

REPORT TO SUBCOUNCIL 20

1. ITEM NUMBER : 20SUB40/08/2019

2. SUBJECT

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP033940/B:- IKKY'S LIQUOR SHOP, ERF 82834, 130 FLORA ROAD, RETREAT (OFF CONSUMPTION - SUNDAYS)

3. PURPOSE

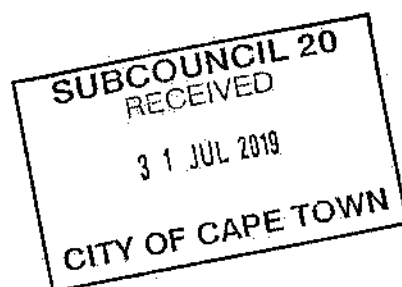
To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours 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 Ikky's Liquor Shop, 130 Flora Road, Retreat.



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:

- **WCP033940/B**
- **Sylvia Doreen Pietersen**
- **Ikky's Liquor Shop**
- **Erf 82834**
- **130 Flora Road, Retreat**

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

- **Subcouncil 20 Chairperson: Councillor Ian Iversen**
Supported – Annexure B
- **Ward 72 Councillor: Kevin Southgate**
Supported – Annexure C
- **Ward Committee: Elected members of Ward 72:**
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
- **CPF:**
No comment was received during the public participation stage
- **Internal departments:**
 - ❖ **Town Planning:**
Not applicable for extended liquor trading hours
 - ❖ **Health:**
No comment was received during the public participation stage
 - ❖ **City Emergency Services:**
Not applicable for extended liquor trading hours
 - ❖ **Law Enforcement:**
Supported – Annexure D

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7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Ikky's Liquor Shop, ERF 82834, 130 Flora Road, Retreat, Reference No WCP033940/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

31 July 2019

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CITY HEALTH

CITY OF CAPE TOWN | ISIXENKO 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 KICP/033940/A
2. Full name of licensee SYLVIA JOOREN DIETERSEN
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

130-FLORA-ROAD
DETROIT

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. 82834
130-FLORA-ROAD
DETROIT

6. Contact number

021-715-1489

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

THE CITY AND LICENSING BOARD GRANT ME THE OPPORTUNITY
TO APPLY FOR EXTENSION HOURS

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

Signature [Signature] Date 10/06/19

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

Name (printed) SYLVIA JOOREN DIETERSEN Application prepared by SYLVIA JOOREN DIETERSENPostal address 130-FLORA-ROADDETROITERF NO: 82834Work tel: 021 715 1489 Cell: 076 429 7933Fax: [Blank] E-mail: SYLVIA@GMAIL.COMSignature [Signature] Date 10/06/19

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

Name (printed) SYLVIA JOOREN DIETERSEN

Liquor licence number **WCP/033940****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, IKKY'S LIQUOR SHOP, SITUATED AT, 130 FLORA ROAD, RETREAT. IT

WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2019. NO COMPLAINTS WERE RECEIVED BY

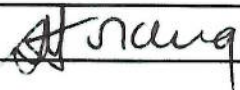
THE LIQUOR UNIT WITH REGARDS TO THIS ESTABLISHMENT. THIS APPLICATION WAS SUBMITTED TO THE PROVINCIAL

OFFICE OF SAPS' LIQUOR CONTROL FOR COMMENTS, HOWEVER, NO FEEDBACK HAS BEEN RECEIVED.

Name of Official

Marilyn Holding
10001005

Signature



Date

11 JUL 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 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



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Nothing progress possible. Together.

