

**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Making progress possible. Together.

SUBCOUNCIL 16

1. ITEM NUMBER 16 SUB 13/12/19

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: BERTA'S , 330 ALBERT ROAD WOODSTOCK, ON CONSUMPTION: 02:00-04:00

3. PURPOSE

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

4. 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.

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 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.

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):

- **BERTA'S**
- Liquor Licence No: WCP/035196
- ON Consumption
- 330 Albert Road, Woodstock
- Extension of trading hours: 02:00 until 04:00.

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

- Ward Councillor: 2019/10/24:
 - ❖ No comment received.
- Abutting Neighbours: 2019/11/01:
 - ❖ No comments received.
- Community Organizations 2019/10/24:
 - ❖ No comments received.
- Ward Committee Ward 115: 2019/10/24:
 - ❖ No comment received.
- **Internal departments:**
 - ❖ Town Planning:
Compliant – see attached Annexure A.
 - ❖ Health Department:
Compliant – see attached Annexure A
 - ❖ Law Enforcement Squad
Compliant – see attached Annexure A

RECOMMENDATION


That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Berta's**, 330 Albert Road, Woodstock, as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours until 04:00.

ANNEXURES:

- A. Application submitted by **Berta's**, including comments by Health, Planning and Safety and Security

FOR FURTHER DETAILS CONTACT:

NAME	<i>Lucille Muller (Acting)</i>
CONTACT NUMBERS	<i>021 487 2005</i>
E-MAIL ADDRESS	<i>Lucille.Muller@capetown.gov.za</i>
DIRECTORATE	URBAN MANAGEMENT - AREA 1



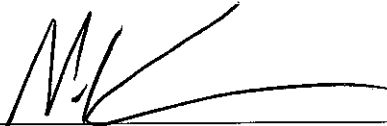
Lucille Muller (Acting)
SUBCOUNCIL 16 MANAGER

Comment:

DATE

26/11/2019

Comment:



SUBCOUNCIL 16
CHAIRPERSON
Cllr Matthew Kempthorne

Date

26/11/2019

ANNEXURE A



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Nafeesah Parker

T: 0214006513

F:

E: Nafeesah.Parker@capetown.gov.za

22/10/2019

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: 185266
Liquor Licence Number: WCP/035196 Renewal 2019
Licensee Name: Sightfull 1019 CC
Premises Name: Berta's
Premises Address: 330 Albert Road
Woodstock
Woodstock
7925

Date of Application Submission:

Date Application captured: 2019/10/22

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.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Form 1
ON-CONSUMPTION EXTENDED TRADING HOURS

CITY HEALTH

APPLICATION IN TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013, FOR EXTENSION OF LIQUOR TRADING HOURS FOR ON-CONSUMPTION PREMISES

All fields must be filled in

DETAILS OF LICENCEE

1. Liquor license number WCP/035196

2. Full name of licensee SIGHTFULL 1019 CC

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)

SEE ANNEXURE

4. Name and address of the licensed premises BERTAY'S

330 ALBERT ROAD

WOODSTOCK

7925

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. 11779

330 ALBERT ROAD

WOODSTOCK

7925

6. Daytime contact number

021 286 2165

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

SEE ANNEXURE A

8. What is the licensee's current permitted hours of trading

11:00 - 12:30

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

Signature C Patrick Date 21-08-2019

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

Name (printed) CHESTER PATRICK Application prepared by CHESTER PATRICK

Postal address 124 HARRINGTON STREET Physical address CANNON GARDENS

CAPE TOWN 124 HARRINGTON STREET

8000 CAPE TOWN

Work tel: 021 286 2165 Cell: 067 032 2669

Fax: E-mail: Chesterp@liquorlicenceemporium.co.za

Signature C Patrick Date 21-08-2019

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

Name (printed) CHESTER PATRICK

Liquor licence number

WCP/035196

FOR OFFICIAL USE ONLY
LAND USE

To certify valid category

Category 3 yes ☒ no ☐
 Category 4 yes ☐ no ☐
 Category 5 yes ☐ no ☐

The property is zoned Mixed use which permits
 a business premises (including the sale of liquor)
 as of right, the application is supported

