



## SUBCOUNCIL 16

1. **ITEM NUMBER :** 16 SUB 37/08/19

2. **SUBJECT**

**APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF WOOLWORTHS (THE FORESHORE PRECINCT), 11 DF MALAN STREET, ROGGEBAAI, CAPE TOWN: OFF CONSUMPTION SUNDAY 11:00-18:00**

To decide on an application for 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

3. **FOR DECISION BY**

SubCouncil in terms of Delegation 4(2)

To approve, refuse or vary applications for extension of trading hours on premises where liquor licences have been granted.

4. **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 16 Manager, and was then circulated to abutting neighbours, all organisations included on the Ward 115 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.

(10) The basis and rationale behind all decision-making must be recorded.

## 5. DISCUSSION

5.1 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.

5.2 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

5.2.1 Details of application (see attached Annexure A):

- **Woolworths (The Foreshore Precinct)**
- Liquor Licence No: WCP/042242
- OFF Consumption – Sunday trading 11h00 – 18h00
- Woolworths 11 DF Malan Street, Roggebaai, Cape Town

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

- Ward Councillor: 2019/06/18:  
❖ No comments received.

- Abutting Neighbours: 2019/06/24:
  - ❖ No comments received.
- Community Organizations: 2019/06/18: (See attached Annexure B)
  - ❖ Marie-Luise Reiner: St Martini Lutheran Church: Not Supported
- Ward Committee of Ward 115: 2019/06/18
  - ❖ No comments received.
- **Internal departments:**
  - ❖ Health Department:  
Compliant – see attached Annexure A
  - ❖ Law Enforcement Squad  
Compliant - see attached Annexure A.

## 6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Woolworths (The Foreshore Precinct)**, 11 DF Malan Street, Roggebaai, Cape Town as well as the various comments received, and resolve to approve, refuse or vary the application for Sunday trading hours from 11:00-18:00.

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## ANNEXURES:

- A. Application submitted by **Woolworths (The Foreshore Precinct)**, including comments by Health and Safety and Security.
- B. Comments received from Community Organisation, objection to the application.
- C. Comments received from Applicant on the objection received.

## FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>Marius Coetsee</i>
<b>CONTACT NUMBERS</b>	<i>021 487 2055</i>
<b>E-MAIL ADDRESS</b>	<i>Marius.Coetsee@capetown.gov.za</i>
<b>DIRECTORATE</b>	<i>Urban Management Area 1 - North</i>



**M Coetsee**  
**SUBCOUNCIL16 MANAGER**

Comment:

DATE

19/07/2019



**SUBCOUNCIL 16**  
**CHAIRPERSON :**  
**Cllr Matthew Kempthorne**

Comment:

Date

19/07/2019

## **ANNEXURE A**

783



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

CITY HEALTH

Sarah Domingo

T: 0214006513

F:

E: sarah.domingo@capetown.gov.za

13-06-2019

Confirmation of receipt of application in terms of Section 6(5)(A) of the City of Cape Town Liquor Trading Days and Hours By-law 2013 as amended.

Liquor Licence Reference Number: 154711  
Liquor Licence Number: WOLF042242 Sundays  
Licensee Name: Woolworths (PTY) Ltd.  
Premises Name: Woolworths (The Foreshore Precinct)  
Premises Address: 11 DE Malen Street  
Roggebaai  
Cape Town 021  
8001

Date of Application Submission:

Date Application captured: 2019/06/13

Disclaimer

1. Submission of this application does not grant the right to extend liquor trading hours. Approval to be first obtained from the relevant Sub-Council.
2. The application fee is non-refundable.

784

Form 3

SUNDAY OFF-CONSUMPTION TRADING

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/042242**
2. Full name of licensee **Woolworths (Pty) Ltd**
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)

Annexure A

4. Name and address of the licensed premises

**Woolworths (The Foreshore Precinct)**

**11 DF Malan Street**

**Roggebaai**

**Cape Town, 8001**

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. **Erven 46 & 47**  
**Cape Town**  
**8001**

6. Contact number

**Danie Cronje : 021-883 3906**

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

Annexure B

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

Signature **D.L. Cronje** Date **14/5/2019**

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

Name (printed) **D.L. Cronje** Application prepared by **Danie Cronje Attorneys**  
Postal address **P.O. Box 621** Physical address **1 Andringa Street**  
**Stellenbosch** **Stellenbosch**  
**7599** **7600**

Work tel: **021-883 3906** Cell: **082 772 3517**  
Fax: **086 552 5884** E-mail: **danie@daniecronje.com**

Signature **D.L. Cronje** Date **14/5/2019**

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

Name (printed) **D.L. Cronje**

785

Form 3

Liquor licence number WCP/042242

## 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, WOOLWORTHS (THE FORESHORE PRECINCT), SITUATED AT, 11 DF

MALAN STREET, ROGGEBAAI, CAPE TOWN. IT WAS ASCERTAINED THAT THE APPLICANT APPLIED FOR A LIQUOR LICENSE,

WHICH WAS GRANTED ON THE 15<sup>TH</sup> APRIL 2019. NO COMPLAINTS WERE RECEIVED BY THE LIQUOR UNIT WITH REGARD 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

