

SUBCOUNCIL 16

1. ITEM NUMBER 16 SUB 15/12/19

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: NAUTY 40, 122 BREE STREET, CAPE TOWN, 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):

- **Nauty 40**
- Liquor Licence No: WCP/031721
- ON Consumption
- 122 Bree Street Cape Town
- 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: 2019/11/20
No response received.
- Abutting Neighbours: 2019/11/20:
No response received.
- Community Organizations: 2019/11/20:
No response received.
- Other Comments:
None 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
Application supported by the SAPS

RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Nauty 40** 122 Bree Street, Cape Town, 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 **Nauty 40**, including comments by Health, Planning and Safety and Security

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Lucille Muller</i>
CONTACT NUMBERS	<i>021 487 2005</i>
E-MAIL ADDRESS	<i>lucille.muller@capetown.gov.za</i>
DIRECTORATE	URBAN MANAGEMENT

236 (d)




L. Muller
MANAGER (Acting)
SUBCOUNCIL16

Comment:

DATE

04/12/2019



M. Kempthorne
CHAIRPERSON
SUBCOUNCIL16

Comment:

DATE

04/12/2019

ANNEXURE A

236(f)



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Nafeesah Parker

T: 0214006513

F:

E: Nafeesah.Parker@capetown.gov.za

15/11/2019

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: 185325
Liquor Licence Number: WCP/031712 Renewal 2019
Licensee Name: World Focus 890 CC
Premises Name: Nauty 40
Premises Address: 122 Bree Street
Cape Town
Cape Town CBD
8001

Date of Application Submission:

Date Application captured: 2019/11/15

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.

236 (9)



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

CITY HEALTH

Form 1
ON-CONSUMPTION EXTENDED TRADING HOURS

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 EXTENSION OF LIQUOR TRADING HOURS FOR ON-CONSUMPTION PREMISES

All fields must be filled in

DETAILS OF LICENCEE

1. Liquor license number NCP/0317122. Full name of licensee WORLD FOCUS 890 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 "E"

4. Name and address of the licensed premises

NAUTY 40122 BREE STREETCAPE TOWN8001

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. 2093122 BREE STREETCAPE TOWN8001

6. Daytime contact number

082 589 9255

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

11H00 - 02H00

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

Signature [Signature] Date 08/10/2019

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

Name (printed) SACARO MOTTOPostal address P.O. BOX 1742CAPE TOWN8000Work tel: (021) 422 1108Fax: N/ASignature [Signature] Date 08/10/2019

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

Name (printed) SACARO MOTTOApplication prepared by SAUNDERS ATTORNEYSPhysical address 68 KEEKOM STREETCAPE TOWN8001Cell: 078 9563 716E-mail: admin@saundersattorneys.co.za

236 (h)

Form 1

Liquor licence number

WCP/031712

FOR OFFICIAL USE ONLY
LAND USE

To certify valid category

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

Name of official

C.R. Bester

Signature

Date

08/10/19

(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, NAUTY 40, SITUATED AT, 122 BLUE STREET, CAPE TOWN. 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

Signature

M. Holding

Date

11 NOV 2019

10001005

(The applicant must now pay the non refundable application fee of R6 036.30 (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

R8433.00

Receipt number

See below

Payment date

15/11/2019

SERVED BY - N. Nkohlle

SUMMARY RECEIPT

GENERAL LEDGER

VOTE NUMBER : 810400P18070172

TERRIT CODE : 00

COMPLAINTS I/A NAUTY 40

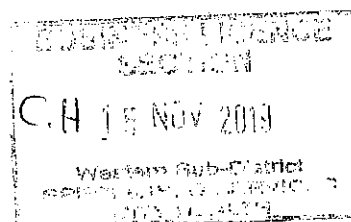
0001 AMOUNT

8433 00 00

CHEQUE-107602

8433 00

CHQ: SAUNDERS ATTORNEYS



163467 15 NOV 2019 10:19 654 USR0195

ANNEXURE A**APPLICATION IN TERMS OF SECTION 6 (1) OF THE CITY OF CAPE TOWN
CONTROL OF UNDERTAKING THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013,
AS AMENDED IN 2012, FOR THE EXTENSION OF TRADING HOURS TO 04:00.**

REASONS / REPRESENTATIONS

THE APPLICANT

1. The applicant is World Focus 890 CC, a Close Corporation with limited liability, duly incorporated in accordance with the laws of the Republic of South Africa with registration number 2005/091201/23 and having its principal place of business at 122 Bree Street, Cape Town.
2. The Applicant is the holder of an on-consumption liquor licence issued under Western Cape Liquor Authority reference WCP/031712 in respect of a business conducted under the name and style of Nauty 40.
3. World Focus 890 CC, by way of a member's resolution, has authorised Sacaro Motto of Saunders Attorneys to sign all documentation necessary to bring the application. A copy of the resolution is annexed hereto as **Annexure B.**
4. The said licence is in terms of Section 89(2)(d) of the Western Cape Liquor Act, Act 4 of 2008 (as amended) (hereinafter referred to as "The Act") deemed to be a licence for the sale of liquor for consumption on the licensed premises.
5. The Applicant is thus the holder of a valid liquor licence, a copy of the renewal with proof of payment annexed hereto as **Annexure C.**

