



REPORT TO: SUBCOUNCIL 3

1. ITEM NUMBER: **03SUB36012021**

2. SUBJECT

DECISION TAKEN UNDER SUBDELEGATED AUTHORITY BY THE CHAIRPERSON, WARD COUNCILLOR AND SUBCOUNCIL MANAGER IN RESPECT OF: -

APPLICATION FOR THE RENEWAL OF EXTENDED LIQUOR TRADING HOURS: FOR OFF-CONSUMPTION PREMISES MONDAY TO SATURDAY (18:00 – 20:00) TRADING IN RESPECT OF WARD 1: TONY'S LIQUOR STORE - WCP/020591

**ISIGQIBO ESIGQITYWE PHANTSI KWESIGUNYAZISO ESISEZANTSI
NGUSIHLALO, UCEBA WEWADI NOMPHATHI WEBHUNGANA
NGOKUJOLISWE:-**

**ISICELO SOKUHLAZIYWA NGOKUTSHA UKWANDISWA KWEYURE
ZOKUTHENGISWA KOTYWALA: KWIZAKHIWO EKUNGASELELWA KUZO
NGOMVULO UKUYA NGOMGQIBELO (18:00 - 20:00) NGOKUJOLISWE
KWIWADI 1: TONY'S LIQUOR STORE - WCP/020591**

**BESLUIT GENEEM DEUR DIE VOORSITTER, WYKSRAADSLID EN
SUBRAADBESTUURDER KRAGTENS GESUBDELEGEERDE BEVOEGDHEID
TEN OPSIGTE VAN :-**

**AANSOEK OM DIE HERNUWING VAN VERLENGDE DRANKHANDELSURE:
VIR HANDEL OP BUITEVERBRUIKPERSEEL VAN MAANDAG TOT
SATERDAG (18:00 TOT 20:00) TEN OPSIGTE VAN WYK 1: TONY'S LIQUOR
STORE - WCP/020591**

3. PURPOSE

For the Subcouncil to approve the recommendation for an application for 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 01 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):

- TONY'S LIQUOR STORE
- Liquor Licence No: WCP/020591
- Off-Consumption
- 39 Nederburg Drive, Richwood 7441
- Current trading hours: Mondays to Saturdays 11:00 – 20:00 with extension granted.
- Proposed trading hours: Mondays to Saturdays 11:00 – 20:00
- 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 Cheryl Visser:
Supported.
- Ward Committee of Ward 01:
No comments were received.
- Other Subcouncil 3 Councillors:
Chairperson, Cllr Nicky Rheeder: In support with the ward councillor's recommendation.
- Comments received from applicant:
None.
- INTERNAL DEPARTMENT:
- ❖ Safety & Security (Liquor Control):
 - Pertaining to the mentioned premises namely, 39 Nederburg Drive, Richwood 7441, it was ascertained that the applicant did renew his Liquor Licence for 2020. No complaints were received by the Liquor Unit with regard to this establishment.

7. RECOMMENDATION

It is recommended that it be noted that an application for the renewal of extended liquor trading hours (off-consumption) in respect of Tony's Liquor Store, situated at 39 Nederburg Drive, Richwood 7441, for trading Mondays to Saturdays 09:00 – 20:00 was considered under sub-delegated authority by the Subcouncil Manager, in consultation with the Chairperson of Subcouncil 3 and Ward Councillor and that the following decision was taken on 15 December 2020:

- (a) That the application for the renewal of extended trading hours (off-consumption) submitted by Tony's Liquor Store, situated at 39 Nederburg Drive, Richwood 7441, for trading Mondays to Saturdays 09:00 – 20:00 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 Tony's Liquor Store, situated at 39 Nederburg Drive, Richwood 7441.
- (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 daar **kennis geneem word** dat 'n aansoek om die hernuwing van die verlenging van drankhandelsure (buiteverbruik) ten opsigte van Tony's Liquor Store, geleë te Nederburgrylaan 39, Richwood, 7441 vir bedryf Maandae tot Saterdag van 09:00 tot 20:00 oorweeg is onder gesubdelegeerde magtiging deur die subraadsbestuurder, in oorlegpleging met die voorsitter van Subraad 3 en die wyksraadslid en dat die volgende besluit op 15 Desember 2020 geneem is:

- a) Dat die aansoek om die hernuwing van die verlenging van drankhandelsure (buiteverbruik) ingedien deur Tony's Liquor Store, geleë te Nederburgrylaan 39, Richwood, 7441 vir bedryf Maandae tot Saterdag van 09:00 tot 20:00

goedgekeur is, aangesien dit aan die kriteria in die Stad Kaapstad: Verordening op Beheer oor Ondernemings wat Drank aan die Publiek verkoop, 2013, voldoen.

