

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

Making progress possible. Together.

SUBCOUNCIL 16

1. ITEM NUMBER :

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF WOOLWORTHS ONLINE WINE SALES, WOOLWORTHS HOUSE, 93 LONGMARKET STREET, CAPE TOWN: OFF CONSUMPTION SUNDAY 11:00-18:00

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

3. 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.

4. 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 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.

5. DISCUSSION

5.1 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.

5.2 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

5.2.1 Details of application (see attached Annexure A):

- **Woolworths Online Wine Sales**
- Liquor Licence No: WCP/037935
- OFF Consumption – Sunday trading 11h00 – 18h00
- Woolworths House, 93 Longmarket Street, Cape Town

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

- Ward Councillor: 2021/08/02: (See attached Annexure B)
 - ❖ Cllr Ian McMahon: Application Supported

- Community Organizations: 2021/08/02:
 - ❖ No comments received.
- Ward Committee of Ward 115: 2021/08/02:
 - ❖ No comments received,
- **Internal departments:**
 - ❖ Health Department:
Compliant – see attached Annexure A
 - ❖ Law Enforcement Squad
Compliant - see attached Annexure A.

6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Woolworths Online Wine Sales**, Woolworths House, 93 Longmarket Street, Cape Town as well as the various comments received, and resolve to approve, refuse or vary the application for Sunday trading hours from 11:00-18:00.

ANNEXURES:

- A. Application submitted by **Woolworths Online Wine Sales**, including comments by Health and Safety and Security.
- B. Comment received from Ward Councillor in support of the application.

FOR FURTHER DETAILS CONTACT:

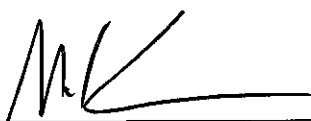
NAME	<i>Girshwin Fouldien</i>
CONTACT NUMBERS	<i>021 487 2055</i>
E-MAIL ADDRESS	<i>Girshwin.Fouldien@capetown.gov.za</i>
DIRECTORATE	<i>Urban Management Area 1- North</i>


Girshwin Feuldien
SUBCOUNCIL16 MANAGER

DATE

17/08/2021

Comment:


SUBCOUNCIL 16
CHAIRPERSON :
Cllr Matthew Kempthorne

Date

17/08/2021

Comment: _____

ANNEXURE A



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

CITY HEALTH

Colleen Heldsinger

T: 0214006513

F:

E: colleen.heldsinger@capetown.gov.za

22-07-2021

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: 186441
Liquor Licence Number: WCP/037935 Renewal 2021
Sunday
Licensee Name: Woolworths (Pty) Ltd
Premises Name: Woolworths Online Wine Sales
Premises Address: Woolworths House, 93
Longmarket Street
Cape Town
Cape Town CBD
8001

Date of Application Submission:

Date Application captured: 2021/07/22

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.

RENEWAL

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/037935**
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 (Online Wine Sales)**Woolworths House****93 Longmarket Street****Cape Town, 8001**

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. **Erven 4917, 4918, 4919 & 4920, Cape Town**

6. Contact number

021 460 0005

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 **DL Cronjé** Date **11/5/2021**

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

Name (printed) **DL Cronjé**Postal address **[REDACTED]**Work tel: **[REDACTED]**Fax: **[REDACTED]**Signature **DL Cronjé** Date **11/5/2021**

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

Name (printed) **DL Cronjé**Application prepared by **[REDACTED]**Physical address **[REDACTED]**Cell: **[REDACTED]**E-mail: **[REDACTED]**

Liquor licence number **WCP/037935****OFFICE USE ONLY****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 (ONLINE WINE SALES), SITUATED AT, WOOLWORTHS

HOUSE, 93 LONGMARKET STREET, CAPE TOWN. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE

FOR 2021. 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
Assistant Chief
LAW ENFORCEMENT
10001005

