



REPORT TO: SUBCOUNCIL 3

1. **ITEM NUMBER: 03SUB 20/11/2020**

2. **SUBJECT**

APPLICATION FOR THE RENEWAL OF EXTENDED LIQUOR TRADING HOURS: FOR OFF-CONSUMPTION PREMISES SUNDAY (11:00 – 18:00) TRADING IN RESPECT OF WARD 1: PANORAMA LIQUORS, PANORAMA WCP/035156

ISICELO SOKWANDISWA KWEYURE 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-1: PANORAMA LIQUORS, PANORAMA WCP/035156

AANSOEK OM HERNUWING VAN DIE VERLENGING VAN DRANKHANDELSURE: MAANDAG TOT SATERDAG (18:00 TOT 20:00) EN SONDAGHANDEL (11:00 TOT 18:00) VIR 'N BUITEVERBRUIKPERSEEL TEN OPSIGTE VAN WYK 1: PANORAMA LIQUORS, PANORAMA WCP/035156

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 licenses 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 01 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):

- PANORAMA LIQUORS, PANORAMA
- Liquor Licence No: WCP/035156
- Off-Consumption
- Cnr of Haydn & Uys Krige Drive, Panorama, 7500
- Current trading hours: Mondays to Saturdays 11:00 – 20:00 and Sundays 11:00 to 18:00 with extension granted.
- Proposed trading hours: Mondays to Saturdays 11:00 – 20:00 and Sundays 11:00 - 18:00
- Business Licence: In order.

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

- Ward Councillor: Councillor Cheryl Visser:
Supported.
- Ward Committee of Ward 01:
Mr Paul Kruger: PWP Neighbourhood Watch: Not in support
Reason: vagrants and homeless people drink and sleep around the bottle store. Mr Kruger was personally attacked by street people.
- Other Subcouncil 3 Councillors:
Chairperson, Cllr Helen Carstens: In support with the ward councillor's recommendation.
- Comments received from Applicant:
None.
- INTERNAL DEPARTMENT:
- ❖ Safety & Security (Liquor Control):
Pertaining to the mentioned premises namely, Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500, it was ascertained that the applicant did renew his Liquor Licence for 2020. No complaints were received by the Liquor Unit with regard to this establishment.

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 Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama 7500, subject to the following conditions:

- (a) That the application for the renewal of extended trading hours (off-consumption) submitted by Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500, 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 Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500.
- (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 this application is granted subject to the specific level of Lockdown Regulations applicable.

ISINDULULO

Kundululwe ukuba iBhungana malithathele ingqalelo isicelo sokuhlaziywa kokwandiswa kweeyure zokuthengiswa kotywala (kwisakhiwo ekungaselelwa kuso) ukurhweba ngoMvulo ukuya ngoMgqibelo ngeye-18:00 ukuya kweye-20:00 nangeCawe 11:00 ukuya kweye-18:00 esingeniswe ngabakwa- Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500, ngokuxhomekeke kule miqathango ilandelayo yokuba:

- (a) Makuthethelwe ingqalelo isicelo sokuhlaziywa kokwandiswa kweeyure zokuthengiswa kotywala (kwisakhiwo ekungaselelwa kuso) esingeniswe ngabakwa- Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama,

7500, njengoko sithobela ummiselo oqukwe kuMthetho kaMasipala ongoLawulo lweMigaqo ongokuThengiswa koTywala kuLuntu wango-2013.

- (b) Ukuba kuye kwafunyanwa izikhalazo ngokumalunga nengxolo okanye indlela engamkelekanga yokuziphatha kwabathengi, oku konke kuyakuthi kuphandwe kwaye oku kungangumphumela wokuba kurhoxiswe iiyure zokuthengisa ezandisiweyo kwakhona ziyakuthi zigqithiselwe kuGunyaziwe wePhondo ongokuThengiswa koTywala apho kungathi oku kusengele phantsi ukuhlaziywa kwephepha-mvume lotywala.
- (c) Umfaki-sicelo kufuneka aqinisekise ukuba akuthengiswa utywala ngokungqalileyo ku okanye ngokuthi kusetyenziswe umntu wesithathu ngokujoliswe kwabo bangaqeshwanga okanye kwabo bangenamakhaya abahlala emabaleni kumbindi we- Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500.
- (d) Esi sicelo kwakhona sixhomekeke ekuthotyelweni kwayo yonke imithetho efanelekileyo kamasipala weSixeko saseKapa.
- (e) Esi sicelo siyakuthi sibesemthethweni kangangethuba leenyanga ezili-12 ukususela kumhla wesigqibo, ngokuxhomekeke ekufumanekeni kwephepha-mvume elisemthethweni lokuthengisa utywala.
- (f) Ukuba esi sicelo siyavunyelwa ngokuxhomekeke kwinqanaba elimiselweyo elithile lemigaqo engokuvaleleka ngendlu elifanelekileyo.

AANBEVELING

Daar word aanbeveel dat die subraad die aansoek om die hernuwing van die verlenging van handelsure (buiteverbruik) van Maandag tot Saterdag 18:00 tot 20:00 en Sondag 11:00 tot 18:00 ingedien deur Panorama Liquors, hv. Haydn & Uys Krigestraat, Panorama onderworpe aan die volgende voorwaardes:

- (a) Dat die aansoek om die hernuwing van die verlenging van handelsure (buiteverbruik) ingedien deur Panorama Liquors, hv. Haydn & Uys Krigestraat, Panorama, oorweeg word aangesien dit voldoen aan die kriteria ingesluit in die Stad Kaapstad: Verordening op Beheer van Ondernemings wat Drank aan die Publiek Verkoop, 2013.
- (b) Indien klagtes oor geraas en/of wilde gedrag van klante ontvang word, dit ondersoek sal word en tot die terugtrekking van die verlengde handelsure kan lei en ook na die Wes-Kaapse drankowerheid verwys sal word, wat die hernuwing van die dranklisensie in gedrang kan bring.

