

## Natasha Jacobs

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**From:** Melanie Coetzee <melanie@daniecronje.com> on behalf of Danie Cronje <danie@daniecronje.com>  
**Sent:** Monday, 06 September 2021 1:58 PM  
**To:** Natasha Jacobs  
**Subject:** Woolworths (Harbour Bay, Simons Town) - WCP/041931 - Response to objections to applications for extended trading hours and Sunday trading  
**Attachments:** WCP 041931 Woolworths Simons Town Extended Liquor License REBUTTAL COMMENTS

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Dear Ms Jacobs,

We refer to your email of 16 August below.

Herewith the licence holder's response to the counsellor's comments.

### **Introduction:**

It is important to distinguish between the requirements in respect of an application for a liquor license and applications for approvals to sell liquor during extended trading hours and on Sunday.

The license in question was issued by the Western Cape Liquor Authority on 16 July 2018.

#### **1. Zoning:**

During the application process the Liquor Authority requested a report from the municipality to confirm that the zoning of the property permits the sale of liquor (to take away). The report confirmed this otherwise the Liquor Authority would not have granted the licence.

In this regard it is also important to note that the City had already considered whether it should be possible to sell liquor on the property - when they approved the **zoning** for the property.

#### **2. Public comments:**

It is also important to note that at the time when the application for the liquor license was lodged all interested parties had an opportunity to submit objections to the granting of the license. To the best of the licence holder's knowledge no such objections were submitted.

In any event, if even objections had been submitted, these would have been considered by the Liquor Authority. If objections had been submitted these were without merit since the Liquor Authority granted the license.

#### **3. SAPS report:**

In respect of the granting of the license one must also remember that the SAPS Liquor Officer had to report on the desirability of granting the license specifically taking into account the effect of liquor sales on members of the public as well as institutions such as schools, churches and facilities for the frail and aged.

A copy of the Liquor Officer's report (which confirms that he recommended the granting of the license) is attached.

#### **4. Possibility in respect of extended trading hours and Sunday trading:**

It is also important to note that at the time when the application was lodged the option to apply for the extended trading hours from Monday to Saturday and Sunday trading existed. Any objectors, the SAPS, the City as well as the Liquor Authority would have been aware that granting a licence could include ultimately also approving extended trading hours and Sunday trading.

The licence holder wishes to point out that since the granting of the license no complaints against the liquor sales during the current trading hours was lodged by any person.

#### **"Renewal" of extended trading hours and Sunday trading:**

The applicant wishes to remind the sub-council that this application is in fact an application to renew the approval for extended trading hours and Sunday trading which had already been granted for the store and which is currently in effect.

A copy of the approval is attached.

#### **The councillor's comments:**

##### **Law-enforcement and Health departments failing to deal with abuse, injuries and crime**

This comment should be disregarded since no details are provided whatsoever regarding the abuse, injuries and crime.

No facts are provided which link the "abuse, injuries and crime" to the continuation of sale of quality wine by Woolworths during its existing extended trading hours and Sunday trading.

##### **Too many illegal outlets**

The fact that there are illegal outlets and the fact that the SAPS and other law-enforcement agencies in the province fail to close these down is irrelevant for purposes of an application by a license holder with an exemplary record to renew approvals which it already holds.

##### **Liquor licenses held by Pick 'n Pay and Shoprite**

Liquor sales by outlets other than the applicant is obviously irrelevant for purposes of the applicant's application for renewal of his its existing approvals.

##### **Comment regarding pandemic and hospitals**

The councillor provides no facts whatsoever confirming that "hospitals are at full capacity".

He also provides no facts whatsoever which links the wine sales by Woolworths during extended and trading hours in terms of the approvals which it already holds to activities at hospitals.

The comment regarding “profit only” indicates that the councillor has no knowledge whatsoever regarding the extensive social responsibility programs supported by Woolworths nor the thousands of employees (and their dependents) which are supported by their continued employment during this pandemic.

Applicant wishes to remind the sub-council that it refused applications for extended trading hours and Sunday trading for the applicant and also Pick ‘n Pay stores during 2020 and that the City’s Appeal Tribunal overturned every single one of these decisions (13 in total).

**Track record:**

The City will confirm that responsible retailers such as Pick ‘n Pay and Woolworths have been applying for these extended trading hours and Sunday trading for their stores successfully since the bylaw was promulgated in 2014.

This means that in the period from 2014 to date the various sub councils of the City had approved extended trading hours and Sunday trading for more than 140 supermarkets and liquor stores from these two retailers alone.

Since the licence holder’s attorneys represent both retail groups and assist with the applications in question we can confirm that to date not a single complaint has been received against any of the stores in respect of the liquor sales during extended trading hours and Sunday trading during the past five years.

**Facts required to substantiate a ground of objection:**

The decision of the Western Cape Liquor Appeal Tribunal when granting the license to the Pick ‘n Pay Fish Hoek store is attached for attention of the sub-council.

It is important to take note of Judge Van Zyl’s confirmation that merely speculating is not enough but that any objector that is required to provide facts to substantiate its objection.

**To summarise therefore:**

It is submitted that in store in question is no different from the other stores for which the City of Cape Town had granted extended trading hours and Sunday trading during the past 6 years.

It is also submitted that no facts have been submitted which provide any reason to suspect that the license holder will not conduct liquor sales responsibly during the extended trading hours and on Sundays in the store.

**Outcome of objections in 2020:**

Applicant wishes to remind the sub-council that it refused applications for extended trading hours and Sunday trading for a number of the Applicant’s stores (and Pick ‘n Pay stores) during 2020 and that the City’s Appeal Tribunal overturned every single one of these decisions (13 in total).

Regards,

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Director

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