*M Holding*

Date

13 JUN 2019

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 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

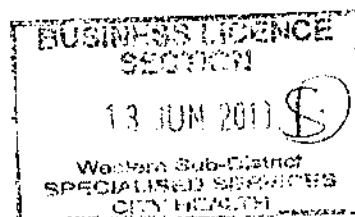
SEE NEXT PAGE

Receipt number

SEE NEXT PAGE

payment date

14 MAY 2019





786



## Proof of payment

Date: 14/05/2019 Time: 11:48:19 AM

Profile name:	DANIE CRONJE ATTORNEYS INC
Batch reference number:	777504175
Payment reference number:	000000002157713776
Payment date:	14/05/2019
Payment capture date:	14/05/2019
Payment authorise date and time:	14/05/2019 11:48:13 AM
From account name:	*DANIE CRONJE ATTORNEYS INC
From account description:	*DANIE CRONJE ATTORNEYS INC
From account statement description:	WOO06/1112
Beneficiary account number:	N/A
Beneficiary/ Recipient name:	CITY OF CAPE TOWN
Beneficiary statement description:	192131688
Branch code:	N/A
Amount:	8,070.17
Real-time:	No

Additional comments by payer:

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

4.4	Address of the premises to be licensed with reference to the number of the erf, street(s), shop or farm, as the case may be, where the business will be conducted:	Erven 46 & 47, Cape Town Centre, in the City of Cape Town Municipality, Division Cape, Western Cape Province, situated at 11 DF Malan Street, Roggebaai, Cape Town, 8001	
4.5	Does the applicant own the premises	Yes	No  X
	If no, give details of the owner and the applicant's right of occupation -	See Annexure I	
	Owner's name	See Annexure I	
	Owner's address	See Annexure I	
	Applicant's right of occupation	See Annexure I	
	Duration of right of occupation	See Annexure I	
4.6	Is the application made in respect of premises that -		
(a)	have not yet been erected?	Yes	No X
(b)	are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business?	Yes	No X
(c)	are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for the purpose of the proposed business?	Yes X	No
4.7	If any of the questions in paragraph 4.6 (a) or (b) has "yes" as the answer, please state -	n/a	
(a)	The date when each erection, addition or alteration will commence:	n/a	

**ANNEXURE A**

The sole shareholder of the Applicant is:

Woolworths Holdings Limited (Registration No. 05/01986/06), a public company with limited liability whose shares are quoted on The Johannesburg Stock Exchange. The registered office of Woolworths Holdings Limited is at c/o Woolworths House, 93 Longmarket Street, Cape Town and its postal address is P O Box 680, Cape Town 8000.

**ANNEXURE B**

The Western Cape Liquor Act was approved after widespread public participation and it is submitted that it reflects the will of the people of the Western Cape.

The Western Cape Act provides for licence holders with off-consumption liquor licenses to sell liquor on Sunday (in areas where the municipality had not promulgated a bylaw regulating liquor trading days and hours).

It is submitted that the Control of Undertakings that Sell Liquor to the Public Bylaw of the City of Cape Town reflects the will of the citizens of Cape Town.

The Bylaw provides for licence holders with off-consumption liquor licenses to apply for Sunday trading.

Due to their working hours (also on weekends) and other commitments a significant percentage of the applicant's customers find it very difficult to purchase liquor weekdays and Saturdays.

Many of the Applicant's customers nowadays also choose to do their shopping on Sunday when they are not involved in the school activities of their children or their own sporting or social activities.

An amendment of the trading hours for the Applicant's store to include Sunday trading will allow them to purchase liquor with other products.

**THE PROXIMITY OF LICENSED PREMISES TO SURROUNDING RESIDENTIAL ZONED AREA, CULTURE, RELIGIOUS AND EDUCATIONAL FACILITIES**

The manner in which the business is carried on under the current trading hours does not prejudice the residents of a residential area or the proceedings in cultural, religious or educational facilities and it is submitted that there is no reason why Sunday trading will change this situation.

**THE POTENTIAL IMPACT ON THE SURROUNDING ENVIRONMENT**

The current activities of the applicant do not have any negative impact on the surrounding environment and it is submitted there is no reason why Sunday trading will change this situation.

**THE RISKS TO AND NUISANCES ON THE SURROUNDING COMMUNITY**

The current activities of the applicant do not pose a risk or nuisance to the surrounding community and it is submitted there is no reason why Sunday trading will change this situation.

**MITIGATION MEASURES TO ASSIST THE CONTROL OF RISKS AND NUISANCES**

The applicant submits that its current activities do not cause risk or nuisance to the surrounding community.

No mitigation measures are therefore required.

However, should the applicant become aware of any risk or nuisance in future it will implement suitable measures to mitigate the risk or nuisance.

**PUBLIC INTEREST**

The proposed amendment to include Sunday trading will improve the shopping experience of the public by allowing customers time to purchase liquor on Sunday should this be the most convenient day for them.



