of Energy and Climate Change portfolio

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Sub Council 24

Mobile 0824481218

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From: Chrystal Frantz < Chrystal.Frantz@capetown.gov.za >

Sent: Wednesday, 22 January 2020 8:44 AM

Ward Committee Member

From:

Sarah Owen <sarahowen888@gmail.com>

Sent:

Thursday, 23 January 2020 12:00 PM

To:

Chrystal Frantz; Gregory Peck; Edward Labuschagne; Nyameko Thuvana; 'Gail Sykes';

'Hennie Smit'; 'Jo Swart'; ops@hcw.org.za; 'Hennie'; apvm@mweb.co.za; vermeuleneugene@gmail.com; 'AANHOUWEN@TELKOMSA.NET':

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'LOUISE@NGHELDER.CO.ZA'; 'SOMERSETWESTNW@GMAIL.COM';

Mandy@PreciousPatch.co.za; 'marvin.roos74'

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Good day Chrystal

I've read and except the extended hours

Regards

From: Chrystal Frantz [mailto:Chrystal.Frantz@capetown.gov.za]

Sent: 22 January 2020 08:44 AM

To: Gregory Peck; Edward Labuschagne; Nyameko Thuvana; Gail Sykes; Hennie Smit; Jo Swart; ops@hcw.org.za;

Hennie; 'SARAHOWEN888@GMAIL.COM' (SARAHOWEN888@GMAIL.COM); apvm@mweb.co.za; vermeuleneugene@gmail.com; 'AANHOUWEN@TELKOMSA.NET'; 'ACVVSWE@TELKOMSA.NET';

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Good Day All

Attached please find the extension of liquor trading hours for Heldervue Tops, Somerset West for your required comment by Friday, 31 January 2020.

Regards

Chrystal Frantz

Subcouncil 24

Urban Management

Kuyasa Library, 1st Floor, Walter Sisulu Road, Khayelitsha

T + 27 21 444 7531 E Chrystal.Frantz@capetown.gov.za W www.capetown.gov.za

Cell: 076 021 5099

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OPF

From:

Ops | HCW <ops@hcw.org.za>

Sent:

Wednesday, 22 January 2020 10:56 AM

To:

Chrystal Frantz

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Hi Chrystal Happy New Year. No problem from me Cheers H

From: Chrystal Frantz < Chrystal Frantz@capetown.gov.za>

Sent: 22 January 2020 08:44 AM

To: Gregory Peck <Gregory.Peck@capetown.gov.za>; Edward Labuschagne

<Edward.Labuschagne@capetown.gov.za>; Nyameko Thuvana <Nyameko.Thuvana@capetown.gov.za>; Gail Sykes <gail@helderberghospice.org.za>; Hennie Smit <hwjsmit@gmail.com>; Jo Swart <joswart@lifechurch.co.za>; Ops |

HCW <ops@hcw.org.za>; Hennie <27845992006@vodamail.co.za>; 'SARAHOWEN888@GMAIL.COM'

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Cell: 076 021 5099

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Planning

From:

Nyameko Thuvana

Sent:

Friday, 24 January 2020 9:25 AM

To:

Chrystal Frantz

Subject:

RE: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Hi Chrystal

Development Management has no objection to this application.

Regards,

Nyameko Thuvana (Cand.Pln C/8374/2016)

Designation: Assistant Professional Officer

Development Management, Spatial Planning and Environment Directorate

1st floor, Somerset West Municipal Building,

c/o Andries Pretorius & Victoria Road, Somerset West.

Tel: 021 444 4628 | Email: nyameko.thuvana@capetown.gov.za |

Web: www.capetown.gov.za Report a fault | Enquiry | 0800 65 64 63 (free call 24/7)



From: Sarah Owen <sarahowen888@gmail.com>

Sent: Thursday, 23 January 2020 12:00

To: Chrystal Frantz < Chrystal.Frantz@capetown.gov.za>; Gregory Peck < Gregory.Peck@capetown.gov.za>; Edward Labuschagne < Edward. Labuschagne@capetown.gov.za>; Nyameko Thuvana

<Nyameko.Thuvana@capetown.gov.za>; 'Gail Sykes' <gail@helderberghospice.org.za>; 'Hennie Smit'

<hwjsmit@gmail.com>; 'Jo Swart' <joswart@lifechurch.co.za>; ops@hcw.org.za; 'Hennie'

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From: Chrystal Frantz [mailto:Chrystal.Frantz@capetown.gov.za]

Sent: 22 January 2020 08:44 AM

To: Gregory Peck; Edward Labuschagne; Nyameko Thuvana: Gail Sykes: Hannia Smit. la Sura

Emergency Services

From:

Edward Labuschagne

Sent:

Wednesday, 22 January 2020 2:29 PM

To:

Chrystal Frantz

Cc:

Ulrich Louis; Mark Vigus; Veronica Fick

Subject:

REF NO - 185374 & 185375 - 22

Attachments:

185374_2020_01_08_15_17_35_037.pdf; 185375_2020_01_08_15_16_35_600.pdf

Good Day,

THIS DEPARTMENT HAS NO OBJECTIONS - WITH CONDITIONS: SEE COMMENT BELOW:

Relative to the above Liquor Licence Applications - Please be advised that this department has **NO OBJECTION** to the above Liquor Licence Applications – Please take note that **THE NO OBJECTION FROM THIS DEPARTMENT IS SUBJECT** to the above Liquor Licence Applications complying with the National Building Regulations and The CCT By-law Relating to Community Fire Safety and or any other pertinent regulations.

There must be an Approved Fire Protection Plan for the Building / Structure - And all the Fire Safety Requirements as per this Approved Fire Protection Plan for the Building / Structure shall be implemented:

Kind Regards

Edward Labuschagne

Divisional Commander: Fire & Life Safety Helderberg Region:

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From: Chrystal Frantz < Chrystal.Frantz@capetown.gov.za>

Sent: Wednesday, 22 January 2020 08:44

To: Gregory Peck < Gregory.Peck@capetown.gov.za>; Edward Labuschagne

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Subject: FW: Extended Liquor Hours-Heldervue Tops-Ref no's 185374 & 185375

Good Day All

Attached please find the extension of liquor trading hours for Heldervue Tops, Somerset West for your required comment by Friday, 31 January 2020.

Regards

Chrystal Frantz

Subcouncil 24

Urban Management

Kuyasa Library, 1st Floor, Walter Sisulu Road, Khayelitsha