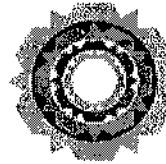


SUBCOUNCIL 1 BLAAUWBERG

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

Making progress possible. Together.

1. ITEM NUMBER : 01SUB36/05/2019

2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: WOOLWORTHS BIRKENHEAD (MONDAY – SATURDAY 18H00 – 20H00)

AANSOEK OM VERLENGING VAN DRANKHANDELSURE TEN OPSIGTE: WOOLWORTHS BIRKENHEAD (MAANDAG – SATERDAG 18H00 – 20H00)

ISICELO SOKWANDISWA KWAMAXESHA OKUTHENGISA UTYWALA NGOKUPHATHELELE KWABE: WOOLWORTHS BIRKENHEAD (NGOMVULO NGOMGQIBELO 18H00 – 20H00)

3. 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 25. 5(1)

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 Manager: SubCouncils and SubCouncil 1

Manager, and was then circulated to all organisations included on the Ward 23 database and ward committee members for comment. The Ward Councilor was asked to obtain comments from the abutting neighbours if she felt it relevant.

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.

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):

- WOOLWORTHS BIRKENHEAD
- Liquor Licence No: WCP/033562
- Off Consumption
- Shop 40, Birkenhead Shopping Centre Otto du Plessis Drive, Melkbosstrand
- Current trading hours: 09h00 – 18h00
- Business Licence – in order

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

- Ward Councillor: : Nora Grose:

Supports the application

- Abutting neighbours:

No comments received.

- Community Organizations: : As per CBO Database:

No comment received

- Ward Committee of Ward: 23

J Erasmus: Melkbosstrand Neighbourhood Watch – no objections

W Greig: Table View Neighbourhood Watch – no objections

Comments by applicant on objection

Not applicable

- **Internal departments:**

- Town Planning:

Kindly note that P&BDM provide a zoning comment upon receipt of an application for a liquor licence; but once that licence is approved by the Liquor Board and a subsequent application for an extension of time of Trading Hours is submitted there is no zoning development parameter that regulates this aspect and therefore no further comment is required.

❖ Health Department:

No comment required

❖ Law Enforcement Squad

See comments appended to attached application (Annexure A)

7. RECOMMENDATION

- That Subcouncil 1 considers the application for the extension of liquor trading hours submitted by WOOLWORTHS BIRKENHEAD as well as the various comments received, and resolve to approve, refuse or vary the application for extension of trading hours to 20h00.

AANBEVELING

- Dat Subraad 1 die aansoek om die verlenging van drankhandelsure ingedien deur WOOLWORTHS BIRKENHEAD asook die verskillende kommentaar ontvang, oorweeg en besluit om die aansoek om die verlenging van handelsure tot 20h00 goed te keur, van die hand te wys of te verander.

IZINDULULO

- Ukuba iBhungana 1 maliqwalasele isicelo sokwandiswa kwamaxesha okuthengisa utywala esingeniswe ngabe- WOOLWORTHS BIRKENHEAD kwanezimvo ezininzi ezifunyenweyo, lize lenze isigqibo sokuphumeza, sokukhaba okanye lohlule isicelo sokwandiswa kwamaxesha okuthengisa utywala kude kube yintsimbi ye-20h00.

ANNEXURES:

A Application submitted by, WOOLWORTHS BIRKENHEAD including comments
by Safety and Security

FOR FURTHER DETAILS CONTACT:

NAME	W van der Westhuizen
CONTACT NUMBERS	021 444 6037
E-MAIL ADDRESS	wessievanderwesthuizen@capetown.gov.za
DIRECTORATE	Urban Management

Comment: _____


W van der Westhuizen
SUBCOUNCIL1 MANAGER

DATE

4 March 2019

Comment: _____


Cllr Cynthia Clayton
Chairperson

Date

11. 3. 2019



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Rochelle Jones

T: 0215507563 F: 0215507623

E: rochelle.jones@capetown.gov.za

06/02/2019

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: 184465
Liquor Licence Number: WCP/042084 RENEWAL
2019
Licensee Name: WOOLWORTHS (PTY) LTD
Premises Name: WOOLWORTHS
BIRKENHEAD
Premises Address: SHOP 40, BIRKENHEAD
SHOPPING CENTRE, CNR
BIRKENHEAD & OTTO DU
PLESSIS DRIVE
MELKBOSSTRAND
MELKBOSSTRAND
7441

Date of Application Submission:

Date Application captured: 2019/02/06

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.

641

8137

Form 2

MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

RECEIVED: 06/02/2019
REF: 184465

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/042084**
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 (The Birkenhead)
Shop 40, The Birkenhead Shopping Centre
Cnr Birkenhead & Otto du Plessis Drive
Melkbosstrand, 7441

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 3846****Melkbosstrand****7441**

6. Contact number

Danie Cronje : 021 883 3906

7. State reason(s) why licensee is applying for extension of trading hours (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 **D.L. Cronje** Date **10/12/2018**

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

Name (printed) **D.L. Cronje**Application prepared by **Danie Cronje**Postal address **P.O. Box 621**Physical address **1 Andringa Street****Stellenbosch****Stellenbosch****7600****7600**Work tel: **021 883 3906**Cell: **082 772 3517**Fax: **086 552 5882**E-mail: **danie@daniecronje.com**Signature **D.L. Cronje** Date **10/12/2018**

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

Name (printed) **D.L. Cronje**

Liquor licence number WCP/042084

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 (THE BIRKENHEAD), SITUATED AT, SHOP 40,

THE BIRKENHEAD SHOPPING CENTRE, CNR BIRKENHEAD & OTTO DU PLESSIS DRIVE, MLEKBOSSTRANDS. IT WAS ASCERTAINED

THAT THE APPLICANT APPLIED FOR A LIQUOR LICENSE, WHICH WAS GRANTED ON THE 30TH NOVEMBER 2018. NO

COMPLAINTS WERE RECEIVED BY THE LIQUOR UNIT WITH REGARDS TO THIS ESTABLISHMENT. THIS APPLICATION IS

RECOMMENDED BY THE SAPS.

