



1. ITEM NUMB **03SUB 20/10/2020**

2. SUBJECT

APPLICATION FOR THE RENEWAL OF EXTENDED LIQUOR TRADING HOURS: FOR OFF-CONSUMPTION PREMISES MONDAY TO SATURDAY (18:00 TO 20:00) AND SUNDAY (11:00 – 18:00) TRADING IN RESPECT OF WARD 4: WOOLWORTHS (SUNSET BEACH) WCP/030214

ONDERWERP

AANSOEK OM DIE HERNUWING VAN VERLENGDE DRANKHANDELSURE: VIR BUITEGERBRUIKPERSEL MAANDAG TOT SATERDAG (18:00 TOT 20:00) EN SONDAZHANDEL (11:00 TOT 18:00) TEN OPSIGTE VAN WYK 4: WOOLWORTHS (SUNSET BEACH) WCP/030214

ISIHLOKO

ISICELO SOKUHLAZIWA KOKWANDISWA KWEEYURE ZOKUTHENGISWA KOTYWALA UKUSUSELA NGOMVULO UKUYA NGOMGQIBELO (18:00 UKUYA KWEYE-20:00) NOKUTHENGISA NGECAWE (11:00 UKUYA KWEYE-18:00) KWISAKHIWO EKUNGASELELWA KUSO NGOKUJOLISWE KWIWADI-4: KWABAKWA-WOOLWORTHS (SUNSET BEACH) WCP/030214

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 licences 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 4 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):

- **WOOLWORTHS (SUNSET BEACH)**
- Liquor Licence No: WCP/030214
- Off-Consumption
- **Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, 7441.**
- Current trading hours: **Monday – Saturday 09:00 to 20:00 and Sundays 11:00 to 18:00** with extension granted.
- Proposed trading hours: Monday – Saturday 18:00 – 20:00 and Sundays 11:00 - 18:00.

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

- Ward Councillor: Councillor Mlulami Ngeyi
Supported.
- Community Organisations:
No comments received.
- Other
No comments received.
- Ward Committee of Ward 4:
No other comments received
- Other Subcouncil 3 Councillors:
Councillor Helen Carstens (Ward 5 Councillor/Subcouncil Chairperson)
Supported.
Councillor Joy Solomon (Ward 113 Councillor)
Supported.
- Comments received from Applicant:
None as there were no objections.

- INTERNAL DEPARTMENT:
 - ❖ Safety & Security (Liquor Control):
 - Pertaining to the mentioned premises, namely, Woolworths (Sunset Beach), situated at, Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, Milnerton. 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 was received due to the COVID-19 pandemic and the SAPS maintaining lockdown regulations.

7. RECOMMENDATION

It is recommended that the Subcouncil **consider** the application for the renewal of extended trading hours (off-consumption) Monday to Saturday 18:00 to 20:00 and Sunday 11:00 to 18:00 trading submitted by **Woolworths (Sunset Beach)**, situated at, **Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, Milnerton**, subject to the following conditions:

- (a) That the application for the renewal of extended trading hours (off-consumption) submitted by **Woolworths (Sunset Beach)**, situated at, **Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, Milnerton**, be considered 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 **Woolworths (Sunset Beach)**, situated at, **Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, Milnerton**.
- (d) This application is also subject to compliance with all relevant by-laws of the City of Cape Town.
- (e) This application will be valid for 12 months from the date of the decision subject to the possession of a valid liquor licence.
- (f) That the extension granted is subject to the specific level of lockdown regulations applicable.

AANBEVELING

Daar word aanbeveel dat die subraad **oorweging skenk** aan die hernuwing van verlengde handelsure (buiteverbruik) vir handel van Maandag tot Saterdag van 18:00 tot 20:00 en Sondag van 11:00 tot 18:00, ingedien deur **Woolworths (Sunset Beach)**, geleë in winkel 5, Ocean Square-winkelsentrum, h.v. Oceanweg en Balersweg, Sunset Beach, Milnerton, onderworpe aan die volgende voorwaardes:

