

CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD

Making progress possible. Together.

#### SUBCOUNCIL 16

#### 1. ITEM NUMBER : 16 SUB 13/12/2022

#### 2. SUBJECT

#### APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF CHECKERS CENTURY CITY, SHOP 11 CANAL WALK, SABLE ROAD, CENTURY CITY: OFF CONSUMPTION SUNDAY 11:00-18:00

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 55 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 <u>Annexure A</u>):
  - Checkers Century City
  - Liquor Licence No: WCP/030170
  - OFF Consumption Sunday trading 11h00 18h00
  - Shop 11 Canal Walk, Sable Road, Century City
- 5.2.2 SubCouncil Manager confirmation: Advertising extent (Community participation) -Notices served on and received the following Comments:
  - <u>Ward Councillor: 2022/10/24: (See attached Annexure B)</u>
     Cllr Fabian Ah-Sing: Supported

- Abutting neighbours: 2022/10/16:
  - No comments received.
- Community Organizations: 2022/10/24: (See attached Annexure B)
  - Patricia: Paarden Eiland CID: Supported
    - Christiana Groenewoud: Milnerton Central Ratepayers: Supported
- Ward Committee of Ward 55: 2022/10/24:
  - ✤ No comments received.
- Internal departments:
   <u>Health Department:</u> Compliant – see attached <u>Annexure A</u>
  - <u>Law Enforcement Squad</u>
     Compliant see attached <u>Annexure A</u>.

#### 6. **RECOMMENDATION**

That Subcouncil 16 considers the application for the extension of liquor trading hours submitted by **Checkers Century City**, Shop 11 Canal Walk, Century City as well as the various comments received, and resolve to approve, refuse or vary the application for Sunday trading hours from 11:00-18:00.

#### ANNEXURES:

- A. Application submitted by **Checkers Century City**, including comments by Health and Safety and Security.
- B. Comments from Ward Councillor and Community organisations in support of the application.

#### POPIA DISCLAIMER:

The City of Cape Town is committed to respecting the privacy and personal rights of everyone who uses or enquires about our services. Protecting your privacy and personal information, as defined in the Protection of Personal Information Act, Act 4 of 2013, will be respected.

Please note that the information provided in the document will be used to process the relevant application/input into the relevant decision-making process. This will involve the processing of such information and may require the information to be shared and included in public reports and documents. By providing information in this document, you have agreed to such further processing of the information provided.

## FOR FURTHER DETAILS CONTACT:

and the second	
NAME	Girshwin Fouldien
CONTACT NUMBERS	021 487 2055
E-MAIL ADDRESS	Girshwin.Fouldien@capetown.gov.za
	Urban Management Area North
DIRECTORATE	Urban Management Area North

SUBCOUNCIL16

Comment:

MANAGER Girshwin Fouldien

DATE

Comment: \_\_\_\_\_

\_\_\_\_\_

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SUBCOUNCIL 16 **CHAIRPERSON** Ald Matthew Kempthorne

Date 5/12/2022

# ANNEXURE A



### **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 WCP / 030170
2. Full name of licensee SHOPRITE CHECKERS (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)
(SEE ANNEXURE A
4. Name and address of the licensed premises
CHECKERS CENTURY CITY
(SHOP 11 CANAL WALK
(SABLE ROAD
(CENTURY CITY_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. (5021)
6. Contact number
7. State reason(s) why licensee is applying for trading on Sundays (use an annexure if required)
SEE ANNEXURE B
I declare that the final nation furnished in this application and in any documents attached to it, is true.
Signature Date 12/09/2022
(written authorisation to sign on behalf of licensee to be attached)
Name (printed) (IAN THOMSON Application prepared by (IAN THOMSON
Postal address SHOPRITE CHECKERS (PTY) LTD
Work tel:
Signature ( ///////////////////////////////////
Name (printed) (IAN THOMSON

Form 3

OFFICE USE ONLY

Liquor licence number

WCP/030170

#### 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

LK, SABLE
LIQUOR
THE
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ape Town
P 2022

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 R8 855.00 (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	
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#### NOTIFICATION OF PAYMENT

To whom it may concern : First National Bank hereby confirms that the following payment has been made:

Date Actioned Time Actioned Trace Id

#### **Payer Details**

Payment From Amount

#### **Payee Details**

Recipient/Account no Recipient Name Bank Branch Code Recipient Reference Channel



: Shoprite/checkers (pty) Ltd : 199245.00



#### END OF NOTIFICATION

To authenticate this Payment Notification please visit our website at https://www.fnb.co.za, click on Online Banking, select the "Verify Payment" option and follow the on-screen instructions

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

First National BankA division of FirstRand Bank Limited. An Anthorised Financial Services and Credit Provider (NCRCP20). An Authorised Financial Services and Credit Provider (NCRCP20).



