

#### **SUBCOUNCIL 16**

1. **ITEM NUMBER**: 16 SUB 63/10/2022

#### 2. SUBJECT

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF TOPS AT OBZ, STATION ROAD, PEPPER SQUARE, 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):
  - Tops at OBZ
  - Liquor Licence No: WCP/036884
  - OFF Consumption 18:00– 20:00, Monday-Saturday
  - Station Road, Pepper Square, 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
  - ❖ No comments received.
- Ward Committee of Ward 57: 2022/09/22
  - ❖ No comments received.
- Internal departments:
  - Health Department:
     Compliant see attached <u>Annexure A</u>
  - Law Enforcement Squad
     Compliant see attached Annexure A

#### 6. RECOMMENDATION

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Tops at OBZ**, Station Road, Pepper Square, 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 **Tops at OBZ** including comments by Health and Safety and Security

#### FOR FURTHER DETAILS CONTACT:

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

SUF COUNCIL1	6	Comment:	
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 CHAIRPERSON Ald Matthew M	١:		
Date			

# **ANNEXURE A**

# CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD

#### 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:

187640

Liquor Licence Number:

WCP/036884 Renewal 2022

Licensee Name:

PECROD CC

Premises Name:

TOPS AT OBZ

Premises Address:

Station Road Pepper Square

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.

Pages:	1 of 1		19-09-2022
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## CITY HEALTH

Signature

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Date (8.08.2022

Liquor licence number	WCP/036884

## OFFICE USE ONLY

OFFICE USE ONLY	the respect of the premises or licensee
OFFICE USE ONLY  SAFETY AND SECURITY  Comment or state history of nuisance(s) and/or any complaints received	or action taken in response
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Nedbank Online Banking

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



Record of payment

Date: 17/08/2022 Time: 11:57 AM

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My reference	192131688	
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Amount	17/08/2022	
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Page 1 of 1



# Western Cape Liquor Authority

Pecrod CC F.O. Box 721 STRAND 7139



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ANNUAL LICENCE REMEWAL NOTICE:

FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

THE YEAR 2022

(REG. 30(1))

LIQUOR AUTHORITY REFERENCE NUMBER: WCP/036884

Name of Ilcensea: Pecrod CC

Address of the Iconood promises: Station Road, Poppur Square, OSSERVATORY, 7825

(if the residential or postal address has changed, please also supply the new address to the following e-mail address:

liqueranquirisa@ech.gov.za.)

Category of licence: Consumption Off

You are hareby notified that the total renswel loss payable to the Westorn Cope Liquor Authority are:

Annuel: R.S.002, payable on or before 31 December 2021

t, Payment must be made by direct deposit this the following bank account of the Authority. Please Note:

Bank Nedoenk

Brench code: 198 765

Account holder: Western Cape Liquer Authority Account number: 444 144 144

Please use your licence number (WCPIO38864) as the reference on the deposit allp.

Aindly omall proof of psymont to Financa@acla.gov.sa

2. A financo lapses on 1 January of thy year in respect of which the applicables ronawel fee is not paid on or before 31 December of the preceding year. See section 62(2)(b).

3. A kloence that has lepsed in this very become valid again only if the applicable rozewel les is paid along with a parally of 50% on or before the last day of February of the year in respect of which the renawal feet had to be paid. See January, or with a penetry of 100% on or before the last day of February of the year in respect of which the renawal feet had to be paid. See section 52(3)(a)(i) and (ii).

6. A licensee who has tailed to pay the prescribed renawal foe on or before the leat day of Februlary of the year in respect of which the renewall behalf be been been tray, or or believe 31 March of that year, apply in writing for Form 21C) to the Chief Executive Officer for conductation of such faiths, and that Chief Executive Officer may conduct the felture and effect payment of the prescribed ten by a date to be defermined by the Authority, subject to the payment of the renewal feet plus a pointly of 16ths. See section 63(4).



WESTERN CAPE LIQUOR AUTHORITY

Representative: DM Hoogenhout Licence number: WCP/036884 LMaTS number: 2009/1041

# ANNEXURE

PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY EMALL: LIGUOR.ENGURIES@WCLA.GOV.ZA

PLEASE COUPLETE IN BLOCK LETTERS

Libratice holder
Naw Pelsis Pecrod CC

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Email Address: Full Name: Mobile No:

P.O. Box 721 STRAND 7139 Postal Address:

Registration Number: 2006/101829/23 dentity Number:

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Licence totalis.
New details Consumption Off Licence Type:

Station Road
Pepper Sqaute
OBSERVATORY
7925 Tops at OBZ Trading As:

Licenced Premises:

Liberta harskentdilve On record

DM Hoogenhoot

Full Name:

Info@dhmanagement.co.za Email Address: Mobile No:

P.O. Box 721 STRAND 7139 Postal Address:

Registration Number: Identity Number

## Please Note:

A licensee who intends to subscribe to a bienmal renewal cycle, must lodge with the Authority a notice in the form of Form 21B by no later than 30 November 2021.

