

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

Making progress possible. Together.

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 Annexure A
 - ❖ 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	<i>Girshwin Fouldien</i>
CONTACT NUMBERS	<i>021 487 2055</i>
E-MAIL ADDRESS	<i>Girshwin.Fouldien@capetown.gov.za</i>
DIRECTORATE	<i>Corporate Services</i>


SUBCOUNCIL 16
MANAGER
Girshwin Fouldien

Comment:

DATE

11/10/2022

Alderman
Matthew
Kempthorne

Digitally signed by
Alderman Matthew
Kempthorne
Date: 2022.10.12 11:45:08
+02'00'

Comment:

SUBCOUNCIL 16
CHAIRPERSON :
Ald Matthew Kempthorne

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

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.

MONDAY TO SATURDAY EXTENDED OFF-CONSUMPTION TRADING HOURS

CITY HEALTH

CITY OF CAPE TOWN | ISIXENKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

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/036884

2. Full name of licensee PECROD CC

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)

ALCINO PECEGO, ID 640603 5119 08 3 OF 8 SCOTTSVILLE CIRCLE, HOUT BAY, 7800

4. Name and address of the licensed premises

TOPS AT OBZ

ERF 119069

STATION ROAD, PEPPER SQUARE, OBSERVATORY

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 119069

TOPS AT OBZ, STATION ROAD, PEPPER SQUARE, OBSERVATORY

6. Contact number

021 461 1234

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

PLEASE SEE WRITTEN REPRESENTATIONS

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

Signature for DM Date 18.08.2022

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

Name (printed) DM HOOGENHOUT

Postal address PO Box, 721, Strand, 7139

Work tel: 021 461 1234

Fax: 021 461 1234

Signature for DM

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

Name (printed) DM HOOGENHOUT

Application prepared by DH MANAGEMENT SERVICES

Physical address Charles Morkel Medical Centre, Strand

Cell: 081 123 4567

E-mail: clonelle@dhmanagement.co.za

Liquor licence number **WCP/036884****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, TOPS AT OBZ, SITUATED AT, STATION ROAD, PEPPER SQUARE,

OBSERVATORY. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2022. NO COMPLAINTS

WERE RECEIVED BY THE LIQUOR UNIT WITH REGARD TO THIS ESTABLISHMENT. THE REPORT RECEIVED FROM THE DESIGNATED

SAPS STATION HAS NO OBJECTION AGAINST THE APPLICATION FOR THE EXTENSION OF LIQUOR TRADING HOURS.

Name of Official **Marilyn Holding****Assistant Chief****LAW ENFORCEMENT****10001005**

Signature

Atterburg

Date

29 AUG 2022

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 2022 a non-refundable Application fee of R4 428 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 2022 accompany the application when handing it in at the designated Environmental Health Office

Application Fee

Receipt number

payment date

Nedbank Online Banking

Record of payment



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

From account number	****86439
From account name	Savings ac
My reference	Form2-OBZ-Tops OBZ
Recipient's reference	192131688
Bank	
To account number	****07938
Amount	R4 428.00
Payment date	17/08/2022
Reference number	20220817/Nedbank/****

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

Nedbank Online Banking

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

Record of payment

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

From account number	[REDACTED]
From account name	Savings ac
My reference	F21A [REDACTED] Topz OBZ
Recipient's reference	F21A WCP/036884 Tops OBZ
Bank	Nedbank
To account number	[REDACTED]
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

For more information on the Nedbank Online Banking service, please visit the Nedbank website at <https://www.nedbank.co.za/>. The Nedbank Online Banking service is provided by Nedbank Limited, a company registered in South Africa. The Nedbank Online Banking service is subject to the terms and conditions of the Nedbank Online Banking service, which are available on the Nedbank website.

18. Feb. 2014 8:40

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CITY OF CAPE TOWN

Table Bay District
Media City Building
2nd Floor CNR Adderley
and Henricus Street
Cape Town 8000
P O Box 4528
Attn: J. Philander
Tel no: [REDACTED]
Fax no: [REDACTED]
E-mail:
jeremy.philander@capetown.gov.za
Website: <http://www.capetown.gov.za>
Ref:

Table Bay District
Media City Building
2nd Floor CNR
Adderley
and Henricus Street
Cape Town 8000
P O Box 4528
Attn: J. Philander
Tel no: [REDACTED]
Fax no: [REDACTED]

Table Bay District
Media City Building
2nd Floor CNR
Adderley
and Henricus Street
Cape Town 8000
P O Box 4528
Attn: J. Philander
Tel no: [REDACTED]
Fax no: [REDACTED]

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

17 February 2014

To whom it may concern

ZONING SCHEME EXTRACT Erf/Farm 27670, OBSERVATORY

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

Property description	Erf/Farm 27670, OBSERVATORY
Physical address	69 STATION ROAD, OBSERVATORY
Applicable Zoning scheme	Cape Town Zoning Scheme
Zoning category	General Business 1
Subzone (if any)	GB1 in Heritage Protection Overlay
Primary land uses permitted	see attached
Other previously approved use rights (if any)	Departures approved 16-09-1988, 27-06-2003 and LCU
Road widening / new road schemes (if any)	Consent approved 13-02-2006 abuts a Proclaimed Main Road

The following must be noted when reading the zoning extract:

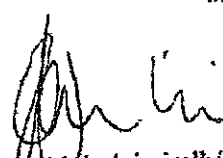
- The above zone is subject to various development parameters and land use restrictions which are contained in the applicable zoning scheme regulations, a copy of which is either attached or available on request at your nearest district planning office.
- This document is provided for information purposes only.
- It is further noted that the above information doesn't necessarily include reference to all previous land use 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

CAPETOWNZINTO

for DIRECTOR: PLANNING & BUILDING DEVELOPMENT MANAGEMENT

THIS CITY WORKS FOR YOU
SIXENI SISEBENZELA WENA HEMOIE STAD WERK VIR JOU
This correspondence available in Afrikaans and isiXhosa on written request


http://ced-civic-iralb/standard/zoning_extract_report.html

2014/02/17



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

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CITY HEALTH - ENVIRONMENTAL HEALTH

Colleen.Heldsinger@capetown.gov.za

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

0

COMMUNITY SERVICES & HEALTH – ENVIRONMENTAL HEALTH SECTION – AREA 1

ID 165 APPROVAL LETTER

REF NO: 33/55/7-WCP/036884/8

TYPE OF LIQUOR CONSUMPTION: OFF CONSUMPTION

PERSONAL SERVICE

DATE: 12/11/2021

STRAND

PO BOX 721

STRAND

7319

Dear Sir/Madarr

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 **16** and it was resolved: **Hours of Operation: 18H00-20H00**

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.

This approval will expire on **28/10/2022** where after a new application for extended liquor trading hours 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

Digitally signed by Gavin
Heugh
Date: 2021.11.15 17:38:58
+02'00'

HEAD ENVIRONMENTAL HEALTH

AREA 1 - WESTERN SUB DISTRICT

RECEIVED BY: Dydmeine DATE RECEIVED:

22/11/21 SIGNATURE:

[Handwritten 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 Danelle 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



**BESTUURSDIENSTE
MANAGEMENT SERVICES**

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


DM HODGENHOUT