Name of official Faren BuntingSignature [Signature]Date 17/9/19

(If the premises does not fall into one of these three categories, the application will not be considered any further)

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, BERTA'S, SITUATED
 AT, 330 ALBERT ROAD, WOODSTOCK. 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
10001005Signature [Signature]

Date

14 OCT 2019

Safety and Security

LAW ENFORCEMENT

8433.00

(The applicant must now pay the non refundable application fee of R8070.18 (Vat inclusive) and hand the application and receipt in at the designated
 Environmental Health Office. The fee is payable at any cash office into Profit Centre 18070172)

Application fee

8433.00

Receipt number

SEE BELOW

Payment date

SEE BELOW

NOTE NUMBER : 810900P18070172

TICKET CODE : 00

COMMENTS T/A BERTAS

0001 AMOUNT

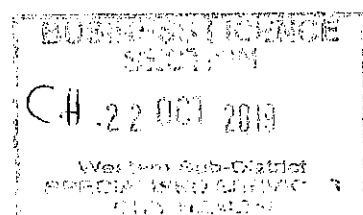
8433.00 CD

DEBIT CARD

8433.00

CARD NUMBER 5359 50** * 2030

#63160 17 OCT 2019 09:22 654 USR0195



Thank you for this
 payment

Making progress possible. Together.

ANNEXURE A

217



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

Ref number: WCP/035196
Enquiries: Aiden Marais

Date: 02 January 2019

Saunders Attorneys
P.O. Box 1742
Cape Town
8000

RE: APPLICATION IN TERMS OF SECTION 66(2), IS HEREBY ISSUED IN TERMS OF SECTION 66(6) OF THE WESTERN CAPE LIQUOR ACT, ACT 4 OF 2008.

PREMISES NAME: BERTA'S
MAGISTERIAL DISTRICT: CAPE METROPOLE: CAPE TOWN

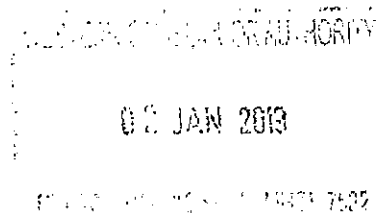
Dear Sir/Madam,

Enclosed, please find a copy of the certificate of removal for your information.

Yours faithfully,

Aiden Marais

Liquor Licensing Administration
Western Cape Liquor Authority



ANNEXURE C

LIMITED POWER OF ATTORNEY

I, the undersigned,

JOSE ROBERTO GOMES DE FARIA with identification number **800820 5155 08 3**
residing at **30 RITCHIE STREET, UNIVERSITY ESTATE, CAPE TOWN, 7925**
hereby appoint

CHESTER CAZWILL PATRICK with identification number **860814 5035 08 7**
residing at **CANNON GARDENS, 124 HARRINGTON STREET, CAPE TOWN,**
8000.

(hereinafter called "the Agent") to be my lawful agent for managing and transacting
my business (restricted to Liquor License related business **only**) in the Republic of
South Africa with full power and authority for me and in my name, and for my
account and benefit:

1. To apply for an extension of 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, as amended in respect of Berta's, 330 Albert Road, Woodstock 7925,
Liquor Board reference number **WCP/035196**
2. To be authorised for the purpose aforesaid to prepare, sign and lodge the
necessary application/s and all other documents which may be deemed
necessary, and to proceed to the final end and determination thereof, and
generally for effecting the purpose aforesaid, to do or to cause to be done

Handwritten signature and initials, possibly 'JRG' and 'CP', with a date '1/11/13'.

ANNEXURE D



WESTERN CAPE
LIQUOR AUTHORITY

221
Western Cape Liquor Authority

Sightfull 1019 CC
C/o Alfie Crous
35 Allen Drive
LOEVENSTEIN
Bellville



OFFICE USE

FORM 21A

ANNUAL LICENCE RENEWAL NOTICE:

FEE PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2019

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/035196

Name of licensee: Sightfull 1019 CC
Address of the licensed premises: 24 Chiappini Street, GREEN POINT, Sea Point, 8005

(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 On

You are hereby notified that the total renewal fees payable to the Western Cape Liquor Authority are:

Annual: R 4,360, 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: 198 765

Please use your licence number (WCP/035196) as the reference on the deposit slip.