Resey Building
3 Victoria Road
Rumstead 7800
Private Bag X 5, Plumstead 7801
Ask for: Mr ME Cupido
Tel: 021-710 8092
Cell: 084 2200145
Fax: 021-710 9307

Resey Building
3 Victoria Road
Rumstead 7800
Inombolo Yehosi X 5, Plumstead 7801
Cell: Mrs ME Cupido
Umlaaba: 021-710 8092
Cell: 084 2200145
Fax: 021-710 9307

Resey Gebou
Victoriaweg 3
Plumstead 7800
Privaatsak X 5, Plumstead 7801
Vra vir: Mnr ME Cupido
Tel: 021-710 8092
Sel: 084 2200145
Faks: 021-710 9307

CITY HEALTH - ENVIRONMENTAL HEALTH - SOUTHERN SUB DISTRICT

For detailed information contact:

PeterX.DuPlessis@capetown.gov.za
Lakeside EHO Office, Bogey Rd, Lakeside

0214441653

ID 1004 **APPROVAL LETTER**

REF NO: 33/55/7/8/00 - WCP/033940/8

TYPE OF LIQUOR CONSUMPTION:

OFF CONSUMPTION

PERSONAL SERVICE

DATE: 05/09/2018

SYLVIA DOREEN PIETERSEN

130 FLORA ROAD

RETREAT

7945

Dear Sir

RE: APPLICATION FOR EXTENDED LIQUOR TRADING HOURS:

IKKY'S LIQUOR SHOP

ERF 82834 130 FLORA ROAD, RETREAT, 7945

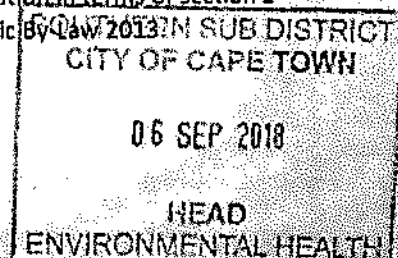
I refer to your application received 18/06/2018 regarding the abovementioned matter and wish to advise that your application to extend your liquor trading hours has been considered by Sub Council 20 and it was resolved:

Your application for extended off consumption liquor trading on Sundays from 11:00 to 18:00 was approved by SC 20 on 15 August 2018. Please note that this approval for extended liquor trading hours is valid from 15 August 2018 until 15 August 2019 and remains subject to possession of a valid Liquor License.

This approval will expire on 15/08/2019 where after a new application for extended liquor trading hours for the year will need to be submitted to the City of Cape Town for consideration in terms of section 2 of the City of Cape Town Control of Undertakings that sell Liquor to the Public By-Law 2013.

Yours faithfully

Head Environmental Health
Area 4 Southern



RECEIVED BY:

DATE RECEIVED:

SIGNATURE:



WESTERN CAPE
GOVERNMENT

Western Cape Liquor Authority

Sylvia Pieterse
100 Flora Road
RETREAT
7965



OFFICE USE

FORM 21A

ANNUAL LICENCE RENEWAL NOTICE:

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2019

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/033940

Name of licensee: Sylvia Pieterse

Address of the licensed premises: 100 Flora Road RETREAT 7965

(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 4,350, payable on or before 31 December 2018

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: 138 265

Please use your licence number (WCP/033940) as the reference on the deposit slip

Kindly email proof of payment to finance@wcla.gov.za

2. A licence expires on 1 January of the year in respect of which the licensee has paid the annual licence fee. (See section 37(2)(a) of the Act.)

3. Where a licensee deposits the licence fee on or before the expiry date of the licence, the licence shall be renewed for the next year. If the licensee does not deposit the licence fee on or before the expiry date, the licence shall be deemed to have expired and the licensee shall be liable to apply for a new licence.

4. The licensee must pay the licence fee in full. If the licensee pays the licence fee in instalments, the licensee shall be liable to pay the full amount of the licence fee on or before the expiry date of the licence. If the licensee does not pay the full amount of the licence fee on or before the expiry date, the licence shall be deemed to have expired and the licensee shall be liable to apply for a new licence.



WESTERN CAPE
LIQUOR AUTHORITY

Licence number: WCP-0535-16
LMAIS number: 2003-2044
Representative: Metro Liquor Association
798

ANNEXURE

PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY
EMAIL: LIQUOR.ENQUIRIES@WCLA.GOV.ZA

PLEASE COMPLETE IN BLOCK LETTERS

Licence holder

On record

New details

Full Name: Sylvia Pietersen
Mobile No.:
Email Address: sammy@swartzness.co.za
Postal Address: 130 Flora Road
RETFAT
7986
Identity Number:
Registration Number: 6109020216084

RECEIVED 13/01/2016 10:21 (j.m.m.)

