

SUBCOUNCIL 16

1. ITEM NUMBER: 16 SUB 27/10/2022

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: HARRINGTON'S DIVE DISTRICT, 61 HARRINGTON STREET, ZONNEBLOEM, CAPE TOWN, ON CONSUMPTION: 02:00-04:00

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;
- 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

- 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):
 - HARRINGTON'S DIVE DISTRICT
 - Liquor Licence No: WCP/036322
 - ON Consumption
 - 61 Harrington Street, Zonnebloem, 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: 2022/09/22 No response received.
- Abutting Neighbours: 2022/09/26
 No response received.
- Community Organizations: 2022/09/22
 - No response received.
- Internal departments:
 - ❖ Town Planning: Compliant – see attached <u>Annexure A</u>.
 - Health Department:
 Compliant see attached <u>Annexure A</u>
 - <u>Law Enforcement Squad</u>
 Compliant see attached <u>Annexure A</u>

RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **HARRINGTON'S DIVE DISTRICT**, 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 **HARRINGTON'S DIVE DISTRICT**, including comments by Health, Planning and Safety and Security

FOR FURTHER DETAILS CONTACT:

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

SUFCOUNCIL1	6	Comment:	
MANAGER	II	·	
Girshwin Fould	ien .		
DATE	10/2022		
Alderman Matthew Kempthorne	Digitally signed by Alderman Matthew Kempthorne Date: 2022.10.12 11:45:08 +02'00'	Comment:	_
SUBCOUNCIL CHAIRPERSOI Ald Matthew M	١:		
Date			-

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:

187646

Liquor Licence Number:

WCP/036322 Renewal 2022

Licensee Name:

Reg Macdonald

Premises Name:

Harrington's Dive District

Premises Address:

61 Harrington Street

Zonnebloem

Cape Town CBD

8001

Date of Application Submission:

Date Application captured:

2022/09/19

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.

Pages:	1 of 1	19-09-202
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		Making progress possible. Together.



CITY HEALTH

TAILS OF LICENCEE	
IAILS OF LICENCEE	
quor license number WCP/036322	
Ill name of licensee REG MAC DONALD	
the licensee is not a natural person, state the name, identity number and	d address of each shareholder, member or partner, (use an annexure if required)
N/A	
The state of the s	
1007	
lame and address of the licensed premises	
HARRINGTON'S DIVE DISTRICT	The state of the s
61 HARRINGTON STREET	
ZONNEBLOEM, CAPE TOWN	
8001	
as the case may be	with reference to the number of the erf, street(s), apartment, shop(s) or farm,
No. (_5489	
1 HARRINGTON STREET	
ZONNEBLOEM, CAPE TOWN	
3001.	
Daytime contact number	
	To the state of th
State reason(s) why licensee is applying for extension of trading hours (us REFER TO ANNEXURE	se an annexure ir required)
What is the licensee's current permitted hours of trading	And the state of t
11H00 - 02H00	
leclare that the information furnished in this application and in any docur	ments attached to it, is true.
gnature Date 22 11 25	
ritten authorisation to sign on behalf of licensee to be attached)	
ame (printed) SACARO MOTTO	Application prepared by SAUNDERS ATTORNEYS
stal address (PO BOX 1742	Physical address 2ND FLOOR, WAALBURG BUILDING
CAPE TOWN	28 WALE STREET, CAPE TOWN
8000	8001
ork t	Cell:
	•
	E-mail:
gliatule (Section Date (Section D	<u>84</u>)
vritten authorisation to sign on behalf of licensee to be attached) ame (printed) SACARO MOTTO	\neg

FOR OFFICIAL USE ONLY LAND USE	१ ७४६ ३००
To certify valid category Category 3 yes X no C Category 4 yes no C Category 5 yes no C	
Name of official CR Bester Signature Viv	Date 23/11/2021
SAFETY AND SECURITY Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises PERTAINING TO THE MENTIONED PREMISES, WA	•
	PPLICANT DID RENEW
LEGUOL CONTROL FOR COMMENTS, HOWEVER, NO F	STIABUSHMENT THUS HIL OFFICE OF SAPS EEDBACK HAVE GEEN
PECKINED DUE TO THE COVID-19 PANDEMIC MAINTAINING THE LOCKDOWN REGULATIONS.	AND THE SAFS
	City of Cape Town
Marilyn Holding Name of official Assistant Chief Signature	Date 03 DEC 2021
10001005	Safety and Security AWENFORCEMENT
(The applicant must now pay a non-refundable application fee and hand in the application and receipt , or Environmental Health Office. The fee is payable at any cash office into Profit Centre 18070172). Alternative Nedbank account. Under 'Benefit type' select the bank-listed beneficiary and under 'Benefit Name' type' C'ty of Cape Town Municipality'. In the 'Beneficiary Reference' field enter the nine-digit number: 192331	ly, an EFT payment can be made into the City's ty' and a drop-down menu will appear. Select
Application fee Receipt number	Payment date
Page 2 of 2	
	Making progress possible. Together.



