

Making progress possible. Together.

SUBCOUNCIL 16

1. **ITEM NUMBER**: 16 SUB 25/10/2022

#### SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF OBZ KWIKSPAR, PEPPER SQUARE BUILDING, 67 STATION ROAD, OBSERVATORY: OFF CONSUMPTION MONDAY – SATURDAY

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 abutting neighbours, all organisations included on the Ward 57 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):
  - OBZ Kwikspar
  - Liquor Licence No: WCP/019446
  - OFF Consumption 18:00– 20:00, Monday-Saturday
  - · Pepper Square Building, 67 Station Road, Observatory
- 5.2.2 SubCouncil Manager confirmation: Advertising extent (Community participation) Notices served on and received the following Comments:
  - Ward Councillor: 2022/09/22
    - No comment received.

- Abutting neighbours: 2022/09/26
  - No comments received.
- Community Organizations: 2022/09/22: (See attached Annexure B)
  - ❖ Comm Charl Van Blerk: Member of Cultural Commission: Support
- Ward Committee of Ward 57: 2022/09/22:
  - No comments received.
- Internal departments:
  - Health Department: Compliant – see attached <u>Annexure A</u>
  - <u>Law Enforcement Squad</u>
     Compliant see attached <u>Annexure A</u>

#### 6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **OBZ Kwikspar**, Pepper Square Building, 67 Station Road, Observatory, as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours from 18:00-20:00, Monday to Saturday.

#### **ANNEXURES:**

- A. Application submitted by **OBZ Kwikspar** including comments by Health and Safety and Security
- B. Email from Community Organisation in support of the application

#### FOR FURTHER DETAILS CONTACT:

Name	Girshwin Fouldien
CONTACT NUMBERS	021 487 2055
E-MAIL ADDRESS Girshwin.Fouldien@capetown.gov.za	
DIRECTORATE	Corporate Services

MANAGER Girshwin Fouldien	
DATE 11/10/2022	
Alderman  Matthew Kempthorne Digitally signed by Alderman Matthew Kempthorne Date: 2022.10.12 11:45:0	Comment:
SUBCOUNCIL 16 CHAIRPERSON: Ald Matthew Kempthorne	

- -

# **ANNEXURE A**

#### **CITY HEALTH**



#### Colleen Heldsinger

T: 0214006513

F:

E: colleen.heldsinger@capetown.gov.za

#### 19/09/2022

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:

187642

Liquor Licence Number:

WCP/019446 Renewal 2022

Licensee Name:

ANPEC CC

Premises Name:

**OBZ Kwikspar** 

Premises Address:

Pepper Square Building, 67

Station Road

Observatory

**OBSERVATORY** 

7925

Date of Application Submission:

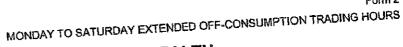
Date Application captured:

2022/09/16

#### Disclaimer

- 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.

ages:	1 of 1		19-09-2022
		Making progress possibl	e. Together.