**WESTERN CAPE  
LIQUOR AUTHORITY**

790

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

**Ref number:** WCP/042242

**Date:** 15 April 2019

**DANIE CRONJE ATTORNEYS  
P O BOX 621  
STELLENBOSCH  
7599**

**RE: APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT 4 OF 2008 AS AMENDED**

**PREMISES NAME:** WOOLWORTHS (THE FORESHORE PRECINCT)  
**MAGISTERIAL DISTRICT:** CAPE METROPOLE: CAPE TOWN

Dear Sir/Madam

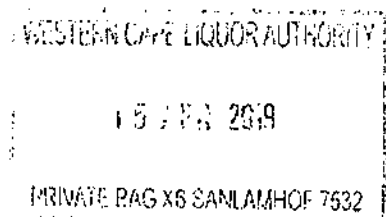
The above-mentioned application has been approved and the relevant license (Form 7) is attached.

Yours faithfully

ELTON MAY

LIQUOR LICENSING ADMINISTRATOR

WESTERN CAPE LIQUOR AUTHORITY



0791



**WESTERN CAPE  
LIQUOR AUTHORITY**

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

**Ref number:** WCP/042242

**Date:** 12 April 2019

THE DESIGNATED LIQUOR OFFICER  
S.A POLICE: LIQUOR BRANCH  
PRIVATE BAG X9059  
CAPE TOWN  
8000

**RE: APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT 4 OF 2008 AS AMENDED**

**PREMISES NAME:** WOOLWORTHS (THE FORESHORE PRECINCT)  
**MAGISTERIAL DISTRICT:** CAPE METROPOLE: CAPE TOWN

Dear Sir / Madam

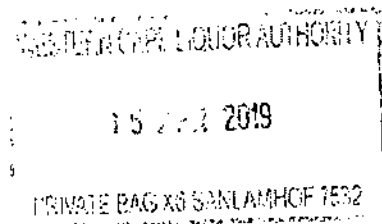
Enclosed, please find a copy for your information.  
Regards

Yours faithfully

ELTON MAY

LIQUOR LICENSING ADMINISTRATOR

WESTERN CAPE LIQUOR AUTHORITY





**WESTERN CAPE  
LIQUOR AUTHORITY**

0792

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

**ATT: MUNICIPAL MANAGER (SUBCOUNCIL 16)  
CITY OF CAPE TOWN  
PRIVATE BAG X9181  
CAPE TOWN  
8000**

**RE: GRANTING OF A LIQUOR LICENCE: WOOLWORTHS (THE FORESHORE PRECINCT) (WCP/042242)**

Dear Sir/ Madam

The above-mentioned application has been approved and a licence has been issued in terms of section 46 of Act 4/2008 of the Western Cape Liquor Act.

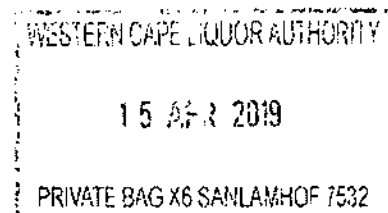
Please be advised that the granting of this license does not absolve the licence holder from his or her responsibility to comply with the provisions of any law that is applicable (including business licence or entertainment licence requirements, zoning requirements, consent uses or any other requirements prescribed by the relevant Local Authority) to conduct his or her business on the licensed premises.

Kind Regards

**LEATITIA PETERSEN**

**DEPUTY DIRECTOR: WESTERN CAPE LIQUOR AUTHORITY**

**DATE: 15/04/2019**





**Western Cape  
Government**

# Western Cape Liquor Authority

**WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)  
FORM 7  
CONSUMPTION OFF LIQUOR LICENCE  
(Reg. 17(6) or 18(4))**

Authority Reference Number: **WCP/042242**

**WOOLWORTHS (PTY) LTD** (the Licensee) is hereby licensed to sell: **Consumption Off**

**WINE**

and to conduct the licensed business under the name of **WOOLWORTHS (THE FORESHORE PRECINCT)** upon the licensed premises (the plan of which has been submitted with the application or any other plan thereof which has been subsequently approved by the Liquor Licensing Tribunal, and a copy of which is attached hereto as Annexure "A")

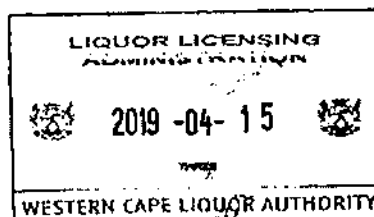
Situated at **11 DF MALAN STREET , ROGGEBAAI, CAPE TOWN, 8001**

In the municipality of **CITY OF CAPE TOWN - METRO MUNICIPALITY**

Such business as is in accordance with the provisions of the Act and the conditions, determinations, consents, approvals or authorities issued with this licence and attached hereto.

