



REPORT TO SUBCOUNCIL 24

1. **ITEM NUMBER:** 24SUB 31/09/2021

2. **SUBJECT**

**RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION:
IN RESPECT OF WARD 84: PICK 'N PAY LIQUOR (RIVERSIDE SHOPPING
CENTRE) WCP/038914 REF 186467 FOR OFF CONSUMPTION PREMISES
SUNDAY TRADING**

ISIHLOKO

**ISICELO SOKUHLAZIYWA KOKWANDISWA KWEYURE
ZOKUTHENGISA UTWALA NGOKUJOLISWE KWIWADI84: KWABEPICK
'N PAY LIQUOR – (RIVERSIDE SHOPPING CENTRE) WCP/038914
ISALATHISO 186467, KWIZAKHIWO EKUNGASELELWA KUZO,
UKURHWEBA NGECAWE**

ONDERWERP

**AANSOEK OM DIE HERNUWING VAN DIE VERLENGING VAN
DRANKHANDELSURE: TEN OPSIGTE VAN WYK 84: PICK 'N PAY
LIQUOR - (RIVERSIDE SHOPPING CENTRE) WCP/03891 REF 186467 VIR
BUIEVERBRUIKPERSEEL SONDAGHANDEL**

3. **PURPOSE**

To report to the Subcouncil on comments received for a liquor license application in terms of Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of 2010 and Western Cape Liquor Regulations, 2011 pertaining to the Extension of Trading Days and Hours applicable to Section 6(5) A of the City of Cape Town Liquor Trading Days and Hours By-Law 2013 as amended.

4. **FOR DECISION BY**

Delegation Part 24(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 Liquor Trading Days and Hours By-Law, 2010 as amended by the Liquor Trading Days and Hours By-law, 2012 requires that the needs of the community and the liquor license holder are considered by following due

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administrative processes. The application before Subcouncil 24 is at the stage where public participation was facilitated by the administration of Subcouncil and the comments from the affected stake holders are reflected in the report and for the Subcouncil to approve, refuse or vary the application for the extension of trading hours, from **11H00 until 18H00, Sunday trading** for off-consumption premises.

Annexures to this report is available upon request to the author.

6. RECOMMENDATIONS

Subcouncil 24 recommends that the application for a liquor licence received from **Pick 'n Pay Liquor (Riverside Shopping Centre), Cnr Main & Fagan Streets, Somerset West**, Liquor Licence Reference No. **186467** and Licence No. **WCP/038914** for the extension of trading hours, **11H00 until 18H00 Sunday trading** for Off Consumption Premises, be APPROVED, REFUSED or VARIED.

ISINDULULO

IBhungana24 malenze isindululo sokuba kuphunyezwe, kukhatywe okanye kuhlengahlengiswe isicelo sephephamvume lokuthengisa utywala esifunyenwe kwabe**Pick 'n Pay Liquor (Riverside Shopping Centre), cnr Main & Fagan Streets, eSomerset West**, inombolo yesalathiso sephephamvume lotywala ngu**186467** nenombolo yephephamvume ngu**WCP/038914** ngokumalunga nokwandiswa kweeyure zokuthengiswa kotywala ukususela ngeye**11:00 kude ibeneye18:00 ukurhweba ngeCawe**, kwizakhiwo ekungaselelwa kuzo.

AANBEVELING

Subraad 24 beveel aan dat die aansoek om 'n dranklisensie ontvang van **Pick 'n Pay Liquor (Riverside Shopping Centre), hoek van Hoof & Faganstraat, Somerset-Wes**, dranklisensieverwysingsno. **186466** en lisensieno. **WCP/038914** vir die verlenging van drankhandelsure, **11:00 tot 18:00 Sondaghandel** vir buiteverbruikperseel, GOEDGEKEUR, AFGEKEUR of VERANDER word.

If Not Supported, Note the following grounds for disqualification.

Criteria for granting licences

*31.(1) The Liquor Licensing Tribunal or Presiding Officer, as the case may be, **may not grant a licence**, unless it or he or she is satisfied on the balance or probabilities that -*

- (a) the granting thereof is in the public interest;*
- (b) the applicant is of good character, and not disqualified from holding a licence in terms of section 35;*

- (c) *the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;*
- (d) *the applicant has the right to occupy the proposed licensed premises; and*
- (e) *the granting of the application does not prejudice -*
 - (i) *the residents of a residential area;*
 - (ii) *the residents of an institution for the aged or frail;*
 - (iii) *the learners of an educational institution who are under the age of eighteen (18) years;*
 - (iv) *the patients of an institution for drug or alcohol related dependencies;**or*
 - (i) *the congregants of a religious institution located in the vicinity of the proposed licensed premises.”*

