CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

REPORT TO SUB COUNCIL 24

1. **ITEM NUMBER: 24SUB 23/05/2019**

2. **SUBJECT**

RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF WARD 84: TOPS SOMERSET @ LION SQUARE – SOMERSET WEST WCP/030197 REF 184530 FOR OFF CONSUMPTION PREMISES SUNDAY TRADING

3. **PURPOSE**

To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours applicable to Section 6(5) A of the City of Cape Town Liquor Trading Days and Hours By-Law 2013 as amended.

4. **FOR DECISION BY**

Delegation Part 24(4) (2) to approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted

5. **EXECUTIVE SUMMARY**

The Liquor Trading Days and Hours By-Law, 2010 as amended by the Liquor Trading Days and Hours By-law, 2012 requires that the needs of the community and the liquor license holder are considered by following due administrative processes. The application before Subcouncil 24 is at the stage where public participation was facilitated by the administration of Subcouncil and the comments from the affected stake holders are attached for the Subcouncil to approve, refuse or vary the application for the extension of trading hours, from **11H00 until 18H00**, **Sunday trading** for off- consumption premises.

6. **DISCUSSION**

6.1 Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of addresses the Notice of Application process. Section 37(4), (5) and (6) of the Act reads as follows:

"(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) where section 36(1)(c) applies—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;
(ii) obtain the comment of the ward councillor;
(iii) comment on the application; and
(iv) allow for the consideration of the planning application in relation to the application for a liquor licence; or

(b) where section 36(1)(c) does not apply—
(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward councillor; and

(iii) comment on the application.

*(5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must or the municipality **may**, within the prescribed time, give notice of the application to—*
(a) neighbouring residents or such persons who in his, her or its judgement may be affected by, or have an interest in, the granting or refusal of the application; and
(b) the community policing forum, if any, of the area in which the premises are located.

(6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate."

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

- Details of applicant:

- **WCP/030197**
- **Tops Somerset @ Lion Square**
- **Erf 8200**
- **Shop No 102, 150 Main Road, Lion's Square, Somerset West**
- **DM Hoogenhout**
- **021 853 5785**

6.2.1 Sub Council Manager confirmation: Advertising extent (Community participation) - Notices served on and received the following comments-

- **Ward Councillor- Ward 84: Ald Stuart Pringle**
  I support the application provided that the City's policies and by laws are complied with.

- **Elected Ward Committee Members of Ward 84**
  No comment received.

- **CPF**
  No comment received.

- **Community Based Organisations as per Sub-council 24 database**
  No comment received.

- **South African Police Services – Designated Liquor Officer: Captain AC Riffel**
  This office recommends the following applications for extended trading hours. Application Tops at Lions Square. Shop 102, 150 Main Road, Lion's Square, Somerset West WCP/030197. Sunday (11:h00- 18h00)

- **Internal departments:**

❖ **Town Planning:**
Zoning: General Business 4
Comment: In order, use permitted in terms of the zoning.

❖ **City Emergency Services:**
THIS DEPARTMENT HAS NO OBJECTIONS - WITH CONDITIONS: SEE COMMENT BELOW:

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

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

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

❖ **Law Enforcement Squad:**
Supported by Marilyn Holding of Law Enforcement as indicated on the 3rd page of application form which reads as follows: "*pertaining to the mentioned premises, namely, Tops at Lion's Square, situated at, Shop 102, 150 Main Road, Lion Square, Somerset West. It was ascertained that the applicant did review his Liquor Licence for 2019. No complaints were received by the Liquor Unit with regards to this establishment. This application is recommended by the SAPS*".

7. RECOMMENDATION

Subcouncil 24 recommends that the application for a liquor licence received from **Tops Somerset @ Lion Square, Erf 8200, Shop No. 102, 150 Main Road. Lion's Square, Somerset West,** Reference No **WCP/030197** for the extension of trading hours, **11H00 until 18H00 Sunday** for Off Consumption Premises, be APPROVED, REFUSED or VARIED.

If Not Supported, Note the following grounds for disqualification.

Criteria for granting licences

31.(1) The Liquor Licensing Tribunal or Presiding Officer, as the case may be, ***may not grant a licence****, unless it or he or she is satisfied on the balance or probabilities that -*

(a) the granting thereof is in the public interest;

(b) the applicant is of good character, and not disqualified from holding a licence in terms of section 35;

(c) the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;

(d) the applicant has the right to occupy the proposed licensed premises; and

(e) the granting of the application does not prejudice -

(i) the residents of a residential area;

(ii) the residents of an institution for the aged or frail;

(iii) the learners of an educational institution who are under the age of eighteen (18) years;

(iv) *the patients of an institution for drug or alcohol related dependencies; orthe congregants of a religious institution located in the vicinity of the proposed licensed premises."*

Reasons for Non Support:

The granting of the application prejudices-

(i) *the residents of a residential area;*

(ii) *the residents of an institution for the aged or frail;*

(iii) *the learners of an educational institution who are under the age of eighteen (18) years;*

(iv) *the patients of an institution for drug or alcohol related dependencies; or*

(i) *the congregants of a religious institution located in the vicinity of the proposed licensed premises."*

ANNEXURE A – The application from Tops – Somerset West – Ref 184530

ANNEXURE B – Comments

FOR FURTHER DETAILS, CONTACT:

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DIRECTORATE	*Urban Management*

Goodman Rorwana
MANAGER: SUBCOUNCIL 24

DATE 12/04/2019.

Comment: