



**BESTUURSDIENSTE  
MANAGEMENT SERVICES**

18 January 2023

Safety and Security Directorate's  
Law Enforcement Offices  
Cnr Old Paarl & Paradys Roads  
Brackenfell

**REFERENCE : WCP/043793**

Sir/Madam

**APPLICATION 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**

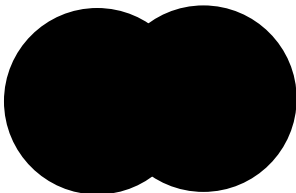
**HOMOLARI TRADING NO 7 CC T/A TOPS BOSTON, WCP/043793**

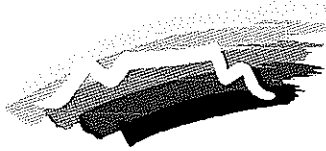
Attached hereto please find the completed application for **Monday to Saturday extended off-consumption trading hours** for the abovementioned licensed premises.

We trust that you will find the above in order.

Kindly contact us when the application is ready for collection.

Yours faithfully



**CITY HEALTH**

CITY OF CAPE TOWN | ISIXEKO 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
2. Full name of licensee
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)

**4. Name and address of the licensed premises****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.

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

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

Signature  Date

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

Name (printed) <input type="text" value="REDACTED"/>	Application prepared by <input type="text" value="REDACTED"/>
Postal address <input type="text" value="REDACTED"/>	Physical address <input type="text" value="REDACTED"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Work tel:  Cell:

Fax:  E-mail:

Signature  Date

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

Name (printed)



## Record of payment

Date: 20/01/2023 Time: 10:20 AM

From account number	***
From account name	
My reference	
Recipient's reference	
Bank	
To account number	
Amount	
Payment date	
Reference number	

Important: This Record of payment contains account information and is for the accountholder's use only. Please use the **Proof of payment** option to notify the recipient of the payment

# **APPLICATION IN TERMS OF SECTION 6 OF THE CITY OF CAPE TOWN : CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 FOR MONDAY TO SATURDAY OFF-CONSUMPTION TRADING**

## **Introduction**

1. All Local Authorities, in this case the City of Cape Town, have a mandate in terms of section 156 of the Constitution of the Republic of South Africa, act nr 108 of 1996 to make and administer by-laws for the effective administration of matters which it has the right to administer. In this case, trading hours and days for undertakings that sells liquor to the public.
2. This mandate was acknowledged by the Western Cape Liquor Act, Act Nr 4 of 2008 as amended and more specifically section 59 of the above act. In the case of the City of Cape Town, a by-law was published in 2010 and amended in 2012 and was due to be implemented on 1 April 2013. On 27 March 2013 (days before implementation) the by-law was referred back to the EEST portfolio committee to be reconsidered. This resulted in a publication of "Draft by-law for the Controlling of Undertakings that Sell Liquor to the Public, 2013". In the request for inputs from affected parties and by initiating the above process, the City Council acknowledged the fact that although alcohol is no ordinary commodity, unduly restricted supply (sales) have been shown to have adverse side-effects on individuals and businesses. Hence, it is necessary to seek a careful balance between the permitted times and hours of opening as well as the responsibilities of individuals using alcohol and those undertaking selling alcohol to the public.
3. The resultant new public by-law is more comprehensive and contains a number of new provisions in order to accomplish objectives to suit and satisfy all parties. The draft by-law also allows for the application for extension of trading days and hours within certain limits.

## **Personnel compliment and implications regarding HR & Labour Legislation**

4. The outcome of this application for extended hours of sale will definitively have an effect on personnel compliment of this retailer. The outcome of this application will also no doubt have an effect on the amount of casual workers employed by this retailer.

5. In order to conform to Labour Legislation, staff can only work a certain amount of hours per week. If extended off consumption trading hours (and proposed Sunday trading) will become a reality, more personnel can be employed – to work more weekly shifts, thus staying within the parameters of Labour Legislation.