Western Cape Liquor Authority

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Shoprite Checkers (Pty) Ltd P.O. Box 1618 BRACKENFELL 7561



#### FORM 21A

ուսությունը կանարարությունը անդանությունը կերությունը պետերանը ուրեներում է հետարաներին հարաքանիներին հարաքանի

#### **BIENNIAL LICENCE RENEWAL NOTICE:**

#### FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:

#### THE TWO YEARS 2022 AND 2023

(REG. 30(1))

#### LIQUOR AUTHORITY REFERENCE NUMBER: WCP/030170

Name of licensee: Shoprite Checkers (Pty) Ltd' Address of the licensed premises: Shop 11, Sable Road, Montague Gardens, CENTURY CITY, 7441

(If the residential or postal address has changed, please also supply the new address to the following e-mail address: liquor.enguiries@wcia.gov.za.)

Category of licence: Consumption Off

You are hereby notified that the total renewal fees payable to the Western Cape Liquor Authority are:

Biennial: R 10,004, payable on or before 31 December 2021

#### **Please Note:**

1. Payment must be made by direct deposit into the following bank account of the Authority:

Bank: Nedbank Account holder: Western Cape Liquor Authority Account number: 145 206 9883 Branch code: 198 765

Please use your licence number (WCP/030170) as the reference on the deposit slip.

#### Kindly email proof of payment to Finance@wcia.gov.za

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

3. A licence that has lapsed in this way becomes valid again only if the applicable renewal fee is paid along with a penalty of 50% on or before 31 January, or with a penalty of 100% on or before the last day of February of the year in respect of which the renewal fees had to be paid. See section 62(3)(a)(i) and (ii).

4. A licensee who has failed to pay the prescribed renewal fee on or before the last day of February of the year in respect of which the renewal fee had to be paid may, on or before 31 March of that year, apply in writing (on Form 21C) to the Chief Executive Officer for condonation of such failure, and the Chief Executive Officer may condone the failure and allow the late payment of the prescribed fee by a date to be determined by the Authority, subject to the payment of the renewal fee plus a penalty of 150%. See section 63(4).

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#### NOTIFICATION OF PAYMENT

To whom it may concern : First National Bank hereby confirms that the following payment has been made:

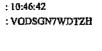
Date Actioned Time Actioned Trace Id

#### **Payer Details**

Payment From Amount

#### **Payee Details**

Recipient/Account no Recipient Name Bank Branch Code Recipient Reference Channel



: 2021-12-03

: Shoprite/checkers (pty) Ltd : 490196.00



#### END OF NOTIFICATION

To authenticate this Payment Notification please visit our website at https://www.fnb.co.za, click on Online Banking, select the "Verify Payment" option and follow the on-screen instructions

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

First National BankA division of FirstRand Bank Limited. An Authorised Financial Services and Credit Provider (NCRCP20). An Authorised Financial Services and Credit Provider (NCRCP20).

REF. SRC 0615-3842

#### SHOPRITE CHECKERS (PROPRIETARY) LIMITED REG. NO. 1929/001817/07 ("THE COMPANY")

## WRITTEN RESOLUTION PASSED BY THE DIRECTORS OF THE COMPANY ON 4 JUNE 2015:

#### APPLICATION FOR EXTENDED TRADING HOURS - SECTION 6 OF THE PUBLIC BY-LAW OF THE CITY OF CAPE TOWN :

It is hereby resolved that:

- 1. that the Company appoints <u>Mr. Ian Richard</u> <u>Thomson</u> with identity number for and on behalf of the Company to undertake and application in terms of Section 6 of a Public By-law ("the Application") issued by the City of Cape Town in 2013.
- 2. Such application will be for a concession that all off-consumption liquor premises of the Company in the jurisdiction of the City of Cape Town be permitted to trade on Sundays and with extended hours (until 20H00) from Mondays to Saturdays.

AUTHORISATION:

It is also resolved that **Mr Ian Richard Thomson** be and is hereby authorised to execute the Application, sign all documentation and to do all necessary to give effect to this resolution.