Reasons for Non Support:

The granting of the application prejudices-

- (i) *the residents of a residential area;*
- (ii) *the residents of an institution for the aged or frail;*
- (iii) *the learners of an educational institution who are under the age of eighteen (18) years;*
- (iv) *the patients of an institution for drug or alcohol related dependencies; or*
- (i) *the congregants of a religious institution located in the vicinity of the proposed licensed premises.”*

7. DISCUSSION/CONTENTS

Section 37 of the Western Cape Liquor Act, 2008, as amended by the Western Cape Liquor Amendment Act, 10 of addresses the Notice of Application process. Section 37(4), (5) and (6) of the Act reads as follows:

“(4) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must, within the prescribed period from the date of lodgement of an application, serve a copy of the application in the prescribed manner on the municipality concerned in order for it to—

(a) where section 36(1)(c) applies—

- (ii) *allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;*
- (iii) *obtain the comment of the ward councillor;*
- (iv) *comment on the application; and*
- (iv) *allow for the consideration of the planning application in relation to the application for a liquor licence; or*

(b) where section 36(1)(c) does not apply—

(i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;

(ii) obtain comment of the ward councillor; and

(iii) comment on the application.

(5) The designated liquor officer in whose area of jurisdiction the proposed licensed premises are located must or the municipality **may**, within the prescribed time, give notice of the application to—

(a) neighbouring residents or such persons who in his, her or its judgement may be affected by, or have an interest in, the granting or refusal of the application; and

(b) the community policing forum, if any, of the area in which the premises are located.

(6) Notwithstanding subsection (1), where an applicant has to comply with section 36(1)(c), the notification done in terms of the applicable planning legislation is deemed to be in compliance with the notification requirements in terms of this section: Provided that the Liquor Licensing Tribunal may require such additional notification as it may deem appropriate.”

5.2 The following application for the extension of liquor trading days and hours was received by the Sub Council from the City's Environmental Health Office:

- Details of applicant:
- **WCP 038914**
- **Pick 'n Pay Liquor – Riverside Shopping Centre**
- **Erf 579**
- **Cnr Main & Fagan Street, Somerset West**

5.3 SubCouncil Manager confirmation: Advertising extent (Community participation) - Notices served on and received the following comments-

- **Ward Councillor- Ward 84:**
I have no objection provided that the City's by laws and policies are adhered to, and subject to Covid-19 regulations.
- **Ward Committee Members of Ward 84**
➤ Unaware of any objections against this application.
- **Community Based Organizations: As per the CBO database**
I support this application.
- **CPF:**
We have no objection to this extension of trading hours.
- **South African Police Services – Designated Liquor Officer**
No comment received.
- **Internal departments:**

❖ **Town Planning:**

The proposal is in order and supported by the Development Management Department.

❖ **City Emergency Services:**

THIS DEPARTMENT HAS NO OBJECTIONS - WITH CONDITIONS: SEE COMMENT BELOW: Relative to the above Liquor Licence Applications - Please be advised that this department has **NO OBJECTION** to the above Liquor Licence Applications – Please take note that **THE NO OBJECTION FROM THIS DEPARTMENT IS SUBJECT** to the above Liquor Licence Applications complying with the National Building Regulations and The CCT By-law Relating to Community Fire Safety and or any other pertinent regulations.

There must be an Approved Fire Protection Plan for the Building / Structure – And all the Fire Safety Requirements as per this Approved Fire Protection Plan for the Building / Structure shall be implemented:

❖ **Law Enforcement Squad:**

Law Enforcement Department response is on page 3 of the application form which reads as follows *“Pertaining to the mentioned premises, namely **Pick ‘n Pay Liquor (Riverside Shopping Centre), Cnr Main & Fagan Streets, Somerset West.** It was ascertained that the applicant did renew his liquor licence for **2021**. No complaints were received by the Liquor Unit with regards to this establishment. This application was submitted to the Provincial Office of SAPS’ Liquor Control for comments, however, no feedback has been received due to the Covid-19 pandemic and the SAPS maintaining the lockdown regulations.*

7.1. Constitutional and Policy Implications

None.

7.2. Sustainability implications

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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7.3. Legal Implications

None.

7.4. Staff Implications

Does your report impact on staff resources or result in any additional staffing resources being required?

No ☒

Yes ☐

7.5. POPIA Compliance

☒ It is confirmed that this report has been checked and considered for POPIA Compliance.

7.6 Other Services Consulted

Safety & Security Services: Emergency Services

Development Management Department

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	<i>Urban Management</i>
FILE REF NO	<i>17/1/2/1</i>

Comment:

SUBCOUNCIL MANAGER

Goodman Lulamile Rorwana

NAME

DATE