Internet Banking Standard Bank Centre 5 Simmonds Street, Johannesburg, 2001

5 Simmonds Street, Johannesburg, 2

Dear CITY OF CAPE TOWN MU

We confirm that the following payment has been made into your account from user:

Reference number

Listed company name

Bank name

Listed company number

Listed company branch number Beneficiary reference

Amount

Payment date and time

CITY OF CAPE TOWN MU

NEDBANK LIMITED

XXXXXXXXXXXX3370

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192131688

R8855.00

2022-08-31 11h56

If you need more information or have any questions about this payment, please contact: user

Payments to Standard Bank accounts may take up to one business day to reflect. Payments to other banks may take up to three business days.

Please check your account to confirm you have received this payment.

Yours sincerely, The Internet Banking Team

ANNEXURE A

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

REASONS / REPRESENTATIONS

THE APPLICANT

- 1. The applicant is Reg MacDonald, a natural person with limited liability, duly incorporated in accordance with the laws of the Republic of South Africa with I.D. number and liability and having his principal place of business at 61 Harrington Street, Zonnebloem, Cape Town, 8001.
- 2. The applicant is the holder of an on-consumption licence issued under Western Cape Liquor Authority reference WCP/036322 in respect of a business conducted under the name and style of Harrington's Dive District.
- 3. Reg MacDonald, by way of a special power of attorney, has authorised Sacaro Motto of Saunders Attorneys to sign all documentation necessary to bring the application. A copy of the special power of attorney 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 renewal fees for 2022 were duly paid and the Applicant is thus the holder of a valid liquor licence. A copy of the annual renewal for 2022 is annexed hereto as **Annexure C**.

THE APPLICATION

- 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.

CONCLUSION

- 8. 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.
- 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**.
- 10. 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.
- 11. The request to maintain the status quo in terms of the trading hours is a commercial one, driven by competition from commercial neighbours, and the demands from the many tourists and visitors to the Cape Town area who recognise and enjoy the facilities on offer in the area known as one of Cape Town's best entertainment precincts.
- 12. More importantly, and in terms of the City of Cape Town Liquor Trading Days and Hours By-Law, as amended, the premises also applied and was granted an extension of trading hours in the past.

13. It is therefore requested that this application be granted at the first available opportunity, so as to retain the *status quo* which has existed with regard to the Applicants trading hours.



Ask for: Colleen Heldsinger Tel: 0214006513

Cela: Colleen Heldsinger | Vra Vir: Colleen Heldsinger

Umnxeba: 0214006513 Tel: 0214006513

Making progress possible, Together.

EXTENSION OF LIQUOR TRADING HOURS FOR ON CONSUMPTION LIQUOR

Approval in terms of Section 6(5)(A) of the City of Cape Town Liquor Trading Days and Hours Bylaw 2013 as amended.

Extended liquor trading hours reference number	185532 16 SUB 50/8/2020
Liquor License number	WCP/036322
Full name of Licensee	Reg Macdonald
Name/designation or title under which the	
business is carried on	Harrington's Dive District
Address of the licensed premises	61 Harrington Street
	Zonnebloem
	8001
Extended liquor trading hours permitted for on consumption	02h00-04h00

Please note that this approval for extended liquor trading hours is valid from 24 August 2020 until 23 August 2021 and remains subject to possession of a valid Liquor Licence.