### **Commuters making use of public transport**

6. In the case of commuters residing in outlying areas and making use of public transport, it is a known fact that after 18h00 (when liquor stores close) there are still a number of trains and busses arriving at these destinations. This resulted in commuters having to purchase liquor illegally. It must be born in mind that many people purchase liquor on a daily basis, as this is the best way of controlling liquor consumption. In most cases, liquor purchased on a specific day will be consumed on that day. Weekly purchases made on a Saturday morning (for the week) might result in over indulgence over the weekend. Therefore DAILY CONVENIENT purchase of liquor is very important to all people and even more so for people using public transport. Boston, Bellville is a very good example of the situation described above.
7. Should a commuter not be able to purchase liquor on arrival at his destination, it will be an option to purchase liquor at a point of boarding public transport. One needs not embroid on the hazardous situation of transporting liquor via public transport. Another option will be to purchase liquor from illegal traders after arriving at destination.

### **Tourism aspect affecting liquor retailing**

8. It is reported from all sources that the Western Cape Tourism is busy to recover from the Covid-19 pandemic and the result thereof. It is foreseen that the estimated contribution of tourism to the Western Cape economy will once again be at least 10% of economic activity as it was before Covid. It is therefore of very high importance that tourists to the Western Cape (not only from the rest of South Africa, but also from abroad) be afforded ample time to do purchases, which obviously include purchases of alcoholic beverages. It is difficult for a tourist to understand why the shelves and refrigerators in a modern supermarket at some times are locked when they intend also purchasing wine and other alcoholic beverages for consumption at their holiday home or accommodation.

9. All the big supermarket groups spend a large amount of money on marketing campaigns to promote the wines and the wine routes of the Western Cape only to find that people shopping in supermarkets or shopping centres, end up in front of locked wine areas or locked liquor shops. The Western Cape is very fortunate to enjoy the portion of the tourist market that visit the Western Cape. It must, however, be noted that due to the economic climate, the tourist season is becoming shorter. Also for that reason the availability of all merchandise not only during this season, is very important for retailers in the Western Cape and specifically the Cape Peninsula and coastal area.

### **Customer count in the retail environment**

10. No matter what the reason is, it is a known fact that the customer count of supermarkets and shopping malls, big and small, showed that preferred time of shopping of all commodities is between 17h00 and closing time. Should some departments and/or shops have to close earlier, it will no doubt inconvenience the shopper and also have an impact on the sales of the retailer. It is also a well-known fact that when the so-called grocers wine licenses were introduced years ago in contrary to predictions, the same amount of wine was sold but only in more outlets.
11. In other words, the granting by the authorities of grocers' wine licenses did not increase the volume of wine sold in South Africa.

### **Other retailers in the area**

12. Retailers nearby this retailer are already enjoying extended off consumption trading days and hours. Should this application not be approved, this retailer will trade at a disadvantage and potential customers will travel, or in this instance, walk to nearby outlets to make liquor purchases. It is therefore of the utmost importance that this application be approved. Should this application not be approved, the possibility of drinking and driving will be a reality.

## **Western Cape Liquor Authority**

13. Should this application be approved, it will still be inside the parameters set by the Western Cape Liquor Act, Nr 4 of 2008 as amended in section 59 of the act. The retailer will not experience longer sales hours as a result of this application being approved. Proposed regulations published by the National Liquor Authority also calls for uniform trading hours throughout the Republic of South Africa. Should this be achieved, there will not be certain retailers that are given preferential treatment.

## **Section 6(9) of the By-Law**

14. As requested in the above section, we comment as follows :

(a) **Validity of the liquor licence**

Kindly note comments by Specialized Law Enforcement.

(b) **Business licence**

In this instance a business licence is not required for the sale of liquor.

(c) **Location category as per schedule**

In this instance, not applicable

(d) **Previous suspension amendment or revocation of extended trading days & hours, including previous records of complaints investigated and confirmed in respect of the last 12 months preceding a current application for extension.**

Not applicable. The retailer has never had suspensions, amendments or revocation of extended trading days and hours or any record of complaints investigated.