Chief Executive Officer of the Western Cape Liquor Authority  
(or person acting under power delegated by the Chief  
Executive Officer) Signatory # 1

Signatory # 2







**WESTERN CAPE  
LIQUOR AUTHORITY**

0794

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532  
Email: [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za)  
Tel: +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

# **ANNEXURE A**

# **APPROVED PLAN (S)**

APPROXIMATELY 1.5 TO 2.0 MILES IN  
IN DIRECTION OF STREET LIGHTS  
IN THE AREA OF THE LIGHTS

**SALMON**

will point to sale of wine

display shelves for wine

Storage area for wine

temporary testing table position  
1m x 1.81m (size of temp testing  
table)

WOOLWORTHS  
(PTY) LTD

WOOLWORTHS  
THE LINK-FORESHORE  
CAPE TOWN

architects  
interiors[illegible]

**WOOLWORTHS**

THE LINK-FORESHORE

WINE LICENCE  
APPLICATION  
LAYOUT

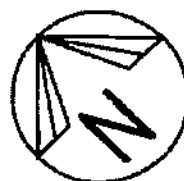
DATE 1-07-2018	SCALE 1:100
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	SIMON	0011
	MARRAS	0011

[illegible]

8190-401

## OPTION E



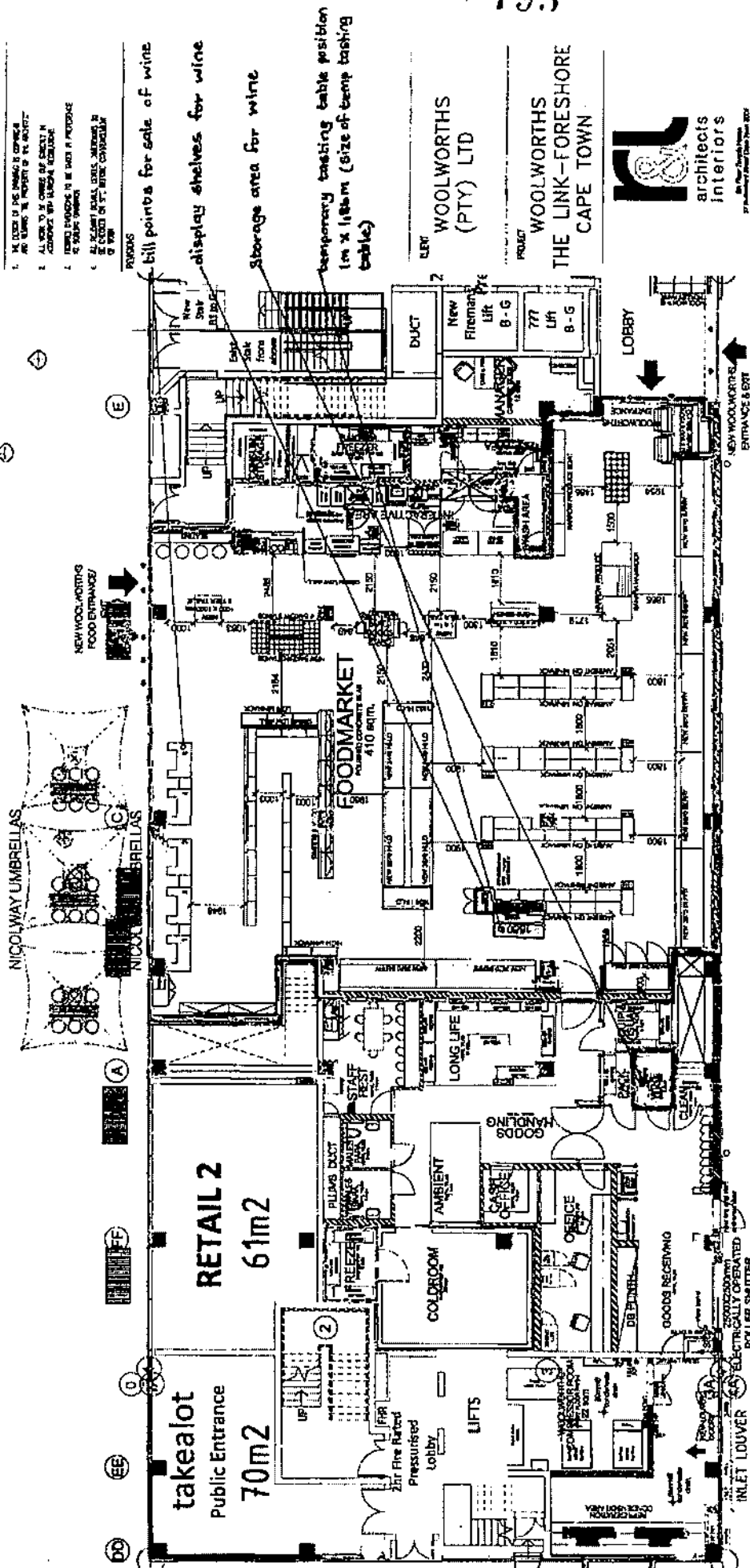
YOU SHOULD INSURE  
YOUR ALIEN  
ASBESTHOSIS  
ASBESTHOSIS  
ASBESTHOSIS

WESTERN CAP & LIQUOR AUTHORITY  
Plan approved by Licensing Tribunal

08 APR 2019

*[Signature]*  
PRESIDENT OFFICER

Beverli &amp; Dana Steenkamp





**WESTERN CAPE  
LIQUOR AUTHORITY**

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

**REFERENCE:**

**WCP/042242**

**ENQUIRIES:**

**ELTON MAY**

**TELEPHONE**

**021 204 9700**

## ANNEXURE B

**LICENCE NUMBER:**

**WCP/042242**

### CONDITIONS FOR THE SALE OF LIQUOR FOR CONSUMPTION OFF THE PREMISES WHERE THE LIQUOR IS SOLD

**LICENSEE : WOOLWORTHS (PTY) LTD**

**NAME OF PREMISES : WOOLWORTHS (THE FORESHORE PRECINCT)**

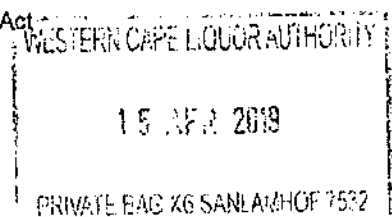
**LOCATION OF PREMISES : 11 DF MALAN STREET, ROGGEBAAI, CAPE TOWN**

**THIS LICENCE IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

#### 1. DEFINITIONS

In these Conditions, unless the context indicates otherwise:

<u>Act</u> means	The Western Cape Liquor Act, 4 of 2008, as amended.
<u>Designated Liquor Officer</u> means	A person designated as such in terms of section 73(1) of the Act.
<u>Inspector</u> means	A person appointed as such in terms of section 73(4) of the Act.
<u>Liquor</u> means	Liquor as defined in the Act.





**WESTERN CAPE  
LIQUOR AUTHORITY**

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Tel: +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

**Local Authority means**

Municipality as referred to in this Act, as well as "local municipality" and "metropolitan municipality" as referred to in the Municipal Structures Act, 117 of 1998, as amended.

**Manager means**

A natural person, residing in the Western Cape and involved in the day to day operations or management of the liquor outlet.

**Regulation means**

Regulations promulgated in terms of the Act.

**Section means**

Sections of the Act.

The definitions of the Act will apply in respect of the conditions contained herein.

## **2. TRADING HOURS**

Trading days and hours during which the sale of liquor may take place will be as determined by the local authority.