Name of Official

Signature

M. Holding

Date

04 JUL 2021

Safety and Security

LAW ENFORCEMENT

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 R6 855.00 (Vat inclusive) is payable into Profit centre 18070172 G/L 810400. Payment can be made at any cash office of the City. Proof of payment must from 1 July 2020 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date



NEDBANK

Proof of payment

Date: 08/06/2021 Time: 1:09:05 PM

Profile name:	DANIE CRONJE ATTORNEYS INC
Batch reference number:	[REDACTED]
Reference number:	[REDACTED]
Payment date:	08/06/2021
From account name:	*DANIE CRONJE ATTORNEYS INC
From account description:	*DANIE CRONJE ATTORNEYS INC
From account statement description:	WW Ext trad hrs renewal 2021
Beneficiary account / cell phone number:	N/A
Beneficiary/ Recipient name:	CITY OF CAPE TOWN
Beneficiary statement description:	[REDACTED]
Branch code:	N/A
Amount:	810,263.00

Additional comments by payer:

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name: DANIE CRONJE ATTORNEYS INC
Profile number: 4000360115

User name: LIZL CRONJE
User ID: 1

Small Business Services: 0860 116 400
Business Banking: 0860 111 055

27	Woolworths (Plattekleof) – WCP/038878	R4428	R8855
28	Woolworths (Paddocks) – WCP/033393	R4428	R8855
29	Woolworths (Parklands) – WCP/033804	R4428	R8855
30	Woolworths (Piazza da Luz) – WCP/035626	R4428	R8855
31	Woolworths (Promenade) – WCP/032117	R4428	R8855
32	Woolworths (Rondebosch) – WCP/030631	R4428	R8855
33	Woolworths (Rondebosch Village) – WCP/033336	R4428	R8855
34	Woolworths (Sea Point) – WCP/013954	R4428	R8855
35	Woolworths (Sea Point) – WCP/033743	R4428	R8855
36	Woolworths (Somerset West) – WCP/006524	R4428	R8855
37	Woolworths (Somerset Mall) – WCP/015512	R4428	R8855
38	Woolworths (Soneike) – WCP/035465	R4428	R8855
39	Woolworths (Steenberg) – WCP/033058	R4428	R8855
40	Woolworths (Sunset Beach) – WCP/030214	R4428	R8855
41	Woolworths (Table View) – WCP/022123	R4428	R8855
42	Woolworths (Tygervalley) – WCP/010698	R4428	R8855
43	Woolworths (V&A Waterfront) – WCP/042607	R4428	R8855
44	Woolworths (Welgemoed) – WCP/030029	R4428	R8855
45	Woolworths (West Coast Village) – WCP/032206	R4428	R8855
46	Woolworths (Westgate) – WCP/035902	R4428	R8855
47	Woolworths (Waterstone Village) – WCP/033272	R4428	R8855
48	Woolworths (Willowbridge) – WCP/033360	R4428	R8855
49	Woolworths (Zevenwacht Mall) – WCP/035794	R4428	R8855
50	Woolworths (Sir Lowry's Pass) – WCP/040843	R4428	R8855
51	Woolworths (Flamingo Vlei) – WCP/040680	R4428	R8855
52	Woolworths (The Sanctuary) – WCP/041354	R4428	R8855
53	Woolworths (Langverwacht) – WCP/041394	R4428	R8855
54	Woolworths (Okavango Crossing) – WCP/041176	R4428	R8855

55	Woolworths (Capricorn Square) – WCP/041560	R4428	R8855
56	Woolworths (Table Bay Mall) – WCP/041649	R4428	R8855
57	Woolworths (Harbour Bay, Simon's Town) – WCP/041931	R4428	R8855
58	Woolworths (The Birkenhead) – WCP/042084	R4428	R8855
59	Woolworths (The Foreshore Precinct) – WCP/042242	R4428	R8855
60	Woolworths (Durbanville Village Square) – WCP/042110	R4428	R8855
61	Woolworths (Sitari) – WCP/042808	R4428	R8855
	SUB TOTAL	R270 108	R540 155
	TOTAL	R810 263	