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

2. A licence lapses on 1 January of the year in respect of which the applicable renewal fee is not paid on or before 31 December of the preceding year. See section 62(2)(b).

3. A licence that has lapsed in this way becomes valid again only if the applicable renewal fee is paid along with a penalty of 50% of the fee on or before 31 January, or with a penalty of 100% of the fee on or before the last day of February of the year in respect of which the renewal fees had to be paid. See section 62(3)(a)(i) and (ii).

4. A licensee who has failed to pay the prescribed renewal fee on or before the last day of February of the year in respect of which the renewal fee had to be paid may, on or before 31 March of that year, apply in writing (on Form 23) to the Chief Executive Officer for condonation of such failure, and the Chief Executive Officer may condone the failure and allow the late payment of the prescribed fee by a date to be determined by the Authority, subject to the payment of the renewal fee plus a penalty of 150% of the fee. See section 63(4).



Absa Online: Notice of Payment

03 October 2018

Dear SIGHTFULL 1019 CC

Subject: Notice Of Payment: Western Cape Liquor

Please be advised that you made a payment to Western Cape Liquor as indicated below.

Transaction number:	8058EE8D90-1
Payment date:	2018-10-03
Payment made from:	Current account
Payment made to:	Western Cape Liquor
Beneficiary bank name:	NEDBANK
Beneficiary account number:	1452069883
Bank branch code:	198765
For the amount of:	4,360.00
Immediate interbank payment :	Y
Reference on beneficiary statement:	WCP/035196
Additional comments by payer:	-

Please remember that the following apply to Absa Online payments to non-ABSA bank accounts.

- Payments made on weekdays before 15:30 will be credited to the receiving bank account by midnight of the same day but may not be credited to the beneficiary's bank account at the same time.
- Payments made on weekdays after 15:30 will be credited by midnight of the following day.
- Payments made on a Saturday, Sunday or Public holiday will be credited to the account by midnight of the 1st following weekday.

If you need more information or assistance, please call us on 08600 08600 or +27 11 501 5110 (International calls).

If you have made an incorrect internet banking payment, please send an email to digital@absa.co.za

Yours sincerely

General Manager: Digital Channels

This document is intended for use by the addressee and is privileged and confidential. If the transmission has been misdirected to you, please contact us immediately. Thank you.

Companies and Intellectual
Property Registration Office
10001, 10002, 10003, 10004
10005, 10006, 10007, 10008
10009, 10010, 10011, 10012

Registration Number

Enterprise Name

Enterprise Shortened Name

Enterprise Translated Name

Registration Date

Business Start Date

Enterprise Type

Enterprise Status

Financial Year End

Tax Number

Number of Members

Aggregate Members' Contribution R 100.00

Description of Principal Business

Postal Address

Address of Registered Office

Accounting Officer

Name

Postal Address

Profession

Membership/Practice No

Active Members

Surname and first names

Addresses

DE FARIA, JOSE ROBERTO GOMES

8008205155083

100.00

100.00

23/01/2015

Postal: 30 RITCHIE STREET,
UNIVERSITY ESTATE, CAPE
TOWN, WESTERN CAPE, 7925
Residential: 30 RITCHIE STREET,
UNIVERSITY ESTATE, CAPE
TOWN, WESTERN CAPE, 7925

COMPANIES AND

Register of

10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012

Call Centre Tel 086 184 3394, Fax 011 400 1000

PROPERTY REGISTRATION OFFICE

8, Cloose Corporations

61 South Africa House 256 PRETORIA

www.cipro.co.za, WAP www.cipro.co.za/mobile

ANNEXURE D

REPLY TO QUESTION 3

The holder of the license is:

Sightfull 1019 CC

Registration Number: 2000/012850/23
30 Ritchie Street
University Estate
Cape Town
Western Cape
7925

The sole shareholder of the above company is:

Jose Roberto Gomes De Faria

South African ID Number: 800820 5155 083
Date of Birth: 20.08.1980
30 Ritchie Street
University Estate
Cape Town
Western Cape
7925

The sole director of the above company is:

Jose Roberto Gomes De Faria

30 Ritchie Street
University Estate
Cape Town
Western Cape
7925