## **3. THE LICENSED PREMISES**

- 3.1 The licensed premises is the area indicated in colour on the signed plan as approved and attached to the liquor licence.
- 3.2 No liquor may be stored, sold, served or consumed in any area not indicated for that purpose on the plan.
- 3.3 No changes, extensions or alterations may be made to the licensed premises unless approved by the Liquor Licencing Tribunal or Presiding Officer of the Western Cape Liquor Authority.
- 3.4 A retail food store (grocer) must sell its liquor from a designated area, which must be rendered inaccessible to the public at all times when liquor may not be sold.

## **4. THE LICENSEE**

- 4.1 The person or entity approved as licensee is the only person or entity entitled to utilise the liquor licence for the sale of liquor.
- 4.2 The person or licensee may not let the liquor licence or the premises or any part of the premises in respect whereof such license was granted, to anyone.

WESTERN CAPE LIQUOR AUTHORITY

15 JUL 2019

PRIVATE BAG X6 SANLAMHOF 7532



**WESTERN CAPE  
LIQUOR AUTHORITY**

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**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

- 4.3 The licence, or financial interest in the licensee of 5% or more, may not be transferred and no other person is allowed to use or benefit from the liquor licence unless a certificate authorising same has been approved by the Liquor Licensing Tribunal and or Presiding Officer and issued by the Western Cape Liquor Authority.
- 4.4 Unless the licensee is a natural person, the licensee must ensure that a manager, residing in the Western Cape, is at all times appointed in respect of the liquor licence.

## **5. MANAGEMENT**

- 5.1 Chundran Pillay ID NO 711107 5156 081 residing at 31 Restio Road, Blouberg Hills Estate, Big Bay is appointed as manager in terms of section 52.
- 5.2 The licensee and the manager must at all times ensure that the business is conducted in accordance with the liquor licence conditions and all legal requirements.

## **6. NATURE AND CONDUCT OF THE BUSINESS**

- 6.1 The licensee may sell wine, subject to 6.2, for consumption off the licensed area, as indicated on the attached approved plan.
- 6.2 Any liquor product sold on the premises:
- (i) must be pre-packaged in a self-supporting container; or
  - (ii) if filled in a container which is not self-supporting, such container must
    - (aa) be pre-packaged in a self-supporting, non-returnable, tamper-proof outer packaging, which completely encloses and covers up that container;
    - (bb) be equipped with a sealed tap, which can be used in conjunction with the outer packaging;
- 6.3 Liquor packaged in "Papsakke" may not be sold.
- 6.4 No container may be opened and no liquor may be consumed on the licensed premises.
- 6.5 The nature of the business may not be changed from that approved by the Liquor Licensing Tribunal and or Presiding Officer without the prior approval thereof.
- 6.6 No liquor may be sold to persons who are drunk and / or disorderly.
- 6.7 No person who is drunk and /or disorderly may be allowed to stay on the licensed premises.
- 6.8 No liquor may be purchased from a person who is not allowed and licensed to sell that liquor.