Extension of Liquor Trading Hours to be displayed together with Liquor License

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REGISTEBED RESIDENTIAL AND POSTAL ADDRESS

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Mrs L Symes 021400-8513

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021400-6513 LICENCE TO CARRY ON BUSINESS 774483 LICENCE NUMBER HAR494 FILE NUMBER HARRINGTON ACADEMY T/A THE ASSEMBLY NAME/DESIGNATION OR TITLE UNDER WHICH BUSINESS IS TO BE CARRIED ON HEALTH AND ENTERTAINMENT - NIGHTCLUB OR TYPE OF BUSINESS DISCOTHEQUE FULL NAMES OF HOLDER/PARTNERS/ DIRECTORS/PRINGIPAL TAS PER ATTACHED (1997) DARIEN BASCHA CARDINA BEROLSKY I DIPASSORT DOCUMENT) FULL NAME OF MANAGER/ESS (AS PER ATTACHED I D/PASSPORT DOCUMENT) DARIEN SASCHA CARDINA BEROLSKY STREET ADDRESS OF BUSINESS ERF 5489 61 HARRINGTON STREET ZONNEBLOEM **CAPE TOWN 8001 POSTAL ADDRESS** CONDITIONS WHICH APPLY TO THIS LICENCE This Business Licence must be prominently displayed in a conspicuous place in or on the premises so as to be visible to patrons, public and council officials at all times; This Business Licence is not transferable from person to person or from business to business; 3. The premises to comply with the $\,\cdot\,$ requirements of the Tobacco Products Control Act 1993 at all times; 4. The Executive Director City Health reserves the right to call for any other requirements that may be deemed necessary; 5. The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements; 6. The premises to comply with the requirements of the Noise Control Regulations R627/1995 at all times. 7. Compliance with the Fire Requirements, at all times. (continued on page 2.)



- The onus is on the owners of the Assembly ensure and undertake that no band performing at The Assembly bring their own sound reinforcement equipment to The Assembly.
- The owners of The Assembly have stated that the contract which is standard for any band playing at their venue states that the bands must abide by these rules, and the owners of The Assembly have undertaken to ensure that this will be implemented with the understanding that if it is not, they will more than likely receive noise complaints.
- 10. The crossover setting is to remain as per the settings by Mackenzie Hoy Consulting Engineers who are the only individuals that know the password to change the settings and in essence this means that the settings are locked and cannot be tampered with.
- 11. Should any more sound equipment (i.e. loudspeakers, amplifiers etc) be installed within the premises the Mackenzie Hoy sound level report dated 16 July 2008 is to be amended with new measurements and should the noise increase to a point that it is disturbing or a nuisance to domestic dwellings further soundproofing is to installed by the owner, it is the owner's responsibility should such a situation arise as described above to notify the City Health Directorate in this regard.

if any additional requirements arise in the future, The Senior Mechanical Engineer will call for them, in terms of National Building Regulations.

Manager : Environmental Health

Western- Sub District

For Executive Director City Health

WESTERN SUB DISTRICT CITY OF CAPE TOWN:

24 JUL 200B

Manager: Environmental Health

hebdrivingshamasu, BYMERIMU Shrament International Interna

APPLICATION FOR EXTENDED TRADING HOURS

REG MAC DONALD

t/a HARRNGTONS DIVE DISTRICT

WCP/036322

61 HARRINGTON STREET

CAPE TOWN

8001

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Contact person	Paul Rubin	James Knaap	Wilma Coetzee	David Rossi	Jonathan Isaacs
Neighbour to the left, right or opposite	Right	Left	Opposite	Opposite	Below
Name of business/Neighbour	Nude Foods	Lekker Vegan	New York Bagels	Just Like Papa	Educo Toys



Colleen Heldsinger Senior Clerk Business Licence Desk Western Sub-District Media City 2nd Floor Foreshore Cape Town 8001

Tel 021 400 6513 <u>Colleen.Heldsinger@capetown.gov.za</u>

2020-09-17

Reg Mcdonald t/a Harrington's Dive District 61 Harrington's Street, Cape Town 8001

Dear Sir/ Madam

APPLICATION FOR EXTENDED LIQUOR TRADING HOURS - 02H00 - 04H00: ON CONSUMPTION: HARRINGTON'S DIVE DISTRICT: 61 HARRINGTON'S STREET, CAPE TOWN 8001: ERF 5489

Reference WCP/036322

I refer to your application regarding abovementioned matter and wish to advise you that your application for extension of liquor trading hours has been considered by **Sub Council 16** on **24 August 2020** and has been approved to trade from **02h00 – 04h00** for **on consumption** premises. Please note that extended liquor trading hours cannot be exercised where no valid liquor licence exists.

- Should complaints be received concerning noise and/or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn.
- Any complaints received concerning noise and/or unruly behaviour of patrons would also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence.
- 3. This approval is also subject to compliance with all relevant by-laws of the City of Cape Town.

