



REPORT TO SUBCOUNCIL 20

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1. ITEM NUMBER : 20SUB30/09/2021

2. SUBJECT

**RENEWAL OF EXTENSION OF LIQUOR TRADING HOURS APPLICATION: IN RESPECT OF: WCP038224/A:- PICK 'N PAY LIQUOR PLUMSTEAD, ERF 73984, SHOPS 4 AND 5, KFC CENTRE, CNR GABRIEL AND WICKLOW ROADS, PLUMSTEAD (OFF CONSUMPTION - MONDAYS TO SATURDAYS)**

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

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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 administrative processes. The application before Subcouncil 20 is at the stage where public participation was facilitated by the administration of Subcouncil and the comments from the affected stake holders are attached for the Subcouncil to approve, refuse or vary the application for the extension of trading days and hours, Mondays to Saturdays from 18H00 until 20H00 for Consumption OFF premises applicable to the business trading as Pick 'n Pay Liquor Plumstead, Erf 73984, Shop 4 and 5, KFC Centre, cnr Gabriel and Wicklow Roads, Plumstead.



## 6. DISCUSSION

6.1 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—*

- (i) allow the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application;*
- (ii) obtain the comment of the ward councillor;*
- (iii) 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."*

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

6.2.1 Details of applicant:

- **WCP038224/A**
- **Danie Cronje**
- **Pick 'n Pay Liquor Plumstead, Erf 73984, Shop 5, KFC Centre**
- **Erf 73984**
- **Cnr Gabriel and Wicklow Roads, Plumstead**

6.2.2 Subcouncil Manager confirmation: Advertising extent (Community participation) - Notices served on and received the following Comments -

- **Ward 62 Councillor: Liz Brunette**  
No Objection – Annexure B
- **Community Based Organizations: As per CBO Database:**  
No comment was received during the public participation stage
- **Ward Committee: Elected members of Ward 62:**  
No comment was received during the public participation stage
- **CPF:**  
No comment was received during the public participation stage
- **Internal departments:**
  - ❖ **Law Enforcement:**  
No comment was received during the public participation stage

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## 7. RECOMMENDATION

Subcouncil 20 recommends that the application for a liquor licence received from Pick 'n Pay Liquor Plumstead, Erf 73984, Shops 4 and 5, KFC Centre, cnr Gabriel and Wicklow Roads, Plumstead, Reference No WCP038224/A:- for the extension of trading days and hours Mondays to Saturdays, 18H00 until 20H00 for Consumption OFF Premises, be APPROVED, REFUSED or VARIED.

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 of 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*
    - (iv) 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."*

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<b>NAME</b>	<i>Richard White</i>
<b>CONTACT NUMBERS</b>	<i>021 444 8112</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Richard.White@capetown.gov.za"><i>Richard.White@capetown.gov.za</i></a>
<b>DIRECTORATE</b>	<i>Urban Management</i>

  
 .....  
**Richard White**  
**MANAGER: SUBCOUNCIL 20**

Comment:

DATE

*30 August 2021*

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## 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 **WCP/038224**2. Full name of licensee **Plumstead Family Store (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)

## Annexure A

4. Name and address of the licensed premises

**Pick 'n Pay Liquor (Plumstead)****Shop no. 4 & 5, KFC Centre****Cnr of Gabriel and Wicklow Roads****Plumstead**

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. **Erf 73984****Plumstead**

6. Contact number

**Danie Cronje : 021 883 3906**

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

## Annexure B

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

Signature

Date

**25/6/2021**

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

Name (printed) **D.L. Cronje**Application prepared by **Danie Cronje Attorneys**Postal address **P.O. Box 621**Physical address **1 Andringa Street****Stellenbosch****Stellenbosch****7599****7600**Work tel: **021 883 3906**Cell: **082 772 3517**Fax: **086 552 5884**E-mail: **danie@daniecronje.com**

Signature

Date

**25/6/2021**

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

Name (printed) **D.L. Cronje**

Liquor licence number WCP/038224**OFFICE USE ONLY****SAFETY AND SECURITY**

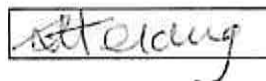
Comment or state history of nuisance(s) and/or any complaints received or action taken in respect of the premises or licensee

PERTAINING TO THE MENTIONED PREMISES, NAMELY, PICK N PAY LIQUOR (PLUMSTEAD), SITUATED AT, SHOP NO 4 & 5,KFC CENTRE, CNR GABRIEL AND WICKLOW ROAD, PLUMSTEAD, IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HISLIQUOR LICENSE 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, NOFEEDBACK HAS BEEN RECEIVED DUE TO THE COVID-19 PANDEMIC AND THE SAPS MAINTAINING THE LOCKDOWNREGULATIONS.

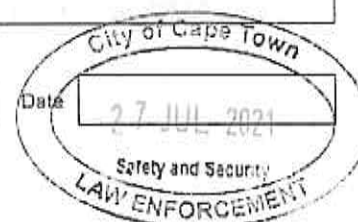
Name of Official

**Marilyn Holding**
**Assistant Chief**  
**LAW ENFORCEMENT**  
**10001005**

Signature



Date

27 JUL 2021

This applicant must now hand the application form in at the designated Environment Health Office. Please note: As from 01 July 2020 a non-refundable Application fee of R4 428.00 (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 2020 accompany the application when handing it in at the designated Environmental Health Office.