### CITY HEALTH

CITY OF CAPE TOWN | (SIXENO SASEKAPA | STAD KAAPSTAD

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THIS CITY WORKS FOR	YOU	
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PLICATION IN TERMS OF SECTION	G OF THE CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELE DAY.  ADJUNG HOURS FROM 18:00 TO 26:00, MONDAY TO SATURDAY FOR OFF-CONSUMPTION PREMISES.	
13, FOR EXTENSION OF LIGUOR IN	ADING HOURS FROM 10.00	
ll fields must be filled in		April 10 April
ETAILS OF LICENCEE		
Liquor license number (	WCP/019446	
Full name of licensee	ANPEC CC	-
not a natural person	ANPEC CC  state the name, identity number and address of each shareholder, member or partner, (use an annexure if required)  state the name, identity number and address of each shareholder, member or partner, (use an annexure if required)	)
, if the licensee is not a natural	119 0B 3 OF 8 SCOTTSVILLE CIRCLE, HOUT BAY, 7800	١
ALCINO PECEGO, ID 640603 5	119 (18 3 OF G C C C C C C C C C C C C C C C C C C	<i>)</i>
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4 Name and address of the lic	sensed premises	ン つ
OBZ KWIKSPAR		ر
	THE RESIDENCE OF THE PROPERTY	)
ERF 119069	DOAD ORSERVATORY	
PEPPER SQUARE BUILDING	, 67 SATION ROAD, OBSERVATION	_
446.87.88.5.	mises where the licensed business is conducted with reference to the number of the erf, (s) or farm, as the case may be	
FDE 110089	(s) or farm, as the case may be  PEPPER SQUARE BUILDING, 67 STATION ROAD, OBSERVATORY	$\exists$
OBZ KWIKSPAR,		17.5
		$\equiv$
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6.Contact number	The state of the s	ر
APM SEE CHES	nsee is applying for extension of trading hours (use an annexure if required)	( ·
7.State reason(s) why licer	isee is applying for extension of deating the	罰
PLEASE SEE VARITIEIVA		
(		
declare that the informati	n traished in this application and in any documents attached to it, is true.	
Signature (V)	Date Date	
Signature	gn on behalf of licensee to be attached)	
(written authorisation to si	gn on behalf of licensee to be attached)  Application prepared by DH MANAGEMENT SERVICES  Application prepared by Strand	
Name (printed) DM HOC	Application prepared by Charles Morkel Medical Centre, Strand k, 721, Strand, 7139  Physical address Charles Morkel Medical Centre, Strand	-
		<del></del>
	Ceil:	)
Work tel:	Charles (a Chimana phien)	<u>(0.</u>
Fax:	AMA E-mail: Canal	
Olemphura PN	Date (B.08). 2022	
(written authorisation to sign on	(elight of licensee to be attached)	
17 1.64	NEEME FOR DIM HODGENHOUT	
Name (printed)		

		Form 2
	Liquor licence number WCP/019446	
FICE USE ONLY	TY of nuisance(s) and/or any complaints received or action taken in respect of the premises o	rlicensee
PERTAINING TO THE M	TENTIONED PREMISES, NAMELY, OBZ RWINGTON OF THIS LIQUOR LICENSE FOR 2023	. NO
ROAD, OBSERVATORY	. IT WAS ASCERTAINED THAT THE APPLICANT DID  RECEIVED BY THE LIQUOR UNIT WITH REGARD TO THIS ESTABLISHMENT. THE REPORT RE	CEIVED FROM
COMPLAINTS WERE F	RECEIVED BY THE LIQUOR UNIT WITH REGARD TO THIS ESTABLISHMENT OF LICENSION OF LICEN	QUORTRADING
THE DESIGNATED SA	PS STATION HAS NO CONCENT	
HOURS.		
		City of Caps Town
	Marily Holding Signature Atelang Date	2.9 AUG 2022
Name of Official	Assistant Chief	Safety and Security
	LAW ENFORCEMENT 10001005	refundable
This applicant must r Application fee of R4 Proof of payment mu	10001005  now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 428 00 (Vat inclusive) is payable into Profit centre 18070172 G/L 810400. Payment can be made at any ca	an office of the Gily Office.

Receipt number

Application Fee

#### Illona Haarhoff

From:

Woodstock DFO < Woodstock DFO@saps.gov.za>

Sent:

Monday, August 29, 2022 8:26 AM

To:

Illona Haarhoff; WC:FLASH Liquor Control

Cc:

Marilyn Holding

Subject:

FW: Extended Liquor Trading Hours

#### Good Day

This office has no objection to the Extended Liquor trading hours for the following premises:-

- 1. Tops at Obz. Station Road, Pepper Square, Observatory WCP/036884
- 2. OBZ Kwikspar. Pepper Square Building, 67 Station Road, Observatory WCP/019446.