(e) **Proximity of licensed premises to surrounding residential zoned area**

Kindly see attached Google map of the area. It needs to be noted that in the immediate vicinity of this liquor store, there are other retailers enjoying extended days and hours of trading.

(f) **Outcome of community consultation**

This retailer only recently opened its doors, and no history is available.

(g) **The potential impact on the surrounding environment**

Judging from results of retailers in the immediate vicinity enjoying extended days and hours of trading, no negative impact is expected. (See attached report by Specialized Law Enforcement).

(h) **Public interest**

In many reported and unreported cases the public interest is in most cases the deciding factor when a liquor licence is granted by a Liquor Authority and the conditions thereto are laid down.

According to the decision of the High Court of South Africa, public interest is doing something which if done, better serves the public than when not done.

All Liquor Boards in the Republic of South Africa, be it on a National or on a Provincial level, is regularly reminded of the article by Dr Malcolm Averey in De Rebus of May 1991, page 353 and 354 where it is specifically mentioned that the convenience of the public will be in most cases the deciding factor when considering the public interest and the granting of licences.



Applicant therefore submits that although published already in 1991, the statement made by the late Dr Averey still holds good and is definitely still applicable.

Applicant furthermore submits, taking the above into account, the granting of this application for longer business hours, will no doubt be in the public interest as it will also convenience the public.

In this instance, as mentioned above, this retailer only recently opened its doors, but as the retailers in the immediate vicinity have approved additional trading days and hours, in this instance, will also no doubt be in the public interest.

(i) **Motivation from the applicant dealing with the impact of risk to and nuisance on the surrounding communities**

The granting of this application will not impact the surrounding community with additional risks and nuisance. As mentioned above, this retailer has only recently opened its doors and as is the case with retailers in the immediate area, granting of this application will not have an impact on risk and nuisance on the surrounding community as is the case at the moment.

**Mitigation measures to assist the control of risks and nuisances**

Mitigation measures to assist retailer, which is a member of the Spar Guild, which is a reputable and responsible retailer, it is submitted that products to be stocked by this liquor store will not be low priced products and will not attract unsavoury elements, as is the case with other retailers in the area. Investigation has shown that people drinking in public and open public areas, do not consume the product stocked by this reputable and responsible retailer. In many cases the product consumed by these people are sourced from illegal traders.

**Benefits to surrounding community**

Benefits of extended liquor trading hours and days on the surrounding community

will be as described above: that liquor purchases can be made at a convenient time and on a daily basis to cater for daily needs. Also people making use of public transport, which as we all know, is insecure and not regulated, will have the chance to purchase liquor from a reputable and responsible retailer at a fair price.

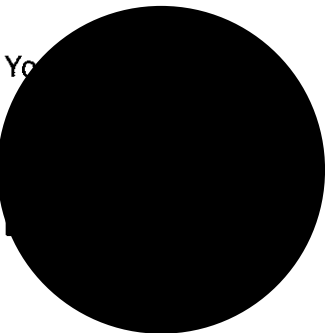
#### **Security measures implemented by retailer**

- Fenced in parking with security at gate
- Alarm system connected to Bassat Alarm Armed response
- Roller shutter door outside locked door
- Security instore

#### **Annexures required by the By-Law**

##### **Attached please find the following:**

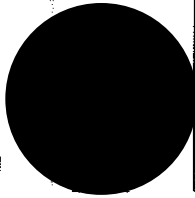
- Completed Form 2
- Valid liquor licence
- Business Licence (where applicable)
- Zoning Certificate (where applicable)
- Google image/street map
- Proof of payment of application fee
- Resolution





WESTERN CAPE  
LIQUOR AUTHORITY

Physical: 5nd Floor: Council Building, 13 Old Port Road, Bellville 7530  
Postal: Private Bag 96, Langastraf, Bellville 7532  
Email: [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za)  
Tel: 021 401 21 20/4 9700 [www.wcla.gov.za](http://www.wcla.gov.za)