**Proof of payment**

Date: 01/12/2020 Time: 2:36:07 PM

Profile name:	DANIE CRONJE ATTORNEYS INC
Batch reference number:	[REDACTED]
Reference number:	[REDACTED]
Payment date:	01/12/2020
From account name:	*DANIE CRONJE ATTORNEYS INC
From account description:	*DANIE CRONJE ATTORNEYS INC
From account statement description:	WOO08/1143
Beneficiary account / cell phone number:	[REDACTED]
Beneficiary/ Recipient name:	Drankraad
Beneficiary statement description:	Woolworths Renewal 2021
Branch code:	145209
Amount:	386.613.00

Additional comments by payer:

View your account to confirm that you have received this payment.

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name: DANIE CRONJE ATTORNEYS INC
Profile number: 4000360115

User name: LIZL CRONJE
User ID: 1

Small Business Services: 0860 116 400
Business Banking: 0860 111 055

E

WOOLWORTHS BULK PAYMENT – RENEWAL 2021

1.	WW (Adderley Street)	WCP/006531	R4773
2.	WW (Blue Route)	WCP/031589	R4773
3.	WW Liq (Blue Route)	WCP/037208	R4773
4.	WW (Belvedere Square)	WCP/031727	R4773
5.	WW (Big Bay)	WCP/033562	R4773
6.	WW (Cape Gate)	WCP/032753	R4773
7.	WW (Cape Town International Airport)	WCP/036903	R4773
8.	WW (Capricorn Square)	WCP/041560	R4773
9.	WW (Century City)	WCP/030125	R4773
10.	WW (Cavendish)	WCP/006519	R4773
11.	WW (Constantia)	WCP/029469	R4773
12.	WW (Collosum)	WCP/034413	R4773
13.	WW (Cobble Walk)	WCP/035442	R4773
14.	WW (Dean Street)	WCP/029810	R4773
15.	WW (Edgemead)	WCP/036317	R4773
16.	WW (Everglen, Glen Gary)	WCP/034910	R4773
17.	WW (Flamingo Vlei)	WCP/040680	R4773
18.	WW (Foreshore)	WCP/042242	R4773
19.	WW (Franschhoek)	WCP/041433	R4773
20.	WW (George)	WCP/021849	R4773
21.	WW (Gardens)	WCP/030895	R4773
22.	WW (Garden Route Mall)	WCP/033273	R4773
23.	WW (Green Point, Portside)	WCP/031021	R4773
24.	WW (Gordons Bay)	WCP/040095	R4773
25.	WW (Hermanus Station Square)	WCP/039836	R4773
26.	WW (Hout Bay)	WCP/020724	R4773
27.	WW Liquor (Hout Bay)	WCP/037808	R4773
28.	WW (Kenilworth)	WCP/029443	R4773
29.	WW (Kloof Street)	WCP/030882	R4773
30.	WW (Knysna Mall)	WCP/034214	R4773
31.	WW (Laborie Lifestyle)	WCP/041275	R4773
32.	WW (Laguna Mall)	WCP/041704	R4773
33.	WW (Langverwacht)	WCP/041394	R4773
34.	WW (Lakeside)	WCP/033361	R4773
35.	WW (Meadowridge)	WCP/034038	R4773
36.	WW (Mossel Bay, Langeberg Mall)	WCP/031740	R4773
37.	WW (Mossel Bay Mall)	WCP/041413	R4773
38.	WW (Mountain Mill)	WCP/036112	R4773
39.	WW (N1 City)	WCP/011899	R4773
40.	WW (Noordhoek)	WCP/031997	R4773
41.	WW (Okavango Crossing)	WCP/041176	R4773
42.	WW (Online Wine Sales)	WCP/037935	R4773
43.	WW (Paarl Mall)	WCP/033379	R4773
44.	WW (Paddocks)	WCP/033393	R4773
45.	WW (Palmyra Road)	WCP/037471	R4773