#### Respectfully



## Warrant Officer S S E Muller

Designated Police Officer: SAPS Woodstock

Western Cape

Email (external): woodstockdfo@saps.gov.za

Email (internal): woodstockdfo

From: WC:FLASH Liquor Control <SoutheyS@saps.gov.za>

To: Cape Town Central DFO <CapeTownCentralDFO@saps.gov.za>; Cape Town Central SAPS <CT-CENTRAL-SAPS@saps.gov.za>; Woodstock DFO <WoodstockDFO@saps.gov.za>; Woodstock SAPS <WoodstockSAPS@saps.gov.za>; Woodstock SAPS Station Commander:Matroos D <MatroosD@saps.gov.za>; Woodstock Vispol Commander < Woodstock Vispol Cmdr@saps.gov.za>; Wynberg DFO < Wynberg DFO@saps.gov.za>; Wynberg SAPS < WynbergSAPS@saps.gov.za>; Wynberg Vispol Commander < WynbergVispolCmdr@saps.gov.za>

Subject: FW: Extended Liquor Trading Hours

Attention: All DLO's

Herewith please find correspondence received from City Of Cape for your compliance please.

The following premises applied for extension of trading hours

Kindly ensure that the report reaches this office on or before Wednesday, 2022-08-24 by 15:00.

Kind regards.

Medbank Galine Banking

https://www.nedbank.co.za/



Record of payment

Date: 17/08/2022 Time: 12:00 PM

From account number	***************************************
From account name	Savings ac
	Form2 019446 OBZ Kwikspar
My reference Recipient's reference	192131688
Benk To account number	*****07938
and the same of the second of	R4 428.00
Amount Payment date	17/08/2022
Reference number	20220817/Nedbank

Important: This Record of payment contains personal account information and is for the accountholder's use only. Please use the Proof of payment option to notify the recipient of the payment

And the state of t

Page 1 of 1



# Western Cape Liquor Authority

Anpec CC P.O. Box 721 STRAND 7139

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FEES PAYABLE IN RESPECT OF A LIGNOR LICENCE FOR: annhal licence renewal notice: THE YEAR 2022 (REG. 30(1)) FORM 21A

Liquor althority reference number: WcPr019446

Address of the leavined promises: Station Road, Papper Square Building, OBSERVATORY, 7925

(if the residential or posts) address has changed, please stac supply the new address to the following a-mail address:

liquor,anquirtes@wcla.gov.zz.}

Category of Rossos. Consumption Off

You are hereby noviked that the total renewed fees payether to the Western Carpa Liquor Authority area.

Annual: R 5,002, payable on or before 31 December 2021

1. Payment must be made by direct deposit into the following bank account of the Authority:

Account holder Western Cape Liquer Auffrarity Bank: Nedbank

Account number: 45.

Branch coch: 198 765

Please use your (Leance number (WCP/D19446) as the reference on the deposal silp.

Kindly omail proof of payment to Finance@mile4609.25

2. A licence lapses on 1 January of the year in respect of which the applicable renewal (see is not paid on or belone 31 December of the precoding

yeer. See section 62(2)(b).

3. A Reacce that has lapsed in this way becomes valid again any if the applicable removal fee is paid elong with a penelty of 50% on or before 31 January, or with a penelty of 100% on or before the less day of february of the year th respect of which the removal fees had to be paid. See January, or with a penelty of 100% on or before the less day of february of the year th respect of which the removal fees had to be paid. See

4. A licensise with itselfsided to pay the prescribed renewel lee on or before they bet day of February of the year in respect of which the renewel fee and they be they be they be they be the payer in respect of the prescribed fee by a date of each rendemation of each feelup, and the Chief Executive Chicor may condone the fellure 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, due a penalty of 150%. See section 6344. section 62(3)(a)(l) and [li).