Name of Official

Marilyn Holding
10001005

Signature

M. Holding

Date

03 JAN 2019

City of Cape Town
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 2018 a non-refundable Application fee of R4 035.09 (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 2018 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AMAPOLISA OMZANTSI AFRICA

Verw/Ref: 29/3/2/2 (WCP 042084)
Navrae/Enq: W/O. F Thiart
Telno: 021 5538202
Faks/Fax: 021 5538221

DESIGNATED POLICE OFFICER
S A POLICE SERVICES
OTTO DU PLESSIS DRIVE
MELKBOSSTRAND

7441

2018- 12 - 21

A. City of Cape Town
Law Enforcement Liquor Unit
Specialised services
Safety & Security
C/o Old Paarl Rd & Paradys str
BRACKENFELL
7560


B. The Provincial Commander
Firearms- and Liquor Control
Western Cape Province
P O Box 1600
BELLVILLE
7535

For attention: Capt Hofstander

APPLICATION FOR EXTENDED HOURS FOR A LICENSED LIQUOR PREMISES TRADING AS WOOLWORTHS, MELKBOSSTRAND.

- A. 1. This is an application for extended hours for an off-consumption liquor premises trading as Woolworths, Shop 40, Birkenhead Shopping Centre, C/o Birkenhead & Otto Du Plessis drive, Melkbosstrand.
2. This is a new premises and it is a first application for extended hours. Since the opening of the premises no incidents were reported that can have a negative effect on the application for extended hours.
3. The Community Police Forum has been informed about the application and up to date no objections has been received against the application. This office also does not have any objections against this application.

- B. 1. For your attention.

 W/O. 0418934-5 F. THIART
DESIGNATED POLICE OFFICER: MELKBOSSTRAND

ANNEXURE A

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

The Applicant was permitted to sell liquor until 20h00 in terms of its licences issued under the Liquor Act 27 of 1989.

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 Act provides for licence holders with off-consumption liquor licenses to apply for trading hours until 20h00.

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

This includes allowing responsible licence holders to apply for extended trading hours until 20h00. The Applicant has done so successfully in respect of its stores in the City to date.

Due to their working hours a significant percentage of the applicant's customers find it very difficult to purchase liquor before 18h00 on weekdays.

The extension of trading hours until 20h00 will allow them to do so (as they are able to do at the Applicants' other stores).

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 an extension to 20h00 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 an extension to 20h00 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 an extension to 20h00 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 extension will improve the shopping experience of the public by allowing customers time after working hours in which to purchase their liquor.



**WESTERN CAPE
LIQUOR AUTHORITY**

Physical: 3rd Floor | Sunbel Building | 3 Old Pearl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

Ref number: WCP/D42084
Enquiries: Aiden Marais

Date: 30 November 2018

DANIE CRONJE ATTORNEYS
 P.O. BOX 621
 STELLENBOSCH
 7599

RE: APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT, ACT 4 OF 2008 AS AMENDED:

PREMISES NAME: WOOLWORTHS
MAGISTERIAL DISTRICT: CAPE METROPOLE : MELKBOSSTRAND

Dear Sir/Madam,

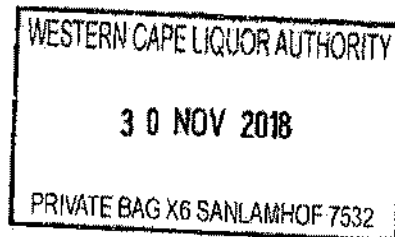
The above-mentioned application has been approved and the relevant licence (Form 7) is attached.

Yours faithfully,

Aiden Marais

Liquor Licensing Administration

Western Cape Liquor Authority





Western Cape
Government

Western Cape Liquor Authority

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)

FORM 7

CONSUMPTION OFF LIQUOR LICENCE

(Reg. 17(6) or 18(4))

Authority Reference Number: **WCP/042084**

WOOLWORTHS (PTY) LTD (the Licensee) is hereby licensed to sell: **Consumption Off**

WINE/NATURAL WINE

and to conduct the licensed business under the name of **WOOLWORTHS** upon the licensed premises (the plan of which has been submitted with the application or any other plan thereof which has been subsequently approved by the Liquor Licensing Tribunal, and a copy of which is attached hereto as Annexure "A")

Situated at **SHOP 40, THE BIRKENHEAD SHOPPING CENTRE, CNR BIRKENHEAD & OTTO DU PLESSIS DRIVE, MELKBOSSTRAND, 7441**

In the municipality of **CITY OF CAPE TOWN - SUBCOUNCIL 1**

Such business as is in accordance with the provisions of the Act and the conditions, determinations, consents, approvals or authorities issued with this licence and attached hereto.

Chief Executive Officer of the Western Cape Liquor Authority
(or person acting under power delegated by the Chief
Executive Officer) Signatory # 1

Signature of Signatory # 2

Signatory # 2