46.	WW (Parklands)	WCP/033804	R4773
47.	WW (Parow)	WCP/007128	R4773
48.	WW (Piazza da Luz)	WCP/035626	R4773
49.	WW (Platteklouf)	WCP/038878	R4773
50.	WW (Plettenberg Bay)	WCP/032040	R4773
51.	WW (Promenade)	WCP/032117	R4773
52.	WW (Rondebosch)	WCP/030631	R4773
53.	WW (Rondebosch Village)	WCP/033336	R4773
54.	WW (Sea Point, Piazza St John)	WCP/013954	R4773
55.	WW (Sea Point, Fort Road)	WCP/033743	R4773
56.	WW (Sir Lowry's Pass)	WCP/040843	R4773
57.	WW (Somerset Mall)	WCP/015512	R4773
58.	WW (Somerset West)	WCP/006524	R4773
59.	WW (Soneike)	WCP/035465	R4773
60.	WW (Steenberg)	WCP/033058	R4773
61.	WW (Stellenbosch, Eikestad)	WCP/013690	R4773
62.	WW (Stellenbosch Square)	WCP/032606	R4773
63.	WW (Sunset Beach)	WCP/030214	R4773
64.	WW (Table Bay Mall)	WCP/041649	R4773
65.	WW (Tableview, Bayside)	WCP/022123	R4773
66.	WW (The Birkenhead, Melkbosstrand)	WCP/042084	R4773
67.	WW (The Sanctuary)	WCP/041354	R4773
68.	WW (Tygervally)	WCP/010698	R4773
69.	WW (Waterstone Village)	WCP/033272	R4773
70.	WW (West Coast Village)	WCP/032206	R4773
71.	WW (West Coast Mall)	WCP/036114	R4773
72.	WW (Westgate)	WCP/035902	R4773
73.	WW (Wellington)	WCP/040829	R4773
74.	WW (Welgemoed)	WCP/030029	R4773
75.	WW (Whale Coast Mall)	WCP/041729	R4773
76.	WW (Willowbridge) – (on-con)	WCP/033359	R4773
77.	WW (Willowbridge)	WCP/033360	R4773
78.	WW (Zevenwacht Mall)	WCP/035794	R4773
79.	WW (Simons Town, Harbour Bay)	WCP/041931	R4773
80.	WW (V&A Waterfront)	WCP/042607	R4773
81.	WW (Sitari)	WCP/042808	R4773
	TOTAL		R386 613

ANNEXURE A

The Applicant is:

Woolworths (Pty) Ltd, registration number 1956/000518/07, with registered address at Woolworths House, 93 Longmarket Street, Cape Town, 8001 and its postal address at P.O. Box 680, Cape Town, 8000.

The sole shareholder of the Applicant is:

Woolworths Holdings Limited (Registration No. 05/01986/06), a public company with limited liability whose shares are quoted on The Johannesburg Stock Exchange. The registered office of Woolworths Holdings Limited is at c/o Woolworths House, 93 Longmarket Street, Cape Town and its postal address is P.O. Box 680, Cape Town 8000.

ANNEXURE B – Form 3

The Western Cape Liquor Act was approved after widespread public participation and it is submitted that it reflects the will of the people of the Western Cape.

The Western Cape Act provides for licence holders with off-consumption liquor licenses to sell liquor on Sunday (in areas where the municipality had not promulgated a bylaw regulating liquor trading days and hours).

It is submitted that the Control of Undertakings that Sell Liquor to the Public Bylaw of the City of Cape Town reflects the will of the citizens of Cape Town.

The Bylaw provides for licence holders with off-consumption liquor licenses to apply for Sunday trading.

Due to their working hours (also on weekends) and other commitments a significant percentage of the applicant's customers find it very difficult to purchase liquor weekdays and Saturdays.