WESTERN CAPE
LIGUOR AUTHORITY

Representative: DM Hoogenhout Licence number, WCP/019446 LMaTS number: 2005/455

# ANNEXURE

PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY EMAIL: LIQUOR, ENQUIRIES@WC1A.GOV.ZA ALANE COMPLETER M. COKLETTERS

Learide holdes Now delate

P.O. Box 721 STRAND 7139 Anpeo CC Postal Address: Email Address: Fuil Name: Mobile No:

Registration Number: 2002/000326/23

Mentily Number

;

Learer details Nois Schalls : : Consumption Off Licence Type:

Hate critically a Station Road Pepper Squere Building OBSERVATORY 7925 Obz Kwikspar Licenced Premises: Trading AB:

Licency representative:
Or record

info@dlimanagement.co.zb ... P.O. Box 721 S.TLAND 7739 DM Hoogenhout Postal Address: Email Address: Full Name: Mobile No:

Registration Number: Identity Number

Please Note:

A licensee who Intends to subscribe to a biential renewal cycle, must fodge with the Authority a notice in the form of Form 21B by no later than 30 November 2024.

Signature of Licence Molder / Representative Date:



Neubank Online Banking

https://www.nedbank.co.za/



Record of payment

Date: 27/10/2021 Time: 9:15 AM

From account number	2003086439
From account name	Savings ac
My reference	F21A 019446 Spar OBZ
Recipient's reference	F21A WCP/019446 Spar OBZ
Bank	Nedbank
To account number	
Amount	R5 002.00
Payment date	27/10/2021
Reference number	20211027/Nedbank/003227677727

Important: This Record of payment contains personal account information and is for the accountholder's use only. Please use the Proof of payment option to notify the recipient of the payment



Page 1 of 1



Table Bay District Media City Building 2nd Floor CNR Addards and Herizon Street Сарь Томп 9000 P D Box 4528 Ask for: J Pallendo Tel no: 988289060

Fex nag ander@capetown.gov.za@capatown.gov.za W.Capelown.Scy.Ze

19JULE SASE -Table Media Cay Building 2nd Floor CNR Addedley and Hertzog Street Gaps Town 8000 P O Box 4529 Cola: J Philumic iřektí: CECTO

Say Yatobasi - District Media City Gebou 2de Verdieging h.v. Addensy en Hertzog Sireal Vio vii: J Pikanii) Falsa no: 0254

iRef:

Vary:

ECONOMIC, ENVIRONMENTAL AND SPATIAL PLANNING Department: Planning & Building Development Management

17 February 2014

To whom it may concern

#### ZONING SCHEME EXTRACT Eff/Farm 27670, OBSERVATORY

On the date reflected above, the City's records indicated the property(les)listed below to be zoned for the following purposes:

The party description	Erl/Farm 27670 , OBSERVATORY
Property description Physical address	89 STATION ROAD, OBSERVATORY
Applicable Zoning scheme	Cape Town Zoning Scheme
Applicable Zuring Screens	General Business 1
Zoning category Subzone (if any)	GB1 in Heritage Protection Overlay
Primary land uses permitted	see attached
The state of the s	Departures approved 16-09-1988, 27-08-2003 and UCU
Other previously approved use rights (if any)	Consent approved 13-02-2006- abuts a Proclaimed Main Road
Road widening / new road schemes (if any)	Sprits 2 Procession man (1/100)

The following must be noted when reading the zoning extract:

The above zone is subject to various development parameters and land use restrictions which are contained in the applicable zoning scheme regulations, a copy of which is either attached or available on request at your nearest district planning office.

This document is provided for information purposes only.

 It is further noted that the above information doesn't necessarily include reference to all previous land use approvals, restrictions, exclusions, departures or may not reflect lapsing of approvals. The reader is advised to also check the records of any other previous approvals, consents, exclusions, departures granted from the zoning scheme regulations or whether an approval not exercised has lapsed as well as the little deed for other restrictions that might impact on the development of the property.

 Use of the property in accordance with the above specified zone does not exempt the owner/occupier from compliance with any other legal or statutory requirement which may affect the property.