THE APPLICATION

6. Application is made by the Applicant in terms of the Control of Undertakings to Sell Liquor to the Public By-Law, 2013, for the extension of its liquor trading hours from **11H00 to 04H00** the following day as envisaged in Section 6 of the By-Law.
7. The City Of Cape Town deemed it fit to determine the trading days and hours in the schedule to the By-Law restricting the trading hours between 11H00 to 02H00 the following day with the provision in Section 6(1) of the By-Law that a licensee of the premises contained in categories (3), (4) and (5) of the Schedule to the By-Law, may submit an application to the Council for an extension of hours during which they may trade. The applicant is a licensee of the premises as contemplated in category (3) of the Schedule to the By-Law.
8. The provisions of Section 89(10) of the Act are applicable to the Applicant. This application is therefore to maintain the *status quo* in terms of the trading hours which the business has been granted over a number of years.

CONCLUSION

9. The Applicant has traded strictly in terms of its existing licence conditions and trading hours. The business forms an integral part of the Cape Town entertainment precinct, where any number of competing businesses are in operation, some of which enjoy trading hours until 04H00.
10. The applicant has also been issued with the appropriate business licence for its premises by the City of Cape Town, and as evidenced from a copy of the said business licence annexed hereto marked **Annexure D**.
11. Given the existing on-consumption liquor licence and the business licence, it is clear that the premises are correctly zoned for their ongoing usage as a licensed entertainment venue.
12. The request to extend the trading hours is a commercial one driven, by competition from the demands from the many tourists and visitors to the Cape Town area who recognise and enjoy the facilities on offer in an area known as one of Cape Town's best entertainment precincts.

13. It is therefore requested that this application be granted at the first available opportunity, so as to encourage competition on an equal and fair basis, as well as extending the tourism facilities on offer in the Cape Town CBD.

226(L)

"B"

WORLD FOCUS 890 CC

REGISTRATION NUMBER:2005/091201/23

RESOLUTION PASSED BY THE MEMBERS AT CAPE TOWN

At a meeting of the members it was resolved that the Company 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 business trading as Nauty 40, 122 Bree Street, Cape Town, with Liquor Authority reference number: WCP/031721.

It was further resolved that Sacaro Motto, I.D. No: 891113 0047 08 7 of Saunders Attorneys of 68 Keerom Street, Cape Town, be authorised for the purpose aforesaid to prepare, sign and lodge the necessary application/s and all other documents which may be considered 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 whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein.

SIGNED at CAPE TOWN this 30 day of September 2019.



Member:
FALK-HERMANN AUGUST GRASER



WESTERN CAPE
LIQUOR AUTHORITY

236 (m)

Western Cape Liquor Authority

World Focus 890 CC
122 Bree Street
CAPE TOWN
8000



OFFICE USE

FORM 21A

**ANNUAL OR BIENNIAL LICENCE RENEWAL NOTICE:
FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:
THE YEAR 2016; OR
THE TWO YEARS 2018 AND 2019
(REG. 30(1))**

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/031721

Name of licensee: World Focus 890 CC

Address of the licensed premises: 122 Bree Street, CAPE TOWN, 8001

(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 4,000.00, payable on or before 31 December 2017

Biennial: R 8,000.00, payable on or before 31 December 2017

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 as the reference on the deposit slip (the WCP/DTI number indicated just below the heading of this form).

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).

236 (h)



WESTERN CAPE
LIQUOR AUTHORITY

Licence number: WCP/031721

LMA TS number: 2007/612

Representative: Mr MJ Graser

021 4220708

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	
	New details
Full Name:	World Focus 890 CC
Mobile No:	
Email Address:	nauty40@telkomsa.net
Postal Address:	122 Bree Street CAPE TOWN 8000

Licence details	
	New details
Licence Type:	Consumption On
Trading As:	Nauty 40
Licensed Premises:	122 Bree Street CAPE TOWN 8001

Licence representative	
	New details
Full Name:	Mr MJ Graser
Mobile No:	082 7841309
Email Address:	nauty40@telkomsa.net
Postal Address:	50 Lente Street Kirstenhof 7945

Please Note:

A licensee who intends to subscribe to a biennial renewal cycle, must lodge with the Authority a notice in the form of Form 21B by no later than 30 November 2017.