**APPROVED:** 

PC ENGELBRECHT DIRECTOR

JVR BRÖMN - DIRECTOR



C. S. S. Call

Certificate issued by the Companies ar Commission on Monday, December 18 Certificate of Confirmation	nd Intellectual 3, 2017 08:25	Property
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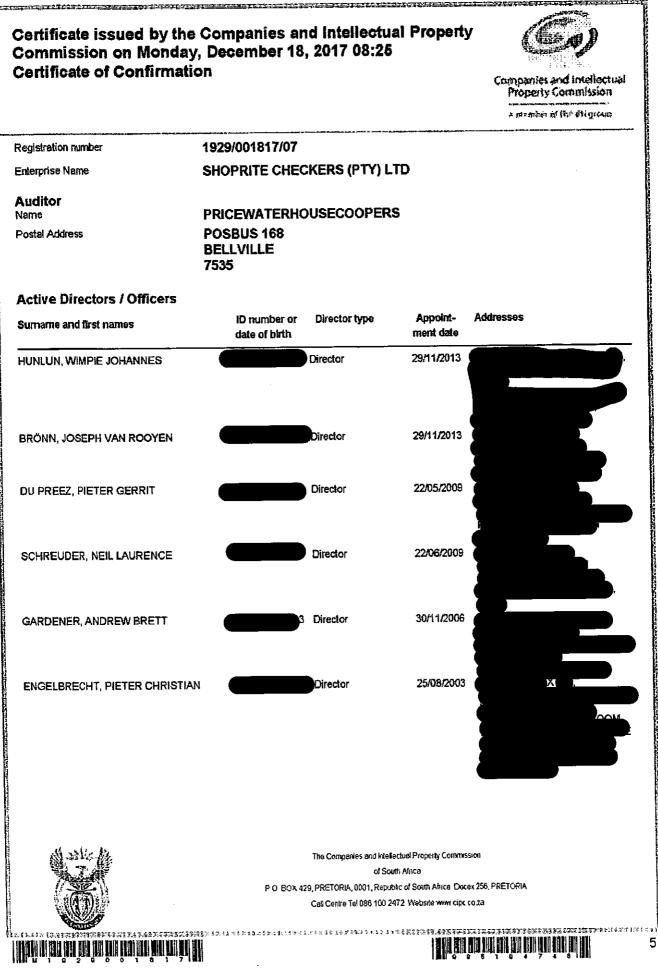