- (a) Dat die aansoek om die hernuwing van verlengde handelsure (buiteverbruik) ingedien deur **Woolworths (Sunset Beach)**, geleë in **winkel 5, Ocean Square-winkelsentrum, h.v. Oceanweg en Balersweg, Sunset Beach, Milnerton**, oorweeg word aangesien dit aan die kriteria in die Stad Kaapstad: Verordening op Beheer oor Ondernemings wat Drank aan die Publiek verkoop, 2013, voldoen.
- (b) Dat sou klages oor geraas en/of wilde gedrag van kliënte ontvang word, dit ondersoek sal word en daar toe kan lei dat die verlengde handelsure teruggetrek word, en dit ook na die Wes-Kaapse drankowerheid verwys sal word wat die hernuwing van die dranklisensie in gevaar kan stel.
- (c) Dat die aansoeker moet seker maak geen drank word direk of deur middel van 'n derde party verkoop aan werklose en/of haweloze mense wat openbare oop ruimtes in die omgewing van **Woolworths (Sunset Beach)**, geleë in **winkel 5, Ocean Square-winkelsentrum, h.v. Oceanweg en Balersweg, Sunset Beach, Milnerton**, okkupeer nie.
- (d) Dat hierdie aansoek ook onderworpe is aan nakoming van alle toepaslike verordenings van die Stad Kaapstad.
- (e) Dat hierdie aansoek vir 12 maande vanaf die datum van die besluit geldig sal wees, onderworpe aan die besit van 'n geldige dranklisensie.
- (f) Dat die verlenging toegestaan word onderworpe aan die spesifieke inperkingsregulasievlek wat geld.

ISINDULULO

Kundululwe ukuba iBhungana **malithathele ingqalelo** ísicelo sokuhlaziya kokwandiswa kweeyure zokuthengiswa kotywala (kwisakhiwo ekungaselelwā kuso) ukurhweba ngoMvulo ukuya ngoMgqibelo ukusuela ngeye-18:00 ukuya kweye-20:00 nangeCawe ukusuela ngeye-11:00 ukuya kweye-18:00 esingeniswe ngabakwa-Woolworths (Sunset Beach), Shop 5, Ocean Square Shopping Centre, kwikona ye-Ocean Way ne-Balers Way, Sunset Beach, e-Milnerton, ngokuxhomekeke kule miqathango ilandelayo yokuba:

- (a) Makuthathelwe ingqalelo isicelo sokuhlaziwa kokwandiswa kweeyure zokuthengiswa kotywala (izakhiwo ekungaselelwa kuzo) esingeniswe ngabakwa-Woolworths Sunset Beach, Shop 5, Ocean Square Shopping Centre, kwikona ye-Ocean Way ne-Balers Way, Sunset Beach, Milnerton, njengoko sithobela ummiselo othe waqukwa kuMthetho kaMasipala weSixeko saseKapa ongoLawulo leMigaqo yokuthengiswa koTywala kuLuntu wango-2013.
- (b) Ukuba kuye kwafunyanwa izikhala zo ngokumalunga nengxolo okanye indlela engamkelekanga yokuziphatha kwabathengi, ezi zikhala zo ziyakuthi ziphandwe kwaye oku kungangumphumela wokuba kurhoxiswe liyure zokuthengisa ezandisiweyo kwakhona ziyakuthi zigqithiselwe kuGunyaziwe wePhondo ongokuThengiswa koTywala apho kungathi oku kusengele phantsi ukuhlaziwa kwephepha-mvume lotywala.
- (c) Umfaki-sicelo kufuneka aqinisekise ukuba akuthengiswa utywala ngokungqalileyo ku okanye kusetyenziswe umntu wesithathu ngokujoliswe kwabo bangaqeshwanga okanye abo bangenamakhaya abahlala kumabala oluntu kumbindi wabakwa-Woolworths (Sunset Beach), Shop 5, Ocean Square Shopping Centre, kwikona ye-Ocean Way ne-Balers Way, Sunset Beach, e-Milnerton.
- (d) Esi sicelo kwakhona sixhomekeke ekuthotyelweni kwayo yonke imithetho efanelekileyo kamaspala weSixeko saseKapa.
- (e) Esi sicelo siyakuthi sibesemthethweni kanganethuba leenyanga ezili-12 ukususela kumhla wesiggibo, ngokuxhomekeke ekufumanekeni kwephepha-mvume elisemthethweni lokuthengisa utywala.
- (f) Ukuba ulwandiso oluvunyeleweyo, luxhomekeke kwinqanaba elimiselweyo elithile lemigaqo engokuvaleleka ngendlu elifanelekileyo.

