

REPORT TO SUBCOUNCIL 19

1. ITEM NUMBER : 19SUB17/03/23

2. SUBJECT

APPLICATION IN RESPECT OF THE EXTENSION OF LIQUOR TRADING HOURS FOR WCP/033934 HB-INN LIQUORS, 29 CARNATION ROAD, ATLANTIC HEIGHTS, OCEAN VIEW (OFF CONSUMPTION: 18:00 to 20:00) MONDAY TO SATURDAY

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

Subcouncil in terms of Delegation 25.4(2)

To approve, refuse or vary applications for extension of trading 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 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 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 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.
- 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 Subcouncil:

6.2.1 Details of application (see attached Annexure A):

- 29 Carnation Road
- Atlantic Heights
- Ocean View
- 7975

6.2.2 Subcouncil Manager confirmation: Advertising extent (Community participation) - Notices were sent via email and received the following Comments:

- **Ward Councillor**

To comment at Subcouncil meeting

- **Community Based Organizations (As per CBO Database):**

No comment received during the public participation period

- **Ward Committee**

No comment received during the public participation period

- **CPF:**

No comment received during the public participation period

- **Other interested and affected parties**

No comments received

- **Internal departments:**

- ❖ **Traffic:**

No comment received

- ❖ **Law Enforcement**

No comment received

7. RECOMMENDATION

Subcouncil 19 recommends that the application for extension of liquor licence trading hours received from reference no **WCP/033934 HB-INN LIQUORS** for the extension of liquor trading hours be **APPROVED/REFUSED** for:

1. Monday to Saturday from 18:00 to 20:00.

If not supported, note the following grounds for disqualification.

Reasons for amended trading hours:

The granting of the application prejudices-

- (i) *The premises situated in a residential area;*
- (ii) *The problems associated with drunkenness and social ills (anti-social behaviour).*

ANNEXURES:

- A. Application for Monday to Saturday extended off-consumption trading hours

FOR FURTHER DETAILS CONTACT:

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Comment:

Desiree Mentor
MANAGER: SUBCOUNCIL 19

DATE 10 MARCH 2023