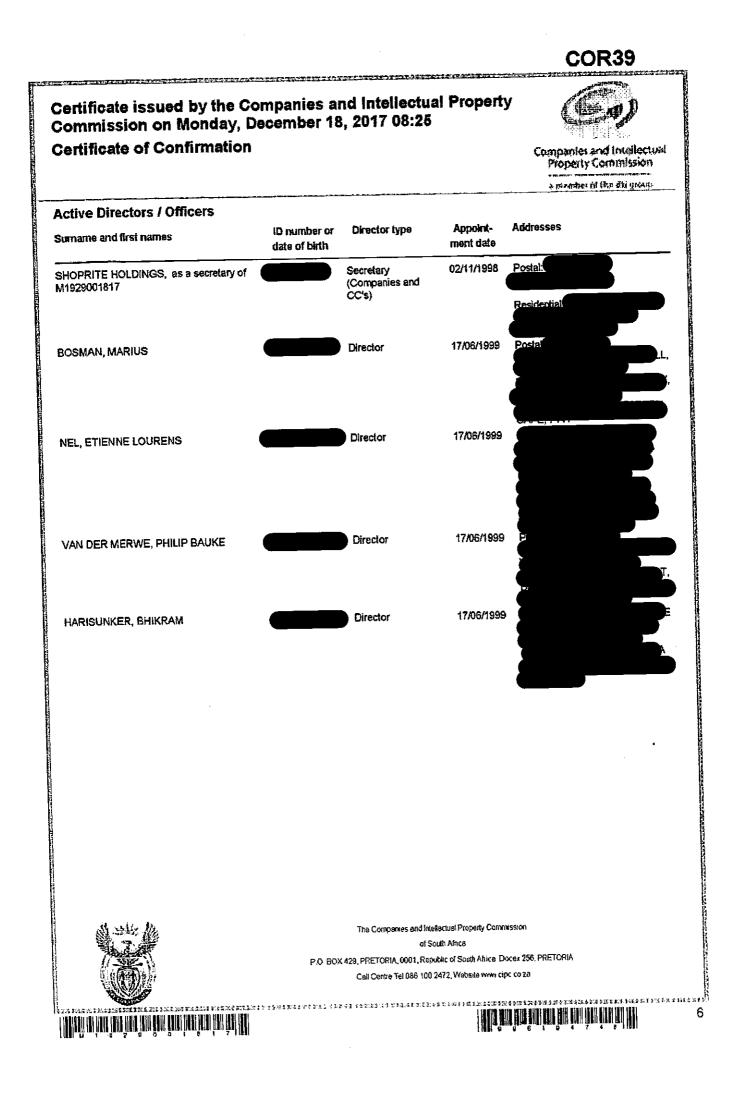
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Registration number1929 / 001817 / 07Enterprise NameSHOPRITE CHECKERS (PTY) LTDEnterprise Shortened NameNone provided.Enterprise Translated NameNone provided.Registration Date05/09/1929Business Start Date05/09/1929Enterprise TypePrivate CompanyEnterprise StatusIn BusinessFinancial year endJuneMain Business/Main ObjectPRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER ACTIVITIES NOT ADEQUATELY DEFINEDPostal addressP O BOX 215 BRACKENFELL 7561Address of registered officeWILLIAM DABS AND OLD PAARL ROAD BRACKENFELL 7580	
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Enterprise Status       In Business         Financial year end       June         Main Business/Main Object       PRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER ACTIVITIES NOT ADEQUATELY DEFINED         Postal address       P O BOX 215 BRACKENFELL         Address of registered office       WILLIAM DABS AND OLD PAARL ROAD BRACKENFELL	
Financial year end       June         Main Business/Main Object       PRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER ACTIVITIES NOT ADEQUATELY DEFINED         Postal address       P O BOX 215 BRACKENFELL 7561         Address of registered office       WILLIAM DABS AND OLD PAARL ROAD BRACKENFELL	
Main Business/Main Object       PRIVATE HOUSEHOLDS, EXTERRITORIAL ORGANISATIONS, REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER ACTIVITIES NOT ADEQUATELY DEFINED         Postal address       P O BOX 215 BRACKENFELL 7561         Address of registered office       WILLIAM DABS AND OLD PAARL ROAD BRACKENFELL	
REPRESENTATIVES OF FOREIGN GOVERNMENTS AND OTHER ACTIVITIES NOT ADEQUATELY DEFINED         Postal address       P O BOX 215 BRACKENFELL 7561         Address of registered office       WILLIAM DABS AND OLD PAARL ROAD BRACKENFELL	
Postal address       P O BOX 215         BRACKENFELL       7561         Address of registered office       WILLIAM DABS AND OLD PAARL ROAD         BRACKENFELL       BRACKENFELL	
Address of registered office WILLIAM DABS AND OLD PAARL ROAD BRACKENFELL	
BRACKENFELL	
The Companies and Intellactual Property Commission	
of South Africa P O BOX 429, PRETORIA, 0001, Republic of South Africa Doces 256, PRETORIA	
Call Centre Tel 086 100 2472, Website www.cipc.co.ze	19 Jac 100 100
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REG. NO. 1929/001817/07 (PTY) LTD

Annexure B

City of Cape Town

#### Application for extension of trading hours:

- Shoprite Checkers (Pty) Ltd ("Shoprite Checkers") currently has 41 (forty one) liquor shops and 75 grocer wine licenses in die Western Cape, which provides employment for 105 (one hundred and five) full time employees and an additional 31 (thirty one) third party workers consisting of security officers and cleaning assistants.
- 2. The amount of workers in a specific liquor shop is based on the number of shifts scheduled for that particular store. The longer the trading hours of the store, the more shifts are required to ensure that the store achieves maximum productivity and efficiency and jobs and additional income for individuals is accordingly generated in the process. Public consumption of any commodity boosts economic growth.
- 3. We do not believe that there is a downside to longer trading hours or including Sundays to trade. The question should therefore be centralised around public and economic policy. By allowing reputable retailers (such as Shoprite Checkers) to trade on Sundays (for instance), we submit that the playing field, with reference to illegal liquor traders, will be levelled as it stands to reason that their commercial relevance will dissipate. It should be noted that it will remain less challenging to continue policing the compliance of large retailers with liquor laws as the processes of a retailer such as Shoprite Checkers are visible and transparent and Shoprite Checkers prides itself that it trades in strict compliance with the prescribed hours in the Act, and continues to ensure that it does not sell alcohol to minors. Another factor which should not be discounted is that of convenience, especially where time is a valuable commodity for most consumers.
- 4. When consumers therefore go to a grocery store on a Sunday, they want to do all of their family grocery shopping at that time. This could include buying wine other liquor simultaneously.