WESTERN CAPE LIQUOR AUTHORITY

15 FEB 2019

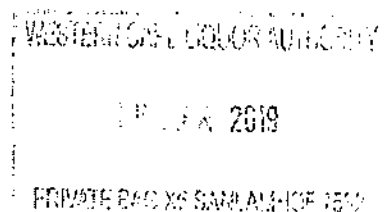
PRIVATE BAG X6 SANLAMHOF 7532



**WESTERN CAPE  
LIQUOR AUTHORITY**

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

- 6.9 No person, other than a licensee, may purchase, and a licensee may not sell to one person, in a single day to a person more liquor than that which the Minister may prescribe, without the prior written consent of the Presiding Officer of the Liquor Licensing Tribunal (Regulation 22, 2013 = 150 liters).
- 6.10 No person may sell or supply liquor on credit, or receive or hold any document including any financial instrument such as a debit/credit card, social grant cards, identity documents or any other property as security for the payment of such credit.
- 6.11 No liquor may be sold to a person knowing or suspecting that such person will resell the liquor otherwise than is permitted in terms of the Western Cape Liquor or similar act.
- 6.12 The licensee and/or manager must at all times ensure that the activities and business conducted on the premises do not cause any nuisance or disturbance to others, including but not limited to neighbours, residents, other occupiers of buildings in the area and passers-by.
- 6.13 The licensee must ensure that the liquor licensed business is at all times conducted in accordance with all statutory and legal requirements, including all By-laws and regulations of the local authority.
- 6.14 The licensee must in the premises prominently display signs warning against the dangers of liquor abuse.
- 6.15 The licensee must, at the entrance to the premises, prominently display signs indicating that no under eighteens will be allowed and that proof of date of birth must be provided upon request.
- 6.16 The licensee must in the licenced premises, prominently display signage stating that it is an offence to:
- drive while the level of alcohol that is higher than the prescribed limit, is still present in the blood stream;
  - for any person to consume alcohol in a vehicle driven or parked on a public road;
  - for any person and the driver to have an open container with liquor in a vehicle driven or parked on a public road;
- 6.17 All signage and displays exhibited on or near the liquor licensed premises must where applicable comply with the statutes and regulations regulating same.
- 6.18 All products sold or supplied on the premises must be liquor products as defined in the Liquor Products Act, 1989 (Act 60 of 1989), or be beer as defined in this Act.
- 6.19 No bottling is allowed on the licensed premises.





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- 6.20 Liquor may only be sold in a plastic container if –
- (i) it is new plastic
  - (ii) It complies with the PET standards and requirements as prescribed by the Liquor Products Act of 1989, as amended, or any act by which it is replaced;
  - (iii) it has a "use by date" that does not exceed 3 months from date of bottling;
  - (iv) it is equipped with a sealed, tamper-proof cap;
  - (v) it has a capacity of not more than 5 liters
- 6.21 The Licensee/appointed manager shall ensure that liquor sold or supplied on the licensed premises, may not be consumed on the licensed premises at all, other than as allowed for in 17.3.
- 6.22 The Licensee/appointed manager shall not allow for the sale of liquor to patrons in containers which are not sealed. Liquor may only be sold in a properly sealed container, bearing the seal or label of a registered manufacturer or licensed micro-manufacturer.  
All containers with liquor must be sealed when sold and remain sealed when leaving the premises.
- 6.23 No substance of any sort may be added to liquor that is sold from the licensed premises.
- 6.24 No further fermentation may take place from the date of bottling/packaging till the date of consumption in respect of any liquor sold. The Alcohol content of the liquor sold, may not increase to a higher percentage per volume as from date of bottling/packaging till date of consumption, nor may it be higher than that as indicated on the label.

## **7 DELIVERY OF LIQUOR (SECTION 50)**

- 7.1 Liquor may not be delivered from any vehicle or any other means unless the liquor was ordered from the licensed premises in the exact quantity before the dispatch of the liquor and an invoice, the original of which was retained on the licensed premises, was issued in the prescribed manner;
- 7.2 Invoices must be issued in the manner prescribed by Regulation 20 of the Western Cape Liquor Regulations, 2011;
- 7.3 Liquor may be delivered only to the address shown on the invoice described in paragraph 7.1;
- 7.4 A legible copy of the invoice described in paragraph 7.1 must be retained in the delivery vehicle from the time of dispatch to the time of delivery of the liquor, when it must be handed to the person accepting delivery;
- 7.5 Where the quantity of liquor being purchased is above the prescribed threshold, the purchaser must produce his or her liquor licence, identity document and provide contact details as prescribed;



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- 7.6 Where the quantity of liquor being purchased is above the prescribed threshold, the liquor may only be delivered to and at the licenced premises;
- 7.7 Liquor manufactured or ordered by the licensee may only be delivered (in the case of liquor that was ordered) and stored at the licensed premises or such other or additional place as contemplated in section 57(1) of the Act.