ANNEXURES:

- A Application submitted by Woolworths (Sunset Beach), situated at, Shop 5, Ocean Square Shopping Centre, Cnr Ocean Way & Balers Way, Sunset Beach, Milnerton
-

FOR FURTHER DETAILS, CONTACT:

NAME	Kyla Miller
CONTACT NUMBERS	021 444-4863
E-MAIL ADDRESS	Kyla.miller@capetown.gov.za
DIRECTORATE	Urban Management

✓ 6/6/20

Comment:

**ZOLILE SISWANA
ACTING SUBCOUNCIL 3 MANAGER**

DATE

Comment:

**CLLR HELEN CARSTENS
SUBCOUNCIL 3
CHAIRPERSON**

Date

RECEIVED
21 July 2020

Form 2

MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH

CITY OF CAPE TOWN | ISITHEKI SASIKANA | GIDW KARPSIAG

THIS CITY WORKS FOR YOU

RENEWAL

REF: 185695

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 LICENEE

1. Liquor license number WCP/030214

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 (Sunset Beach)

Shop 5, Ocean Square Shopping Centre

Cnr Ocean Way & Boslers Way

Sunset Beach, Milnerton, 7441

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 firm, as the case may be

ERF No. Erf 19405, Milnerton

6. Contact number

Danie Cronje: 021 883 3906

7. State reason(s) why licensee is applying for extension of trading hours (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. Cronje Date 11/5/20

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

Name (printed) DL Cronje

Postal address P.O. Box 621

Stellenbosch

7599

Work tel: 021 883 3906

Fax: 086 552 5884

Signature D. Cronje Date 11/5/20

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

Name (printed) DL Cronje

Application prepared by Danie Cronje Attorneys Inc.

Physical address 1 Andringa Street

Stellenbosch

7600

Cell: 082 772 3517

E-mail: danie@danielcronje.com

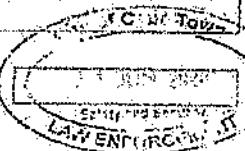
Form 2

OFFICE USE ONLY

Licor license number **WCP/D30214****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 (SUNSET BEACH), SITUATED AT, SHOP 5, OCEAN
 SQUARE SHOPPING CENTRE, CNR OCEAN WAY & BALERS WAY, SUNSET BEACH, MILNERTON; IT WAS ASCERTAINED THAT THE
 THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2020. 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 DUE TO THE COVID-19 PANDEMIC AND THE SAPS
 MAINTAINING LOCKDOWN REGULATIONS.

Name of Official **Marilyn Holding**
Assistant Chief
LAW ENFORCEMENT
10001005
*Marilyn Holding*Date **14/07/2021**

This applicant must now hand the application form in at the designated Environmental Health Office. Please note: As from 01 July 2018 a non-refundable Application fee of R4 217.00 (Vat Inclusive) is payable into Postnet code 18070172, G/L, 010400. 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

RECEIVED:
21 July 2020

Form 3

SUNDAY OFF-CONSUMPTION TRADING

CITY HEALTH

CITY OF CAPE TOWN | BIXEKO SABEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

RENEWAL

REF: 185696

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/030214

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 (Sunset Beach)

Shop 5, Ocean Square Shopping Centre

Cnr Ocean Way & Balers Way

Sunset Beach, Milnerton, 7411

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. Erf 19406, Milnerton

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 DLCronje Date 11/5/20

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

Name (printed) DL Cronje

Postal address P.O. Box 621

Stellenbosch

7599

Work tel: 021 883 3906

Fax: 086 552 5884

Signature DLCronje Date 11/5/20

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

Name (printed) DL Cronje

Application prepared by Danie Cronje Attorneys Inc.

Physical address 1 Andringa Street

Stellenbosch

7600

Cell: 082 772 3517

E-mail: danie@danielcronje.com

OFFICE USE ONLY

Licence number: WCP/030214

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 (SUNSET BEACH), SITUATED AT, SHOP 5, OCEAN SQUARE SHOPPING CENTRE, CNR OCEAN WAY & BALERS WAY, SUNSET BEACH, MILNERTON. 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.

Marilyn Holding
 Assistant Chief
 LAW ENFORCEMENT
 10001005

Marilyn Holding

Signature: *Marilyn Holding*

Date: *10/07/2020*

MY CITY JOHANNESBURG

This applicant must now hand the application form in at the designated Environmental Health Office. Please note: As from 01 July 2019 a non-refundable Application fee of R8 00 (Vat Inclusive) is payable into Profit centre 88070172 Ext. 810400. Payment can be made at any cash office of the City. Proof of payment must be shown on the application when handing it in at the designated Environmental Health Office.

Application Fee:

Receipt number:

Payment date: