

The City of Cape town: Control of Undertakings that sell liquor to the Public By-Law, 2013, was promulgated on 17 January 2014 and came 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 was submitted to the Manager: Subcouncil 19 and then circulated to relevant line departments, all organisations included on the Ward 61 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 licenced premises to surrounding residential zoned area, cultural, religious or 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;

The basis and rationale behind all decision-making must be recorded.

COMMENT:

1. The intention of limiting the hours that liquor can be sold from off-consumption premises was to reduce the hours of liquor availability as a means of combatting the undesirable consequences of alcohol consumption. The ability to apply for extended trading hours was intended to serve the tourism economy specifically for wine farms and speciality liquor outlets NOT to extend the hours of liquor purchases to the general public. The argument that citizens find it very difficult to purchase liquor before 18h00 on weekdays or on a Saturday therefore has no merit as this merely reverses the intention of the law.
2. The risks and nuisances associated with alcohol sales and consumption are well-known and widespread across the Country. The effects are not only experienced at the immediate sales location but also in the surrounding suburbs. Some of these are listed here:
 - 2.1. Drunk-driving road deaths are one of the highest in the world;
 - 2.2. Anti-social behaviour, violence and crime;
 - 2.3. Family violence (including gender-based violence) associated with alcohol consumption; and
 - 2.4. Alcoholism amongst the street people is a major societal challenge.
 - 2.5. The minister of Local Govt, in court (August 2020), stated that of the 34 000 hospital trauma admissions per week over 50 % were linked to alcohol consumption.

The Sub-Council does not believe that it is in the public interest to approve and grant extension of the trading days and hours.