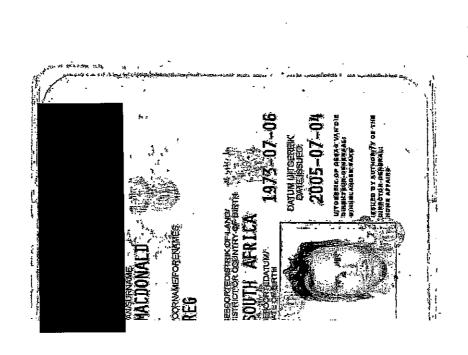
28 SEP 2020

Sub Council 16

Yours faithfully .

CIVIC CENTRE IZIKO LEENKONZO ZOLUNTU BURGERSENTRUM
12 HERTZOG BOULEVARD CAPE TOWN PO BOX 298 CAPE TOWN 8000
www.capefown.gov.zo

Making progress possible. Together.





Ask for: Calleen Heldsinger

Tel: 0214006513

Cela: Colleen Heldsinger | Vra Vir: Colleen Heldsinger

Umnxeba: 0214006513 Tel: 0214005513

Making progress possible. Together.

EXTENSION OF LIQUOR TRADING HOURS FOR ON CONSUMPTION LIQUOR

Approval in terms of Section 6(5)(A) of the City of Cape Town Liquor Trading Days and Hours Bylaw 2013 as amended.

Extended liquor trading hours reference number	185532 16 SUB 50/8/2020
Liquor License number	WCP/036322
Full name of Licensee	Reg Macdonald
Name/designation or title under which the business is carried on	Harrington's Dive District
Address of the licensed premises	61 Harrington Street Zonnebloem 8001
Extended liquor trading hours permitted for on consumption	02h00-04h00

Please note that this approval for extended liquor trading hours is valid from 24 August 2020 until 23 August 2021 and remains subject to possession of a valid Liquor Licence.

Extension of Liquor Trading Hours to be displayed together with Liquor License

Sub Council 16



Western Cape Liquor Authority

Mr Reg MacDonald C/o Saunders Attorneys P.O. Box 1742 CAPE TOWN 8000



FORM 21A

ուկիչնը թթութները գրառուների հրատուրի հիրատունի հիրատուրի հիրատուրի հիրատուրի հրատուրի հրատուր

ANNUAL LICENCE RENEWAL NOTICE:

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2022

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/036322

Name of licensee: Mr Reg MacDonald

Address of the licensed premises: 61 Harrington 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 5,002, payable on or before 31 December 2021

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

Branch code: 198 765

Please use your licence number (WCP/036322) as the reference on the deposit slip.

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% on or before 31 January, or with a penalty of 100% 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 21C) 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%. See section 63(4).

Sacaro

From:

Kim Bezuidenhout < Kim. Bezuidenhout@wcla.gov.za>

Sent:

16 September 2022 09:13 PM

To:

Sacaro

Cc:

Nigel Fortune

Subject:

RE: WCLA: Annual Renewal Notice for HARRINGTON'S DIVE DISTRICT: WCP/036322

Importance:

High

Dear Sacaro

I can confirm that per our system records the licence is valid for year 2022 . The next renewal for year 2023 will be issued during October 2022 .

Licence holder will be required to make payment on or before 31 December 2022 to ensure licence remains valid for year 2023.

Kind Regards

Kim Bezuidenhout

Manager: Liquor Licensing Administration

mmmola.gov.zo



WESTERN CAPE LIQUOR AUTHORITY



"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Liquor Authority (the WCLA). No employee of the WCLA is entitled to conclude a binding contract on behalf of the WCLA unless it is the Accounting Authority (Chairperson of the Governing Board) or he/ she is the Chief Executive Officer of the WCLA, or his or her authorized representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."

From: Sacaro <admin@saundersattorneys.co.za> Sent: Friday, 16 September 2022 12:12 PM

To: Kim Bezuidenhout < Kim. Bezuidenhout@wcla.gov.za>

Cc: Nigel Fortune < Nigel. Fortune@wcla.gov.za>

Subject: FW: WCLA: Annual Renewal Notice for HARRINGTON'S DIVE DISTRICT: WCP/036322

Importance: High

Hi Kim

Please confirm validity for the above-mentioned premises.

Your assistance is appreciated.

Regards Sacaro

From: WCLA Administration < Administration.Liquor@wcla.gov.za>

Sent: 06 November 2021 11:16 AM To: info@saundersattorneys.co.za

Subject: WCLA: Annual Renewal Notice for HARRINGTON'S DIVE DISTRICT: WCP/036322

Dear Sir/Madam Please find attached the annual liquor licence renewal notice for HARRINGTON'S DIVE DISTRICT, licence number WCP/036322. Please also note that renewal fees should be paid on or before 31 December of each year. Regards Western Cape Liquor Authority