Signature of Licence Holder / Representative
Date:



2007/612

236 (0)



Date: 15/08/2008

Our Reference: 17076202

WORLD FOCUS 890
P O BOX 418
PLUMSTEAD
7801

RE: Application to Amend Close Corporation
Close Corporation Number: 2005/091201/23
Close Corporation Name: WORLD FOCUS 890

We have received a CK2A from you dated 14/07/2008.

The Close Corporation 'WORLD FOCUS 890' with Enterprise Number '2005/091201/23' was successfully amended on our database.

Yours truly

Registrar of Close Corporations
CSH

Please Note:

The attached certificate can be validated on the CIPRO web site at www.cipro.co.za.
The contents of the attached certificate was electronically transmitted to the South African Revenue Services.



COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE:

Registrar of Companies & Close Corporations

P.O. BOX 429, PRETORIA, 0001, Republic of South Africa, Docex 256, PRETORIA.

Call Centre Tel 086 184 3384, Website www.cipro.co.za, WAP www.cipro.co.za/mobile

ENO 2017
236 (P)**NEDBANK****Once-off payment notification**

Date: 24/10/2017 Time: 3:53 AM

From account details:	WORLDFOCU
My statement description:	Biannual Liquor Licence
Beneficiary statement description:	WCP/031721
To account number:	9433
Branch:	145209
Amount:	R8,000.00
Payment capture date:	24/10/2017
Reference number:	20171024/NEDBANK/001574275482

Please note: Payments to other banks, including Nedbank branches outside South Africa, may take up to three business days.

Nedbank Limited, Reg No 1951/000009/06, VAT Reg No 4320116074, 135 Rivonia Road, Sandown, Sandton, 2196, South Africa.

COMMUNITY DEVELOPMENT
HEALTH SERVICES
ENVIRONMENTAL HEALTH BRANCH

UPHULISO LOLUNTU
INKONZO ZEZEMPILO
ISEBE LEZEMPILO YOKUSINGOONGILEYO

236 (91)
GEMEENSKAPSONTWIKKELING
GESONDHEIDSDIENSTE
OMGEWINGSGESONDHEIDSTAK

0764852

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

P O Box/Posbus 2815 • Cape Town/Kaapstad • 8000 • Tel/fowuni: 400-3004 • Fax/Faks/feksi: 211-980

076485 2

Businesses Act, 1991

LICENCE TO CARRY ON A BUSINESS

Holder's Ref: 801

Name of Licence Holder: THE HUMAN FIRM

Person in effective control of business: RICHARD FIRM

If No. of person in effective control of business: 1

President or director of person in effective control of business:

Signature

Date of issue

Trade name of business

Physical address of business premises

Signature

Conditions

WESTERN SUB DISTRICT
CITY OF CAPE TOWN:

16 OCT 2006

Manager: Environmental Health

[Signature]

MANAGER MEDICAL OFFICER OF HEALTH

Date of issue

This licence is issued subject to the conditions of the licence and the provisions of the Act. Any breach of these conditions may result in the imposition of a fine or imprisonment.

APPLICATION FOR EXTENDED TRADING HOURS

World Focus 890 CC
t/a Nauty 40
WCP/031721
122 Bree Street
Cape Town
8001

Name of business/Neighbour	Neighbour to the left, right or opposite	Contact person	Email Address	Contact Details
Vivus English	RIGHT	Katharina Ehlers	katharina@kapis-english.com	+27 21 426 4606
Sabroso	LEFT	Lucinda Noos	sabroso@mexico@gmail.com	083 948 8601
Paul Smith	OPPOSITE	Wesley Williams	wesleywilliams23@gmail.com	078 927 6142
Puma	OPPOSITE	Amin A Kapani	aminacharles9@gmail.com	079 531 8136

[Signature]

236(r)

236 (S)

SAUNDERS ATTORNEYS
TRADE MARK AGENTS

P.O. Box 1742
Cape Town
8000

No. 68 Keerom Street
Cape Town
8001

saundersgroup@africa.com

Your Reference: WCP/031712
Our Reference: AWS/

Tel: (27) (21) 4221108
Fax: (27) (21) 4221109

The City of Cape Town
Land Use Management Department
Cape Town
8001

Date stamp of Law Enforcement on receipt of application	Date stamp of relevant municipality on receipt of application
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Dear Sir/Madam,

RE: APPLICATION IN TERMS OF SECTION 6(1) OF THE CITY OF CAPE TOWN CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW 2013: CERTIFICATION OF CATEGORY 3 OR 4 PREMISES.

Enclosed please find an application by World Focus 890 CC in respect of its business trading as Nauty 40, 122 Bree Street, Cape Town.

Regards,


ALLAN SAUNDERS

Allan W Saunders : B.A. LL.B. Grad. Dip. Co. Law
Professional Assistant : R G Dormehl : B.A. LL.B