## **8. INVOICES (REGULATION 20)**

The licensee must, with regard to the delivery of liquor, in terms of regulation 20, make out an invoice that contains at least the following information –

- 8.1 the name and address of the licensed business;
- 8.2 the licence number of the licensed business;
- 8.3 the invoice number and date of issue;
- 8.4 the full name and address of the person ordering the liquor and the address to which the delivery is to be made;
- 8.5 the kind of liquor to be delivered; and
- 8.6 the purchase price paid or to be paid.

## **9. DOCUMENTS TO BE DISPLAYED**

The Licensee must ensure that the following original documents or a certified colour copy thereof is:

- 9.1 displayed inside the licensed premises on a conspicuous place:
  - 9.1.1 the liquor licence in respect of the premises (Form 7 or 11); and
  - 9.1.2 the plan approved as part of the liquor licence.
- 9.2 available on the premises and be made available upon request:
  - 9.2.1 the conditions applicable in respect of the liquor licence;
  - 9.2.2 the manager appointment approved by the Authority;
  - 9.2.3 certificates regarding the removal or transfer of the liquor licence;
  - 9.2.4 any document issued by the Authority to change, supplement or replace any of the aforementioned;
  - 9.2.5 the latest renewal notice; and
  - 9.2.6 proof of payment of the renewal in respect of the relevant year.

*(Signature)*

*(Signature)*

*(Signature)*





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## **10 PROHIBITION ON LIQUOR SOLD TO MINORS**

- 10.1 The licensee or a manager may not sell, supply, avail or give liquor to a person under the age of eighteen (18) years.
- 10.2 The licensee and / or the manager or person in charge at the licenced premises **MUST** before any liquor is sold, ensure that the person to whom the liquor is supplied to, is above the age of 18 years.

## **11 RESTRICTED AREA**

The area licensed for the sale of liquor shall be regarded as a restricted area. Access to under eighteens is therefore restricted to the area licenced for the sale of liquor.

## **12 TRAINING**

The Liquor Licensing Tribunal may, at any time when appropriate, direct that the licence may not be issued or should be suspended until the applicant or licensee or manager in terms of section 52, or an employee or employees of the applicant or licensee, has completed such training and education as the Liquor Licensing Tribunal requires on a date to be determined by the Administration. Not attending such training may lead to the review/suspension of the liquor licence.

## **13 SALE OF LIQUOR**

- 13.1 A licensee may not sell or supply liquor from any place other than the licensed area as indicated on the approved plan.
- 13.2 A licensee may advertise the sale of liquor and solicit and receive orders for the purchase of liquor elsewhere than on the licensed premises.
- 13.3 The advertisements and the signage must be in accordance with the applicable regulations and by-laws.

## **14 SECURITY**

- 14.1 The licensee must at all times be in proper control of the licensed premises and may not allow customers to bring any weapons or dangerous objects on the licensed premises.



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- 14.2 The licensee must not allow a supplier of unlawful drugs to be or remain on the premises.
- 14.3 The licensee must not allow the sale, use or possession of drugs upon the premises in contravention of any law relating to such sale, use or possession.
- 14.4 The licensee must ensure that customers enter and exit the licensed premises in an orderly manner and take all reasonable steps to ensure the safety of customers in and around the premises and ensure proper control on and around the licensed premises.

#### **15 STORAGE**

- 15.1 A licensee must store his, her or its liquor on the licensed premises or in such other or additional place within the Province as may be approved by the Liquor Licensing Tribunal when granting a license or by the Presiding Officer, on application, at any time thereafter.
- 15.2 A licensee may not sell, supply or allow the consumption of liquor in or from such other or additional place of storage.

#### **16 EMPLOYMENT**

- 16.1. A licensee may not employ a person under the age of eighteen (18) years in connection with the sale or supply of liquor.
- 16.2 An employer may not -
  - (i) supply liquor to a person as an inducement to secure his or her employment;
  - (ii) supply liquor to an employee instead of wages;
  - (iii) deduct from an employee's wages the cost of liquor supplied to the employee or any other person on his or her behalf; or
  - (iv) withhold payment of the wages of an employee in lieu of a debt in respect of the sale or supply of liquor.

#### **17 ACCESS TO THE LICENCED PREMISES BY DESIGNATED LIQUOR OFFICER AND LIQUOR INSPECTOR**

A designated liquor officer and a liquor inspector may exercise the powers referred to in section 74 of the Act, relating to the entry, inspection and search of the premises at any time when the business is being conducted and at any time when business may be conducted in terms of the applicable by-law or hours as specified in these conditions.

On request from the licensee, manager or person in charge of the licensed premises, the designated liquor officer or liquor inspector must identify him / herself.



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Tel: +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

## **18 NOTICE REGARDING OTHER REQUIREMENTS**

The granting of this license does not absolve the licensee from his, her or its responsibility to comply with the provisions of any other law that may be applicable (including any law or relating to business or entertainment license requirements, consent uses, departures or any other requirements prescribed by any other authority) with regard to the conducting of business on the licensed premises.