- b) Indien klagtes oor geraas en/of wilde gedrag van klante ontvang word, dit ondersoek sal word en tot die terugtrekking van die verlengde handelsure kan lei en sal ook verwys word na die Wes-Kaapse drankowerheid wat die hernuwing van die dranklisensie in gedrang kan bring.
- c) Die aansoeker moet toesien dat geen drankverkope direk of via 'n derde party gemaak word aan werklose en/of hawelose mense wat openbare oop ruimtes in die omgewing van Tony's Liquor Store, geleë te Nederburgrylaan 39, Richwood, 7441, beset.
- d) Dat hierdie goedkeuring ook onderworpe is aan die nakoming van alle toepaslike verordeninge van die Stad Kaapstad.
- e) Dat hierdie goedkeuring vir 12 maande vanaf die datum van besluit geldig sal wees vanaf die datum van die besluit onderworpe aan die besit van 'n geldige dranklisensie.

ISINDULULO

Kundululwe ukuba makuqatshelwe ukuba isicelo sokuhlaziywa ngokutsha ukwandiswa kweeyure zokuthengiswa kotywala (obuselelwa ngaphandle) ngokujoliswe kwabe Tony's Liquor Store, kwisiza- 39 Nederburg Drive, Richwood, 7441, ngoMvulo ukuya ngoMgqibelo ukususela ngentsimbi ye-09:00 ukuya kweye-20:00 sathi saqwalaselwa phantsi kwezigunyaziso ezisezantsi nguMphathi weBhungana, ecebisana kunye noSihlalo weBhungana 3 noCeba weWadi kwaye kwathi kwagqitywa esi sigqibo silandelayo ngomhla we-15 eyoMnga 2020:

- (a) Ukuba makuphunyezwe isicelo sokuhlaziywa ngokutsha ukwandiswa kweeyure zokuthengiswa kotywala (obuselelwa ngaphandle) ngokujoliswe kwabe Tony's Liquor Store, kwisiza- 39 Nederburg Drive, Richwood, 7441, sokuthengisa ngeMivulo ukuya ngeMigqibelo ukususela ngentsimbi ye-09:00 ukuya kweye-20:00 njengoko sithobela imimiselo kuMthetho kaMasipala ongoLawulo lweMigaqo yokuThengiswa koTywala eLuntwini kwiSixeko saseKapa, wango-2013.
- (b) Ukuba kuthe kwafumaneka izikhalazo ngokuphathelele 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 zoluntu kummandla kwabe Tony's Liquor Store, kwisiza- 39 Nederburg Drive, Richwood, 7441.
- (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 Tony's Liquor Store, Nederburg Drive 39, Richwood 7441

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Elizabeth Jacobs</i>
CONTACT NUMBERS	<i>021 444-4861</i>
E-MAIL ADDRESS	<i>Elize.Jacobs@capetown.gov.za</i>
DIRECTORATE	<i>Area-Based North</i>

Comment

MANAGER SUBCOUNCIL 3
ROXANNE M MOSES

DATE

Comment: _____

CHAIRPERSON SUBCOUNCIL 3
NICKY RHEEDER

Date

K13 285-20

CITY OF CAPE TOWN | IZINDO SASAKAPA | 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 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

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 authorisation to sign on behalf of licensee to be attached)

Name (printed) Application prepared by

Postal address Physical address

Work tel: Cell:

Fax: E-mail:

Signature Date

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

Name (printed)

OFFICE USE ONLY

Liquor licence number

WCP/020591

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, TONY'S LIQUOR STORE RICHWOOD, SITUATED AT, 39 NEDERBURG DRIVE, RICHWOOD. 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 DUE TO THE COVID-19 PANDEMIC AND THE SAPS MAINTAINING LOCKDOWN REGULATIONS.

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

Signature *M. Holding*

Date

16 AUG 2020

City of Cape Town
 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 2020 a non-refundable Application fee of R4 428.00 (Vat inclusive) is payable into Profit centre 18079172 Q/L 910400. 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