Many of the Applicant's customers nowadays also choose to do their shopping on Sunday when they are not involved in the school activities of their children or their own sporting or social activities.

An amendment of the trading hours for the Applicant's store to include Sunday trading will allow them to purchase liquor with other products.

THE PROXIMITY OF LICENSED PREMISES TO SURROUNDING RESIDENTIAL ZONED AREA, CULTURE, RELIGIOUS AND EDUCATIONAL FACILITIES

The manner in which the business is carried on under the current trading hours does not prejudice the residents of a residential area or the proceedings in cultural, religious or educational facilities and it is submitted that there is no reason why Sunday trading will change this situation.

THE POTENTIAL IMPACT ON THE SURROUNDING ENVIRONMENT

The current activities of the applicant do not have any negative impact on the surrounding environment and it is submitted there is no reason why Sunday trading will change this situation.

THE RISKS TO AND NUISANCES ON THE SURROUNDING COMMUNITY

The current activities of the applicant do not pose a risk or nuisance to the surrounding community and it is submitted there is no reason why Sunday trading will change this situation.

MITIGATION MEASURES TO ASSIST THE CONTROL OF RISKS AND NUISANCES

The applicant submits that its current activities do not cause risk or nuisance to the surrounding community.

No mitigation measures are therefore required.

However, should the applicant become aware of any risk or nuisance in future it will implement suitable measures to mitigate the risk or nuisance.

PUBLIC INTEREST

The proposed amendment to include Sunday trading will improve the shopping experience of the public by allowing customers time to purchase liquor on Sunday should this be the most convenient day for them.

C

CONFIRMATORY AFFIDAVIT

I, the undersigned

DANIEL LODEWIKUS CRONJÉ

do hereby make oath and declare that:

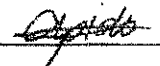
1. I am an adult male attorney and the attorney of record for Woolworths (Pty) Ltd ("the Applicant") in this matter.
2. The contents hereof fall within my personal knowledge unless the context indicates otherwise and are true and correct.
3. I confirm that the Applicant was the holder of the liquor licenses referred to in Annexure E when the City approved the extended trading hours and Sunday trading in terms of which the stores to which the liquor licenses relate are currently trading.
4. I also confirm that these liquor licenses had not been transferred and are still held by the Applicant.



DANIEL LODEWIKUS CRONJÉ



I certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and affirmed / sworn to before me at Stellenbosch on this 19th day of May 2021 and that the provisions of the Regulations contained in Government Notice R.1258 of the 21st July 1972, have been complied with.



COMMISSIONER OF OATHS

CLEO LUCRETIA CUPIDO
KOMMISSARIS VAN EDE
COMMISSIONER OF OATHS
CLUVER MARKOTTER ING/INC
PRAKTISERENDE PROKUREUR RSA/ PRACTISING ATTORNEY RSA
NR 97651





①

To Whom It May Concern:

Yours sincerely

Wachovia is a Proprietary Limited Reg No. 765/005/907
Wachovia House 93 Longwood Street Cape Town 8001 PO Box 481 Cape Town 8005
Telephone +27 21 407 9111 Web: www.wachovia.co.za
Directors: Mr R Khatamiyeh Mr J Ziyadeh Mr C H B M Bassa Mr S D Sed. Agent Company Secretary CA Resident

ANNEXURE B

Shireen Maggott

From: Cllr Ian McMahon (DA)
Sent: 02 August 2021 01:13 PM
To: Shireen Maggott
Subject: RE: WOOLWORTHS ONLINE WINE SALES: OFF CON: SUNDAY (W115 CLLR WC COD)

Support

Cllr. Ian McMahon
Councillor: Ward 115
Office: 021 487 2025
Cell: +27 83 274 3579
Ian.McMahon@capetown.gov.za

[Sign up to my monthly newsletter](#)



CITY OF CAPE TOWN
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Making progress possible. Together.