The licensee / manager appointed must familiarise themselves with the conditions and all legislation regarding the sale of liquor. Of specific note in this regard are, but not limited to, amongst others:

- (i) Liquor Products Act
- (ii) Western Cape Liquor Act
- (iii) Western Cape Liquor Regulations
- (iv) Zoning Regulations and / or Scheme
- (v) Western Cape Gambling and Racing Act
- (vi) Health Regulations
- (vii) Fire and Safety Regulations
- (viii) Occupational Health and Safety Act and Regulations
- (ix) Tobacco Products Control Act
- (x) Business Licence Regulations
- (xi) Entertainment Licence regulations and conditions
- (xii) Municipal By-Laws
- (xiii) Consumer Protection Act
- (xiv) Immigration Act
- (xv) Refugee Act

Non-compliance with any of the mentioned statutes is a contravention and may be brought to the attention of the Western Cape Liquor Authority and may lead to the liquor licence being revoked or such other sanction may be imposed as provided for in the Act.

## **19 CONTRAVENTIONS**

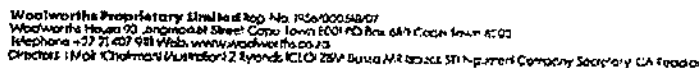
Any contravention of or failure to comply with one or more of the conditions of the liquor license constitutes an offence and may result in the liquor license being revoked or such other sanction as may be imposed as provided for in the Act.

# WOOLWORTHS

**To Whom It May Concern:**

Yours sincerely

Chen Pillay



806.

## **ANNEXURE B**

COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

FORM

Please complete the information below and return to				
Subcouncil SC 16, 11 <sup>TH</sup> Floor, 44 Wale Street, Cape Town				
Applicant Details	WOOLWORTHS (THE FORESHORE PRECINCT) OFF CONSUMPTION (Sunday)			
APPLICATION	SUPPORTED		NOT SUPPORTED	X
Please indicate whether the business is LOCATED near	Aged or Frail Care Centre			
	Rehab, Drugs / Alcohol Centre			
	School(s)			
	Other	Chris Barnard Hospital		
PARKING				
REASONS FOR NOT SUPPORTING	This is not a shopping area and there is no reason for selling alcohol here on a Sunday			
ORGANISATION/OBJECTOR DETAILS				
NAME	ST MARTINI LUTHERAN CHURCH			
DATE	27 JUNE 2019			

For ease of reference community organisations/residents may submit comments to this office, to aid in the decision taken by this Subcouncil. Written comment in respect of this notice(s) of application(s)

must reach this office before or on **02/07/2019** at close of business (16:30)

Kind regards,

Shireen Maggott  
Secretary to Marius Coetsee  
Manager: Good Hope Sub Council 16  
Directorate: Area-based Management Area 1  
Department: Subcouncils  
Good Hope Subcouncil 16: Wards: 54, 57, 74, 77 & 115  
11th Floor - 44 Wale Street

## **ANNEXURE C**

**Shireen Maggott**

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**From:** Melanie Coetzee <melanie@daniecronje.com> on behalf of Danie Cronje <danie@daniecronje.com>  
**Sent:** 17 July 2019 03:22 PM  
**To:** Shireen Maggott  
**Subject:** FW: OBJECTIONS: WOOLWORTHS (THE FORESHORE PRECINCT): Extension of Liquor Trading Hours: OFF CON (Sunday) & (Mon-Sat) (Owners Attorneys)  
**Attachments:** Scan0008WW Off Con SUN.PDF; Scan0007WW Off Con (Mon-Sat).pdf; SKM\_C25819071715500[1].pdf

Dear Sir/Madam,

We refer to the objection submitted by an unknown person on behalf of the St Martini Lutheran Church.

We contacted the office of the church and obtained confirmation that the church in question is located at **240 Long Street**.

We attach a "Google" map which shows the location of the church as well as the location of the Woolworths store in respect of which the application for approval for extended trading hours and Sunday trading was submitted.

We assume that the person which submitted the objection on behalf of the church was mistaken regarding the location of the Woolworths store in question as it is obvious from the plan attached that the store is located in the CBD of Cape Town. It is therefore incorrect to state that "this area is quite out of town and not a shopping area".

It is also obvious from the plan that wine sales in the store cannot have any effect on activities at the church (since the church and the store are located so far from one another).

In respect of the comment "there is no reason for selling alcohol here on Sunday" it is submitted that the bylaw in terms of which this application is made specifically makes provision for the holders of off-consumption liquor licenses to apply for an approval to sell liquor on Sunday.

It is also submitted that there is no reason why the Woolworths store in question should not be granted the approval taking into account that Woolworths has successfully applied for approvals to sell wine on Sunday for its stores within the Municipality since the bylaw was promulgated in 2014

In respect of the reference to "extra security for evening shopping hours" the objector does not provide any facts to explain why such security would be required. In this regard it is submitted that the record of Woolworths in respect of wine sales in terms of its approvals for extended trading hours and Sunday trading from 2014 confirms that no additional measures other than those currently in place at existing Woolworths stores are required.

Under the circumstances it is submitted that the objection - in so far as it can be considered an objection - should be disregarded.

Please confirm receipt of this email.

Regards,



6810

*Danie Cronje*  
AT ORKTYL

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