Application Fee

Receipt number

payment date

ANNEXURE A

PLUMSTEAD FAMILY STORE (PTY) LTD

REG NO. 1999/015951/07

SHAREHOLDERS:

1. The Good Hope Trust  
Reg. no. IT 4241/95  
33.33%
2. The Selbourne Towers Trust  
Reg. no. IT 4310/95  
33.33%
3. The Sunshine Family Trust  
Reg. no. IT 4687/99  
33.33%



## ANNEXURE B – Form 2

### Pick 'n Pay Liquor (Plumstead)

The Applicant was allowed to sell liquor until 20h00 in terms of its licence issued under the Liquor Act 27 of 1989.

The Western Cape Liquor Act was approved after widespread public participation and it is submitted that it reflects the will of the people of the Western Cape.

The Act provides for licence holders with off-consumption liquor licenses to apply for trading hours until 20h00.

It is submitted that the Control of Undertakings that Sell Liquor to the Public Bylaw reflects the will of the citizens of the City of Cape Town.

This includes allowing responsible licence holders to apply for extended trading hours until 20h00.

Due to their working hours a significant percentage of the applicant's customers find it very difficult to purchase liquor before 18h00 on weekdays.

The extension of trading hours until 20h00 will allow them to do so (as they had been able to do under the Liquor Act 27 of 1989).

#### **THE PROXIMITY OF LICENSED PREMISES TO SURROUNDING RESIDENTIAL ZONED AREA, CULTURE, RELIGIOUS AND EDUCATIONAL FACILITIES**

- The nearest residential area is: Wicklow Gardens, approximately 15 m from the premises
- The nearest religious facility is: Methodist Church Plumstead, approximately 370 meters from the premises
- The nearest educational facility is: Timour Hall School, approximately 190 m from the premises

The manner in which the business is carried on under the current trading hours does not prejudice the residents of a residential area or the proceedings in cultural, religious or educational facilities and it is submitted that there is no reason why an extension to 20h00 will change this situation.

#### **THE POTENTIAL IMPACT ON THE SURROUNDING ENVIRONMENT**

The current activities of the applicant do not have any negative impact on the surrounding environment and it is submitted there is no reason why an extension to 20h00 will change this situation.

#### **THE RISKS TO AND NUISANCES ON THE SURROUNDING COMMUNITY**

The current activities of the applicant do not pose a risk or nuisance to the surrounding community and it is submitted there is no reason why an extension to 20h00 will change this situation.

#### **MITIGATION MEASURES TO ASSIST THE CONTROL OF RISKS AND NUISANCES**

The applicant submits that its current activities do not cause risk or nuisance to the surrounding community.

No mitigation measures are therefore required.

However, should the applicant become aware of any risk or nuisance in future it will implement suitable measures to mitigate the risk or nuisance.

#### **PUBLIC INTEREST**

The proposed extension will improve the shopping experience of the public by allowing customers time after working hours in which to purchase their liquor.

**Richard White**

**From:** Cllr Elizabeth Brunette (DA)  
**Sent:** Monday, 16 August 2021 22:14  
**To:** Brigitte Francis; Heinrich Ras; WynbergSAPS@saps.gov.za  
**Subject:** RE: Application: Extended Liquor Trading Hours: Pick n Pay Liquor Plumstead. WCP038224 A and B

Good day

I have no objection to renewing the extended trading hours for Off-Consumption trading at Pick 'n Pay Liquor in Wicklow Road, Plumstead.

Regards

Councillor Liz Brunette

**WORKING FROM HOME DURING COVID-19**

City of Cape Town; Ward 62 | *Constantia, Bishopscourt, Fernwood, Wynberg west, Plumstead west*

Cell: 082 823 6584 | Office: 021 444 8118

**Contact Us** - <https://www.capetown.gov.za/General/Contact-us>

**Emergencies** – 021 480 7700 or 107 from a landline

**Water issues** – [water@capetown.gov.za](mailto:water@capetown.gov.za)

**Electricity issues** – [power@capetown.gov.za](mailto:power@capetown.gov.za)

**Baboon Hotline** – 071 588 6540 / [baboons@capetown.gov.za](mailto:baboons@capetown.gov.za)



CITY OF CAPE TOWN  
 ISIXAKO SAKAKA  
 ITHAKA KAPSTAD

**From:** Brigitte Francis <Brigitte.Francis@capetown.gov.za>

**Sent:** Friday, 13 August 2021 17:22

**To:** Cllr Elizabeth Brunette (DA) <Elizabeth.Brunette@capetown.gov.za>; Heinrich Ras <Heinrich.Ras@capetown.gov.za>; WynbergSAPS@saps.gov.za

**Subject:** Application: Extended Liquor Trading Hours: Pick n Pay Liquor Plumstead. WCP038224 A and B

Dear Councillor, Members of the Ward Committee of Ward 62, Sen Insp Ras and SAPS

Notice is hereby given that an application for an extension of liquor trading hours for:

#### OFF-CONSUMPTION

Extended Liquor Trading Hours for Off-Consumption premises for Mondays to Saturdays

From 18:00 to 20:00 and Sundays from 11:00 to 18:00.

Application was received on 5 August 2021.

Applicant's Name	Pick n Pay Family Store (Pty) Ltd
Current trading hours	18:00 - 20:00 Mondays to Saturdays & Sundays 11:00 to 18:00
Business Name	Pick 'n Pay Liquor (Plumstead),
Address	Erf 73984, Shop No 4 & 5, KFC Centre, Cnr Gabriel Road and Wicklow Road, Plumstead WCP/038224 A & B

This application has been lodged at the City of Cape Town.