Yours faithfully

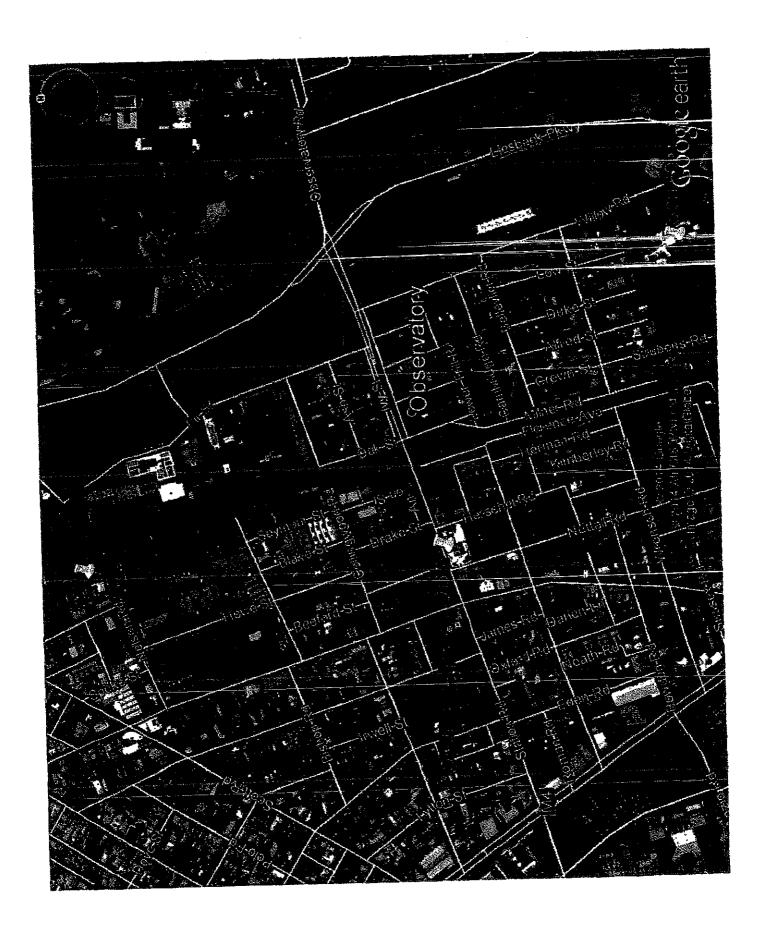
CAPETOWNZZINTO

for DIRECTOR: PLANNING& BUILDING DEVELOPMENT MANAGEMENT

THIS CITY WORKS FOR YOU ESI SIXEKO SISEBENZELA WENA MERDIE STAD WERK VIR JOU This consepondence eveneous in Auxoents and inixing on within populati

http://cb/d-civic-iralb/standard/zoning\_extract\_report.html

2014/02/17



CITY HEALTH - ENVIRONMENTAL HEALTH Colleen. Heldsinger@capetown.gov.za

Business Licence desk, Media City, 2nd Floor, Foreshore, Cape Town, 8001 Colleen.Heidsinger@capetown.gov.za 021 4006513

Making progress possible, Together.

COMMUNITY SERVICES & HEALTH - ENVIRONMENTAL HEALTH SECTION - AREA 1 REF NO: 33/55/7-WCP/019446/B

APPROVAL LETTER 168 TYPE OF LIQUOR CONSUMPTION:

OFF CONSUMPTION

PERSONAL SERVICE

**STRAND** PO BOX 721 STRAND

7319

Dear Sir/Madam

SUNDAY TRADE

RE: APPLICATION FOR EXTENDED LIQUOR TRADING HOURS:

OBZ KWIKSPAR (SUNDAYS)