REGISTERED OFFICE: CNR WILLIAM DABS & OLD PAARL FOADS PO BOX 215. BRACKENFELL. 7561, SOUTH AFRICA TEL: FOR THE FORMER FOR THE F

DIRECTORS: J W BASSON (CEO), C G GOOSEN, J M ALBERTS, J A L BASSON, C BLAIR, M BOSMAN, S B BRAUDE, J V R BRÖNN, C J C DE W BURGER, A J DE SWARDT, P G DU PREEZ, D F DU TOIT, P C ENGELBRECHT, J FOURIE, G FRITZ, A B GARDENER, A GOUWS, D HALLALE, B HARISUNKER, G HAYES, A M HOWARD, J H HUNTER, W J HUNLUN, A JANSE VAN RENSBURG, M G JOUBERT, A E KARP, G G KRIEL, P J MALAN (NAMIBIAN), G M PMENTZ, F K G MULLER, E L NEL, S SCHIFF, N L SCHREUDER, P TZELLIOS (GREEK), P B VAN DER MERWE, J G VAN DEVENTER, H J VAN ROOYEN, S M VISSER, A C VOSLOO, B R WEYERS, J J ZWENNIS. <u>ALTERNATE DIRECTORS</u>: A DE BRUYN, T A FORREST, S G GOUWS, D H JACOBS, E L MARAIS, D G MÖLLER, V P SCHOELER, P SOLMS, P G VAN BREDA, J J VAN ZYL, L G VAN DER SPUY, A A WAGENAAR

# ANNEXURE B

## Shireen Maggott

From: Sent:	Cllr Fabian Ah Sing Tuesday, 25 October 2022 13:50	
To:	Shireen Maggott RE: CHECKERS CENTURY CITY: OFF CON:	SUNDAY (W55 CLLR WC COD)

Kind regards, Councillor Fabian Ah-Sing (Ward 55) Chairperson: Corporate Services Portfolio Committee

## COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

		FORM		
	Please complete the Subcouncil SC 16, 11 <sup>TH</sup>	informatio Floor, 44	on below and return to Wale Street, Cape Town	
Applicant Details			ERS CENTURY CITY NSUMPTION (Sunday)	
APPLICATION	SUPPORTED	x	NOT SUPPORTED	
	Aged or Frail Care Centre			
Please indicate whether the business is	Rehab, Drugs / Alcohol Centre			
LOCATED near	School(s)			<u>«</u>
	Other			
PARKING				
REASONS FOR NOT SUPPORTING				
desision-making proces	s. This will involve the pro in public reports and doc	cessing of s	is the relevant application/input uch information and may requi providing information in this do	re the information to
	ORGANISA	TION/OB	IECTOR DETAILS	
NAME	Cllr Fabian Ah-Sin	g		
DATE	25 October 2025			

## Shireen Maggott

b

	Patricia <cidmanager@paardeneilandcid.co.za> Monday, 31 October 2022 17:03</cidmanager@paardeneilandcid.co.za>
To:	Shireen Maggott
Subject:	RE: CHECKERS CENTURY CITY: OFF CON: SUNDAY (W55 CLLR WC COD)

## COMMENT ON APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

connizi	••••••	FORM		· · · · · · · · · · · · · · · · · · ·				
	Please complete the i Subcouncil SC 16, 11 <sup>TH</sup>	nformation b Floor, 44 Wal	elow and return to e Street, Cape Town					
Applicant Details	CHECKERS CENTURY CITY OFF CONSUMPTION (Sunday)							
PPLICATION	SUPPORTED	YES	NOT SUPPORTED					
lease indicate whether			· · · · · · · · · · · · · · · · · · ·					
LOCATED near	Centre School(s) Other							
ARKING		<u> </u>						
REASONS FOR NOT				. <u> </u>				
he relevant decision	n-making process. Thi rmation to be shared : n in this document, yo	s will involve and included	rocess the relevant application/ir the processing of such informat in public reports and documents ng to further processing.					
	URGANIJA							
NAME	Paarden Eiland Cit	y Improvem	ent District					
DATE	31 October 2022							

#### Shireen Maggott

Sent:	Christiana Groenewoud <cgroenewoud23@gmail.com> Thursday, 17 November 2022 09:45</cgroenewoud23@gmail.com>
<b>-</b>	bouwe@diemoot.net; Shireen Maggott RE: CHECKERS CENTURY CITY: OFF CON: SUNDAY (W55 CLLR WC COD)

## CAUTION: Time-enclinol(g) and echologisticle of the City of Cope flow of since work. Please do not click on any links of apen officient and the system of a clicks fine source. STOP, THINK, VERLY

The Milnerton Central Ratepayers Association has no objection to the granting of the extension liquor trading hours.

Kind regards

Christiana Groenewoud

Sent from Mail for Windows

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