#### FORM 21A

**ANNUAL LICENCE RENEWAL NOTICE:**  
**FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:**  
**THE YEAR 2023**  
**(REG. 30(1))**

**LIQUOR AUTHORITY REFERENCE NUMBER: WCP/043793**

Name of licensee: Homolai Trading No 7 cc  
Address of the licensed premises: Boston Centre, 85 Voortrekker Road, BOSTON EST, Bellville, 7530

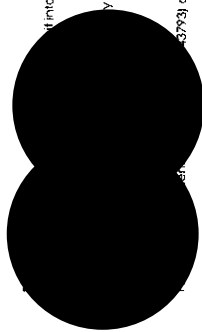
**(If the residential or postal address has changed, please also supply the new address to the following e-mail address:**  
**[liquor.enquiries@wcla.gov.za](mailto:liquor.enquiries@wcla.gov.za))**

Category of licence: Consumption Off

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

Amount: R 5,372, payable on or before 31 December 2022

Pay into the following bank account of the Authority:



Kindly email proof of payment to [finance@wcla.gov.za](mailto:finance@wcla.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).



WESTERN CAPE  
LIQUOR AUTHORITY

Licence number: WCP/043793  
LMATS number: 2019/594  
Representative: DM Hoogenhout  
021 8535785

#### ANNEXURE - B

**PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY**  
**EMAIL: [LIQUOR.ENQUIRIES@WCLA.GOV.ZA](mailto:LIQUOR.ENQUIRIES@WCLA.GOV.ZA)**  
**PLEASE COMPLETE IN BLOCK LETTERS**

##### Licence holder

On record  
Full Name: [Redacted]  
Mobile No: [Redacted]  
Email Address: [Redacted]  
Postal Address: [Redacted]  
Identify Number: [Redacted]  
Registration Number: [Redacted]

Note: In order to register for the next year, the licensee must supply the correct mobile number and email address on this Annexure.

##### Licence details

On record  
Licence Type: Consumption Off  
Trading As: Tops Boston  
Boston Centre  
85 Voortrekker Road  
BOSTON EST  
Bellville  
7530  
Licenced Premises:

##### Licence representative

On record  
Full Name: DM Hoogenhout  
Mobile No: [Redacted]  
Email Address: [info@dmmanagement.co.za](mailto:info@dmmanagement.co.za)  
Postal Address: P.O. Box 721  
SIRAND  
7139  
Identify Number: 1482330  
Registration Number:

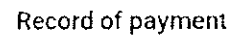
Please Note:  
A licensee who intends to substitute in a biennial renewal cycle, must lodge with the Authority a notice in the form of Form 21B by no later than 30 November 2022.

Signature of Licence Holder / Representative  
Date:



For Office Use

2019/594



From account number

From account name

My reference

Recipient's reference

Bank

To account number

Amount

Payment date

Reference number

Approved: Howard H. Thompson, Director, FBI. Forwards to the Attorney General, Department of Justice, Washington, D.C., for his review and approval.



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT

Anika Adams

T: 021 444 7929

06 May 2019

To whom it may concern:

**ZONING SCHEME EXTRACT**  
**City of Cape Town Municipal Planning By-Law, 2015**

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

Property description	ERF 10296, BOSTON
Physical address	85 VOORTREKKER ROAD
Zoning category	General Business 4, General Residential 2
Sub zone (if any)	None
Overlay zoning (if applicable)	None
Primary land uses permitted	<b>General Business 4:</b> Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, (and) open space, veterinary practice and filming. <b>General Residential 2:</b> Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space.
Other previously approved use rights (if any)	None
Road widening / new road schemes (if any)	None

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

Pienaar  
for DIRECTOR : PLANNING & BUILDING DEVELOPMENT MANAGEMENT



"C"