Signature of Licence Holder / Representative Date:



Nedbank Online Banking

https://www.nedbank.co.25/



Record of payment

Date: 27/10/2021 Time: 9:16 AM

From account number	
From account name	Savings ac
My reference	F21A Maria Topz OBZ
Recipient's reference	F21A WCP/036884 Tops OBZ
Bank	Nedbank
To account number	
Amount	R5 002.00
Payment date	27/10/2021
Reference number	20211027/Nedbank/003227679802

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



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Table Bay District Media City Building

2nd Floor CNR Addaday and Henzog Street

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

17 February 2014

### To whom it may concern

## ZONING SCHEME EXTRACT Erl/Farm 27670 , OBSERVATORY

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

Ou fue asie remover	
purposes:	Erl/Farm 27670 , OBSERVATORY
Attlease.	Erl/Farm 27670 . UBSERVATORY 69 STATION ROAD . OBSERVATORY
	CONTROL BOAD OBSERVATURY
Description	69 STATION NOTES
Properly description	Cape Town Zoning Scheme
TOTAL CAMPERS	10000 10000
Applicable Zoning scheme	General Business 1
Applicable Zumis	1004 is Lightage Midection
Zoning category	GRI III totta
COUNTY CE AND	see attached   See attached   Departures approved 18-09-1988, 27-08-2003 and UCU   Departures approved 13-02-2006-
Subzone (if any)	Constitutes approved 16-09-1800, 2
Friends land uses permanent	Departures 43-02-2006-
Other previously approved use rights (if any)	Departures approved 13-02-2006- Consent approved 13-02-2006-
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Road widening / new road schemes (if any)	
Road Wideliking	

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
- It is further noted that the above information doesn't necessarily include reference to all previous land use your nearest district planning office. 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 title 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

for DIRECTOR: PLANNING& BUILDING DEVELOPMENT MANAGEMENT CAPETOWNZZINTO THIS CITY WORKS FOR YOU ESI SIXEKO SISEBENZELA WENA HERIOLE STAD WERK VIR JOU

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

2014/02/17

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

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

Making progress possible. Together.

OFF CONSUMPTION

COMMUNITY SERVICES & HEALTH - ENVIRONMENTAL HEALTH SECTION - AREA 1

165

APPROVAL LETTER

REF NO: 33/55/7-WCP/036884/B

TYPE OF LIQUOR CONSUMPTION:

DATE: 12/11/2021

**PERSONAL SERVICE** 

**STRAND** PO BOX 721

**STRAND** 7319

Dear Sir/Madam

MONDAY TO SATURDAY TRADE

RE: APPLICATION FOR EXTENDED LIQUOR TRADING HOURS:

TOPS AT OBZ

#### ERF 119069 STATION ROAD, PEPPER SQUARE, OBSERVATORY

I refer to your application received 06/09/2021 regarding the abovementioned matter and wish to advise that your application to extend your liquor trading hours has been considered by Sub Council **Hours of Operation:** 18H00-20H00 and it was resolved:

1. The application for extension of trading hours from 18:00 – 20:00, Monday - Saturday submitted by TOPS AT OBZ, 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

Gavin Heugh Date: 2021.11.15 12:38:58

Digitally signed by Gaviss

HEAD ENVIRONMENTAL HEALTH

AREA 1 - WESTERN SUB DISTRICT

NaMeme

ZZIIIZ/ SIGNATURE:

#### RESOLUTION

AT A MEETING OF THE MEMBER OF PECROD CC, REGISTRATION NUMBER: 2006/101820/23, HELD ON 17 AUGUST 2022 IT WAS RESOLVED THAT:

The member hereby appoints Daniel Marais Hoogenhout t/a DH Management Services (Sole Proprietor) or Danielle 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 extension of off-Consumption trading hours from Monday to Saturday, in respect of a premises situated at Erf 119069, Station Road, Pepper Square, Observatory, City of Cape Town, Sub Council 15, Ward 53, known as Tops At OBZ, (WCP/036884).

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

ALCINO PECEGO SOLE MEMBER



17 August 2022

Safety and Security Directorate's Law Enforcement Offices Cnr Old Paarl & Paradys Roads Brackenfell REFERENCE: WCP/036884

Sir/Madam

# APPLICATION FOR RENEWAL IN TERMS OF SECTION 6 OF CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013, FOR MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

## PECROD CC T/A TOPS AT OBZ, WCP/036884

Attached hereto please find completed application form and attachments for **Monday to Saturday extended off-consumption trading hours** for the abovementioned licensed premises.

As you are aware this premises has been enjoying extended trading hours on weekdays since it was granted in 2014, 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



