

REPORT TO SUBCOUNCIL 09

1. ITEM NUMBER:

2. SUBJECT

APPLICATION FOR RENEWAL IN TERMS OF SECTION 6 OF CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013, FOR SUNDAY OFF-CONSUMPTION TRADING: SHOPRITE CHECKERS (PTY) LTD, WCP/039682

3. PURPOSE

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

4. FOR DECISION BY

Sub council in terms of Delegation 4(2)

To approve, refuse or vary applications for extension of trading days and hours on premises where liquor licenses have been granted.

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.

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 license;

(b) Where applicable, the validity of a business license 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 nuisance on the surrounding community;
 - ii. Mitigation measures to assist the control of risks and nuisance; 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 Sub council:

6.2.1 Details of application: **Annexure A**

- City Health Application: Licence Ref. No.: WCP039682
- Western Cape Liquor Authority: Renewal Notice
- Comments received by Subcouncil 09

7. RECOMMENDATION

- That Sub council 09 considers the application for the extension of liquor trading hours submitted by Shoprite Liquor Shop, Site C and resolve, refuse or vary the application for extension of liquor trading hours for Sunday from 11h00 to 18:00h00.
- Sub council 09 recommends that the application for off-Consumption premises Liquor License, reference no: WCP039682 for the business Cnr Solomon Tshuku & Idada Avenue, Site C **BE SUPPORTED**.

FOR FURTHER DETAILS, CONTACT:

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Comment:

Vathiswa Njaba
Subcouncil 09: Admin. Officer

DATE 08/03/2023

Jongihlanga France
Subcouncil 09: Manager

DATE 08/03/2023

Ald. Xolani Sotashe
Subcouncil 09: Chairperson

DATE 08/02/2023