

1. ITEM NUMBER: **03SUB 27/11/19**

2. SUBJECT

APPLICATION FOR THE RENEWAL OF EXTENDED LIQUOR TRADING HOURS: FOR OFF-CONSUMPTION PREMISES MONDAY TO SATURDAY (18:00 TO 20:00) AND SUNDAY (11:00 – 18:00) TRADING IN RESPECT OF WARD 113: TABLE VIEW TOPS WCP/032691

ISIHLOKO

ISICELO SOKUHLAZIYWA NGOKUTSHA UKWANDISWA KWEEYURE ZOKUTHENGISWA KOTYWALA: KWIZAKHIWO EKUNGASELELWA KUZO NGOMVULO UKUYA NGOMGQIBELO (NGEYE-18:00 UKUYA KWEYE-20:00) KUNYE NOKUTHENGISA NGECAWE (NGEYE-11:00 UKUYA KWEYE-18:00) NGOKUJOLISWE KWIWADI 113: TABLE VIEW TOPS WCP/032691

ONDERWERP

AANSOEK OM DIE HERNUWING VAN VERLENGDE DRANKHANDELSURE: MAANDAG TOT SATERDAG (18:00 – 20:00) EN SONDAGHANDEL (11:00 – 18:00) VIR BUITEVERBRUIKPERSEEL TEN OPSIGTE VAN WYK 113: TABLE VIEW TOPS WCP/032691

3. PURPOSE

For the Subcouncil to approve the recommendation for an application for the 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 days and hours on premises where liquor licences have been granted in terms of Section 2 of the By-law: Control of Undertakings that Sell Liquor to the Public, 2013.

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 3 Manager, and was then circulated to abutting neighbours, all organisations included on the **Ward 113** 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.

(j) 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):

- **TABLE VIEW TOPS**
- Liquor Licence No: WCP/032691
- OFF Consumption
- 3 Merlot Avenue, Table View, 7441
- Current trading hours: **Monday – Saturday 09:00 – 20:00 and Sundays 11:00-18:00** with extension granted.
- Proposed trading hours: Monday – Saturday: 09:00 – 20:00 and Sundays 11:00 - 18:00.
- Business Licence – in order

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

- Ward Councillor: Councillor Joy McCarthy
Supported
- Community Organisations:
No comments received.
- Ward Committee of Ward 113:
No comments received.
- Other Subcouncil 3 Councillors:
None
- Comments received from Applicant:
No comments received.

- INTERNAL DEPARTMENT:

- ❖ Safety & Security (Liquor Control):

- Pertaining to the mentioned premises namely Table View Tops, situated at 03 Merlot Avenue, Tableview, 7441. It was ascertained that the applicant did renew his Liquor Licence for 2019. No complaints were received by the Liquor Unit with regards to this establishment. This application is recommended by the SAPS.

RECOMMENDATION

It is recommended that the Subcouncil **consider** the application for the renewal of extended trading hours (off-consumption) Monday to Saturday 18:00 to 20:00 and Sunday 11:00 to 18:00 trading submitted by Table View Tops, situated at 3 Merlot Avenue, Table View, 7441, subject to the following conditions:

- A. That the application for the renewal of extended trading hours (off-consumption) submitted by Table View Tops, situated at 3 Merlot Avenue, Table View, 7441, **be considered** 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.
- B. Should complaints be received concerning noise and/or unruly behaviour of patrons, these complaints will be investigated and may result in the extended trading hours being withdrawn and will also be referred to the Western Cape Liquor Authority which may jeopardise the renewal of the liquor licence.
- C. The applicant must ensure that no sale of liquor is made directly to or via a third party to unemployed and/or homeless persons occupying public open spaces in the vicinity of Table View Tops, situated at 3 Merlot Avenue, Table View, 7441.
- D. This application is also subject to compliance with all relevant by-laws of the City of Cape Town.
- E. This application will be valid for 12 months from the date of the decision subject to the possession of a valid liquor licence.

ISINDULULO

Kundululwe ukuba iBhungana **malithathele ingqalelo** isicelo sokuhlaziywa ngokutsha kweeyure ezandisiweyo zokuthengiswa kotywala (obuselelwa ngaphandle) ngoMvulo ukuya ngoMgqibelo ngeye-18:00 ukuya kweye-20:00 kunye nokuthengisa ngeCawe ngeye-11:00 ukuya kweye-18:00 esingeniswe

ngabe-Table View Tops, abeme kwa-3 Merlot Avenue, Table View, 7441, ngokuxhomekeke kule miqathango ilandelayo:

- A. Ukuba **makuthathelwe ingqalelo** isicelo sokuhlaziywa ngokutsha kweeyure ezandisiweyo zokuthengiswa kotywala (obuselelwa ngaphandle) esingeniswe ngabe-Table View Tops, abeme kwa-3 Merlot Avenue, Table View, 7441, nanjengoko sithobela uluhlu oluqukwe kuMthetho kaMasipala ongoLawulo lweMigaqo yokuThengiswa koTywala eLuntwini kwiSixeko saseKapa, wango-2013.
- B. Ukuba kuthe kwafumaneka izikhalazo ngokuphathelene nengxolo okanye indlela engamkelekanga yokuziphatha kwabathengi, oku kuyakuthi kuphandwe kwaye umphumela woku ungabangela ukuba kurhoxiswe isicelo sokwandiswa kweeyure zokuthengiswa kotywala kwaye ziyakuthi zidluliselwe kuGunyaziwe ongezoTywala eNtshona Koloni ongathi acuthe amathuba okuba kuhlaziye isicelo sephepha-mvume lokuthengisa utywala.
- C. Umfaki-sicelo kufuneka aqinisekise ukuba akukho butywala buthengiselwa abantu abangenamisebenzi kunye/okanye abantu abangenamakhaya abahlala kwiindawo ezivulelekileyo kummandla ongaseTable View Tops, abeme kwa-3 Merlot Avenue, Table View, 7441.
- D. Esi sicelo kwakhona sixhomekeke ekuthotyelweni kwayo yonke imithetho kamasipala weSixeko saseKapa efanelekileyo.
- E. Esi sicelo sizakuthatha isithuba esizinyanga ezili-12 ukususela ngomhla wokuthathwa kwesigqibo ngokuxhomekeke ekubeni unayo na ilayisenisi esemthethweni yokuthengisa utywala.

AANBEVELING

Daar word aanbeveel dat die subraad oorweging skenk aan die aansoek om die hernuwing van verlengde drankhandelsure (buiteverbruik) Maandae tot Saterdag 18:00 tot 20:00 en Sondag 11:00 tot 18:00 ingedien deur Table View Tops, geleë te Merlotlaan 3, Table View 7441, onderworpe aan die volgende voorwaardes:

- A. Dat die aansoek om die hernuwing van die verlengde drankhandelsure (buiteverbruik) ingedien deur Table View Tops, geleë te Merlotlaan 3, Table View 7441, oorweeg word aangesien dit voldoen aan die kriteria in die Stad Kaapstad: Verordening op Beheer van Ondernemings wat Drank aan die Publiek Verkoop, 2013.
- B. Indien klagtes oor geraas en/of wilde gedrag van klante ontvang word, dit ondersoek sal word en tot die terugtrekking van die verlengde handelsure kan lei en sal ook verwys word na die Wes-Kaapse drankowerheid wat die hernuwing van die dranklisensie in gedrang kan bring.

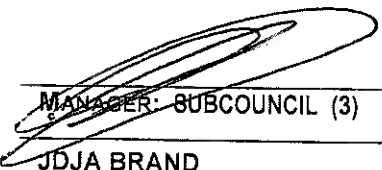
- C. Die aansoeker moet toesien dat geen drankverkope direk of via 'n derde party gemaak word aan werklose en/of hawelose mense wat openbare oop ruimtes in die omgewing van Table View Tops, Merlotlaan 3, Table View 7441 beset nie.
- D. Hierdie goedkeuring ook onderworpe is aan die nakoming van alle toepaslike verordeninge van die Stad Kaapstad.
- E. Hierdie goedkeuring sal vir 12 maande geldig wees vanaf die datum van die besluit onderworpe aan die besit van 'n geldige dranklisensie.

ANNEXURES:

A - Applications submitted by Table View Tops, – Mondays to Saturdays 09:00 – 20:00 and Sundays 11:00 - 18:00

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Johannes Brand</i>
CONTACT NUMBERS	<i>021 444-4862</i>
E-MAIL ADDRESS	<i>Johannes.Brand@capetown.gov.za</i>
DIRECTORATE	<i>Area-Based Management</i>


MANAGER: SUBCOUNCIL (3)

JDJA BRAND


TEL NO (021)444-4862

DATE

8/11/2019

COMMENT:

1. Herewith confirm that the relevant delegation is quoted in item.
2. The recommendation is/are subject to Subcouncil decision.
3. Author of report was notified that item is on agenda and in terms of delegation 1(5) requested to attend the Subcouncil meeting.


SUBCOUNCIL CHAIRPERSON

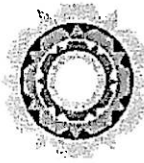
COUNCILLOR HELEN CARSTENS

TEL NO (021) 444-4865

DATE

8/11/2019

COMMENT:



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Rochelle Jones

T: 0215507563 F: 0215507623

E: rochelle.jones@capetown.gov.za

30/09/2019

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: 185182
Liquor Licence Number: WCP/032691 RENEWAL
2019
Licensee Name: RIBEIRO'S SUPERMARKET
CC
Premises Name: TABLE VIEW TOPS
Premises Address: 3 MERLOT AVENUE
TABLE VIEW
Table View
7441

Date of Application Submission:

Date Application captured: 2019/09/16

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.



CITY HEALTH

REF: 185182

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

2. Full name of licensee

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)

DETAIL AS PER ANNEXURE "I"

4. Name and address of the licensed premises

TABLE VIEW TOPS

ERF 22951

3 MERLOT AVENUE

TABLE VIEW, 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.