Licence details

On record

New details

Licence Type: Consumption Off
Trading As: Ikky's Liquor Shop
Licenced Premises: 130 Flora Road
RETFAT
7946

Licence representative

On record

New details

Full Name: Metro Liquor Association
Mobile No.:
Email Address:
Postal Address: 114 Convent Boulevard
STEENBERG
Retreat
7945
Identity Number:
Registration Number:

Please Note:

A licensee who intends to subscribe to a biennial renewal cycle must lodge with the Authority a copy of this form
Form 21B by no later than 31 November 2016

Signature of License Holder

Signature of License Holder

Signature of License Holder



PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - N Williams

GENERAL LEDGER
VOTE NUMBER 810400P18070172
TICKET CODE 00
COMMENTS WCP/033940
0001 AMOUNT

4035.10 CA

0001/164650 15 JUL 2019 13.53 812 USR0351

Thank you for this

payment.

Have a nice day

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - N Williams

GENERAL LEDGER
VOTE NUMBER 810400P18070172
TICKET CODE 00
COMMENTS WCP/033940
0002 AMOUNT

8070.20 CA

0002/1164650 15 JUL 2019 13.53 812 USR0351

Thank you for this

payment.

Have a nice day

PLUMSTEAD CASH OFF

OFFICE #1001

SERVED BY - N Williams

SUMMARY RECEIPT

GENERAL LEDGER
VOTE NUMBER 810400P18070172
TICKET CODE 00
COMMENTS WCP/033940
0001 AMOUNT 4035.10 CA

GENERAL LEDGER
VOTE NUMBER 810400P18070172
TICKET CODE 00
COMMENTS WCP/033940
0002 AMOUNT 8070.20 CA
CASH 12150.00

CHANGE R44.70

164650 15 JUL 2019 13.53 812 USR0351

Thank you for this

payment.

Have a nice day

From: Ian Iversen <ian.iversen@capetown.gov.za>

Sent: Thursday, 18 July 2019 18:46

To: Celes René Allies <CelesRene.Allies@capetown.gov.za>

Subject: FW: Ikky's Liquor Shop - WCP/033940 - Monday to Saturday and Sunday Trading

I support this application.

Regards

Ian Iversen

Cllr. I R Iversen

Office 021 444 8117

Cell 083 629 7051

E-mail ian.iversen@capetown.gov.za

PA Ms Esmeralda Abrahams

Important Please copy Ms Abrahams in on all e-mails: Esmeralda.Abrahams@capetown.gov.za



CITY OF CAPE TOWN
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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 20 Main Road Constantia 7806				
Applicant Details	<u>SUNDAY OFF-CONSUMPTION TRADING</u>			
	WCP/033940B (SUN)			
APPLICATION	SUPPORTED	x	NOT SUPPORTED	
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre			
	Rehab, Drugs / Alcohol Centre			
	School(s)			
	Other			
PARKING				
REASONS FOR NOT SUPPORTING				
ORGANISATION/OBJECTOR DETAILS				
NAME	Cllr Kevin Southgate W72			
DATE	19/07/2019			

For ease of reference community organisations/residents may submit comments to this office, to aid the Subcouncil in its decision-making. Written comment in respect of this notice(s) of application(s) must reach this office before or on **29 July 2019** (date 14 calendar days for public participation) at close of business (16:00)

From: Heinrich Ras <Heinrich.Ras@capetown.gov.za>

Sent: Sunday, 21 July 2019 11:15

To: Celes René Allies <CelesRene.Allies@capetown.gov.za>

Cc: Wayne Petersen <Wayne.Petersen@capetown.gov.za>

Subject: FW: Ikky's Liquor Shop - WCP/033940 - Monday to Saturday and Sunday Trading

Good morning.

Law Enforcement do not have any objections with regards to the application of this establishment.

No complaints received.

Kind regards.