DATE: 10/11/2021

119069 PEPPER SQUARE BUILDING, 67 STATION ROAD, OBSERVATORY ERF

I refer to your application received 1/10/2021 regarding the abovementioned matter and wish to advise that your application to extend your liquor trading hours has been considered by Sub Council 11H00-18H00 Hours of Operation: and it was resolved:

1. The application for extension of trading hours from 11:00 – 18:00, Sundays submitted by OBZ KWIKSPAR, PEPPER SQUARE BUILDING, 67 STATION ROAD, OBSERVATORY, BE APPROVED, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013.2. Should complaints be received concerning noise and/or unruly behavior of patrons, these will be investigated and may result in the extended trading hours being withdrawn. 3. Any complaints be received concerning noise and /or unruly behavior of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence. 4. This approval is also subject to compliance with all relevant by-laws of the City of Cape Town.

28/10/2022 where after a new application for extended liquor trading hours This approval will expire on for the year will need to be submitted to the City of Cape Town for consideration in terms of section 2 of the City of Cape Town Control of Undertakings that sell Liquor to the Public By-Law 2013.

Yours faithfully

Digitally signed by Gavin Gavin Heugh Pate: 2021.11.15 17:35:11

HEAD ENVIRONMENTAL HEALTH AREA 1 - WESTERN SUB DISTRICT

ME ( NE DATE RECEIVED:

ZZIIIZI SIGNATURE:

#### RESOLUTION

AT A MEETING OF THE MEMBER OF ANPEC CC, REGISTRATION NUMBER: 2002/000326/23, HELD ON 17 AUGUST 2022 IT WAS RESOLVED THAT:

The member hereby appoints Daniel Marais Hoogenhout t/a DH Management Services (Sole Proprietor) or Danelle van der Merwe or René Ras as my authorised agent to prepare and sign on my behalf and/or to appear before the City of Cape Town's Council and to do whatever is necessary to be done in connection with the undermentioned application, as well to withdraw it:

Application in terms of Section 6 of the City of Cape Town: Control of Undertakings that Sell Liquor to the Public, 2013, for **Sunday Off-Consumption Trading**, in respect of a premises situated at Erf 119069, Pepper Square Building, 67 Station Road, Observatory, City of Cape Town, Sub Council 15, Ward 53, known as **OBZ Kwikspar**, (WCP/019446).

This resolution is irrevocable and will remain in power until the application is finalised and the competent authority has considered the application.

ALCÍNO PECEGO SOLE MEMBER



17 August 2022

Safety and Security Directorate's Law Enforcement Offices Cnr Old Paarl & Paradys Roads Brackenfell REFERENCE: WCP/019446

Sir/Madam

APPLICATION FOR RENEWAL IN TERMS OF SECTION 6 OF CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013, FOR SUNDAY OFF-CONSUMPTION TRADING

## ANPEC CC T/A OBZ KWIKSPAR, WCP/019446

Attached hereto please find the completed application form and attachments for **Sunday Off-Consumption Trading** for the abovementioned licensed premises.

As you are aware this premises has been enjoying Sunday off consumption trading since it was granted in 2015, without having a negative impact on the surrounding environment and also without complaints to your department.

It is therefore respectfully requested that the section on the back of the application form once again be completed by your good selves so that it can be forwarded to the relevant Sub Council for further processing.

We trust that you will find the above in order.

Kindly contact us when the application is ready for collection.

Yours faithfully

## **ANNEXURE B**

#### Shireen Maggott

From:

COMM Charl Van Blerk <charlvanblerk@gmail.com>

Sent:

Thursday, 22 September 2022 13:02

To:

Shireen Maggott

**Subject:** 

Re: OBZ KWIKSPAR - OFF CON: Mon-Sat (W57 CLLR WC COD)

**CAUTION:** This email originated outside of the City of Cape Town's network. Please do not click on any links or open attachments unless you know and trust the source. **STOP. THINK. VERIFY**.

Hi Shireen

Please note my support for the approval of this application.

Kind Regards

COMM Charl Van Blerk

Member of the Cultural Commission (WC)