Previously the erf was 13289 but was changed to 22951 by the municipality

3 MERLOT AVENUE

TABLE VIEW

7441

6. Contact number

Office: 021 913 8545 Fax: 086 660 8933 Email: admin@alfredcrous.co.za / howard@alfredcrous.co.za

7. State reason(s) why licensee is applying for extension of trading hours (use an annexure if required)

DETAIL AS PER ANNEXURE "A"

I declare that the information furnished in this application and in any documents attached to it, is true.

Signature Date

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

Name (printed)

Application prepared by

Postal address

Physical address

Worktel:

Cell:

Fax:

E-mail:

Signature Date

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

Name (printed)

Liquor licence number **WCP/032691****OFFICE USE ONLY****SAFETY AND SECURITY**

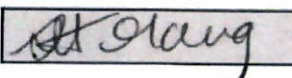
Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises or licensee

PERTAINING TO THE MENTIONED PREMISES, NAMELY, TABLE VIEW TOPS, SITUATED AT, 3 MERLOT AVENUE, TABLE VIEW. IT
 WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2019. 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



Date

26 AUG 2019

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 2019 a non-refundable Application fee of R4 217.00 (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 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: WCP 032691

Navrae/Eniq: Sgt Lenting

Telno: 021 5213306

Faks/Fax: 021 5213335

E-Pos/E-Mail tableviewdfo@saps.gov.za

OFFICE OF THE DESIGNATED POLICE
OFFICER

S A POLICE SERVICES

18 PENTZDRIVE

TABLE VIEW

7441

21 AUGUST 2019

TO WHOM IT MAY CONCERN

REPORT: (WCP 032691) TABLE VIEW TOPS, 3 MERLOT AVENUE, TABLE VIEW

After reviewing the Table View Tops Liquor file the following was found.

Within the past 12 months no reports of the premises breaking conditions were found. No reports were made concerning the behaviour of patrons either.

Kind Regards

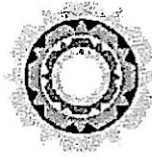
SM LENTING 7029772-0

SERGEANT

DESIGNATED LIQUOR OFFICER:

TABLE VIEW

Sun 11:00 - 18:00



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY HEALTH

Rochelle Jones

T: 0215507563 F: 0215507623

E: rochelle.jones@capetown.gov.za

30-09-2019

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.

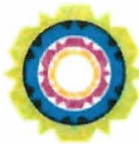
Liquor Licence Reference Number: 185183
Liquor Licence Number: WCP/032691 S RENEWAL
2019
Licensee Name: RIBEIRO'S SUPERMARKET
CC
Premises Name: TABLE VIEW TOPS
Premises Address: 3 MERLOT AVENUE
TABLE VIEW
Table View
7441

Date of Application Submission:

Date Application captured: 2019/09/16

Disclaimer

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2. The application fee is non-refundable.



REF: 185183 CITY HEALTH

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

2. Full name of licensee

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)

DETAIL AS PER ANNEXURE "J"

4. Name and address of the licensed premises

TABLE VIEW TOPS

ERF 22951

3 MERLOT AVENUE

TABLE VIEW, 7441

5. Provide details of the premises where the licensed business is conducted with reference to the number of the erf, street(s), a apartment, shop(s) or farm, as the case may be

ERF No.

Previously the erf was 13289 but was changed to 22951 by the municipality

ERF 22951

3 MERLOT AVENUE

TABLE VIEW, 7441

6. Contact number

Office: 021 9138545, Fax: 086 660 8933, Email: admin@alfredcrous.co.za / licensor@alfredcrous.co.za

7. State reason(s) why licensee is applying for trading on Sundays (use an annexure if required)

DETAIL AS PER ANNEXURE "A"

I declare that the information furnished in this application and in any documents attached to it, is true.

Signature Date

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

Name (printed)

Application prepared by

Postal address

Physical address

LOEVENSTEIN

LOEVENSTEIN

7530

7530

Worktel:

Cell:

Fax:

E-mail:

Signature Date

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

Name (printed)

Liquor licence number **WCP/032691****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, TABLE VIEW TOPS, SITUATED AT, 3 MERLOT AVENUE, TABLE VIEW. IT

WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2019. 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

26 AUG 2019City 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 2019 a non-refundable Application fee of R8 433.00 (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 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: WCP 032691

Navrae/Enq: Sgt Lenting

Telno: 021 5213306

Faks/Fax: 021 5213335

E-Pos/E-Mail tableviewdfo@saps.gov.za

OFFICE OF THE DESIGNATED POLICE
OFFICER
S A POLICE SERVICES
18 PENTZDRIVE
TABLE VIEW
7441

21 AUGUST 2019

TO WHOM IT MAY CONCERN

REPORT: (WCP 032691) TABLE VIEW TOPS, 3 MERLOT AVENUE, TABLE VIEW

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Kind Regards

SM LENTING: 7029772-0

SERGEANT

DESIGNATED LIQUOR OFFICER:

TABLE VIEW