- (c) Die aansoeker moet toesien dat geen drank regstreeks of deur 'n derde party aan werklose en/of straatmense wat op oop ruimtes in die omgewing van Panorama Liquors, hv. Haydn & Uys Krigestraat, Panorama, verkoop word nie.
- (d) Hierdie goedkeuring is ook onderworpe aan die nakoming van alle toepaslike verordeninge van die Stad Kaapstad.
- (e) Hierdie goedkeuring is vir 12 maande geldig vanaf die datum van die besluit onderworpe aan die besit van 'n geldige dranklisensie.
- (f) Dat hierdie aansoek toegestaan word onderworpe aan die spesifieke inperkingsregulasievlak wat geld.

ANNEXURES:

A Application submitted by Panorama Liquors, cnr Haydn & Uys Krige Street, Panorama, 7500

FOR FURTHER DETAILS, CONTACT:

NAME	Elizabeth Jacobs
CONTACT NUMBERS	021 444-4861
E-MAIL ADDRESS	Elize.Jacobs@capetown.gov.za
DIRECTORATE	Area-Based North

**Roxanne
Moses**

Digitally signed by
Roxanne Moses
Date: 2020.11.10
10:17:54 +02'00'

Mrs Roxanne Moses
SUBCOUNCIL MANAGER: SUBCOUNCIL 3
Tel number: 021 444 4862

H. Carstens

Councillor Helen Carstens
SUBCOUNCIL CHAIRPERSON
021 444 4865

COMMENT:

1. Herewith confirm that the relevant delegation is quoted in item.
2. The recommendation is/are subject to Subcouncil decision

COMMENT:

MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH



CITY OF CAPE TOWN | SIYENI 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 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 LICENCEE

1. Liquor license number WCP/035156

2. Full name of licensee DELMAR LIQUORS 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 ATTACHED CK DOCUMENT

4. Name and address of the licensed premises

PANORAMA LIQUORS

ERF 17633, CNR HAYDN & UYS KRIGE STREET (PREVIOUSLY HENDRIK VERWOERD DRIVE), PANORAMA

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 17633

PANORAMA LIQUORS, CNR HAYDN & UYS KRIGE STREET (PREVIOUSLY HENDRIK VERWOERD DRIVE), PANORAMA

6. Contact number

021 853 5785

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

PLEASE SEE WRITTEN REPRESENTATIONS

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

Signature [Signature] Date JUL 29 2020

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

Name (printed) DM HOOGENHOUT

Postal address PO Box, 721, Strand, 7139

Application prepared by DH MANAGEMENT SERVICES

Physical address Cortland Place, Room G03, 37 Main Road, Strand

Work tel:

021-8535785

Cell:

0845116266

Fax:

E-mail:

daniel@dhmanagement.co.za

Signature [Signature] Date JUL 29 2020

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

Name (printed) Dm HOOGENHOUT

OFFICE USE ONLY

Liquor licence number **WCP/035156**

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, PANORAMA LIQUORS, SITUATED AT, CNR HAYDN & KRIGE STREET

(PREVIOUSLY HENDRIK VERWOERD DRIVE), PANORAMA. 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 THE LOCKDOWN

REGULATIONS.

Marilyn Holding
 Name of Official **Assistant Chief**
 LAW ENFORCEMENT
 10001005

Signature

M. Holding

Date

09 OCT 2020



This applicant must now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2020 a non-refundable Application fee of R4 428.00 (Vat inclusive) is payable into Profit centre 19079172 GrL 610400. Payment can be made at any cash office of the City. Proof of payment must from 1 July 2019 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date

CITY HEALTH

CITY OF CAPE TOWN | ISIZINDI 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/035156

2. Full name of licensee: DELMAR LIQUORS 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 ATTACHED CK DOCUMENT

4. Name and address of the licensed premises

PANORAMA LIQUORS, ERF 17633, CNR HAYDN & UYS KRIGE STREET (PREVIOUSLY HENDRIK VERWOERD DRIVE, PANORAMA)

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 17633

PANORAMA LIQUORS, CNR HAYDN & UYS KRIGE STREET (PREVIOUSLY HENDRIK VERWOERD DRIVE, PANORAMA)

6. Contact number

021 853 5785

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

PLEASE SEE ANNEXURE

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

Signature: [Signature] Date: JUL 29 2020

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

Name (printed): DM HOOGENHOUT Application prepared by: DH MANAGEMENT SERVICES

Postal address: PO Box 721, Strand, 7139 Physical address: Cortland Place, Room G03, 37 Main Road, Strand

Work tel: 021-8535785 Cell: 0845116266

Fax: [Signature] E-mail: danelle@dhmanagement.co.za

Signature: [Signature] Date: JUL 29 2020

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

Name (printed): DM HOOGENHOUT

OFFICE USE ONLY

Liquor licence number **WCP/035156**

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, PANORAMA LIQUORS, SITUATED AT, HAYDN & UYS KRIGE STREET

(PREVIOUSLY HENDRIK VERWOERD), PANORAMA. 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 THE LOCKDOWN

REGULATIONS.

Name of Official

Marilyn Holding
Assistant Chief
LAW ENFORCEMENT
10001005

Signature

Date

09 OCT 2020

This applicant must now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2020 a non-refundable Application fee of R8 855.00 (Vat inclusive) is payable into Profit centre 18070172 GIL, 810400. Payment can be made at any cash office of the City. Proof of payment must from 1 July 2019 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date