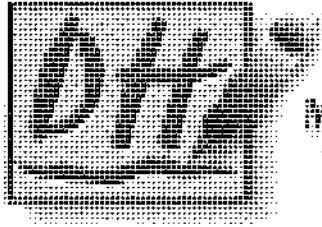


## Liquor Licence Application

Application Reference No	<b>LLA23090024</b>		
Section	SECTION 36 NEW APPLICATIONS	Received MSC	2023/09/20
Documents Received and Attached			
Application	Y	Notice section 37(2)	Y
Plan of the Premises	Y	Right of occupation	Y
Site Plan	Y	ID or Registration	Y
Premises Description	Y	Notice of Application	Y
Colour Photographs	Y	Application Fee	Y
Representation	Y	Zoning Certificate	Y
SAPS Office	Goodwood Police Station	Date Received	2023/09/18
Applicants Name	Rothmanand Rothman CC		
Applicants ID or Reg No	1998/064929/23		
Kind of Licence	Consumption OFF Premises		
Business Name	<b>OK Liquor Tygerdal</b>		
Proposed Address	Erf: 25943 , 190 , Alice Street , Rothman Centre Tygerdal Goodwood		
SubCouncil Name	SC04	Ward	27
Date Submitted to SC	<b>2023/09/22</b>		



**BESTUURSDIENSTE  
MANAGEMENT SERVICES**

29 September 2023

The Ward Councillor  
City of Cape Town  
Liquor Licence Applications  
Sub Council 4  
Ward 27

Dear Sir/Madam

**WESTERN CAPE LIQUOR ACT (ACT NR 4 OF 2008, AS AMENDED) :  
APPLICATION IN TERMS OF SECTION 36 OF THE ACT FOR A LIQUOR  
LICENCE, AS WELL AS APPLICATION IN TERMS OF SECTION 52(1) TO  
APPOINT A NATURAL PERSON : OK LIQUOR TYGERDAL, ERF 25934,  
ROTHMAN CENTRE, 190 ALICE STREET, TYGERDAL, GOODWOOD, 7460,  
CITY OF CAPE TOWN, SUB COUNCIL 4, WARD 27**

Attached please find a copy of the abovementioned application in terms of section 36 of the Western Cape Liquor Act, (Act nr 4 of 2008, as amended), for a liquor licence, as well as application in terms of section 52(1) to appoint a natural person, for your kind attention.

Please be so kind to email writer a copy of your report to [felicity@dhmanagement.co.za](mailto:felicity@dhmanagement.co.za) and/or [info@dhmanagement.co.za](mailto:info@dhmanagement.co.za).

Yours faithfully

DM HOOGENHOUT

STATE OF TEXAS  
MANAGEMENT SERVICES

APPLICANT FOR A LICENSE UNDER SECTION 201

NAME OF APPLICANT	
ADDRESS	
CITY	
COUNTY	
STATE	
DATE OF APPLICATION	
TYPE OF SERVICE	
CLASSIFICATION	
EXPIRES	
ISSUED	
RENEWED	
REASON FOR RENEWAL	
REMARKS	
APPLICANT'S SIGNATURE	
DATE	
OFFICIAL'S SIGNATURE	
DATE	
OFFICIAL'S TITLE	
OFFICE	
COMMISSION	

**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**


[Reg. 9(3)]


**1. APPLICANT'S DETAILS**


1.1 Full name : ROTHMAN AND ROTHMAN CC

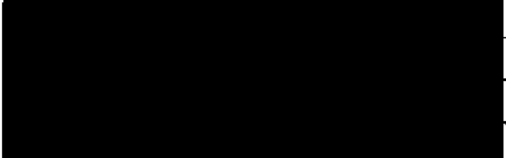
1.2 Identity number : NOT APPLICABLE  
*(if applicant is a natural person)*

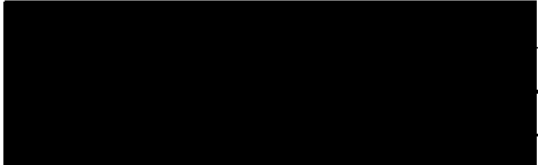
1.3 Date of birth : NOT APPLICABLE  
*(if applicant is a natural person)*

Registration number :   
*(if applicant is not a natural person)*

1.4 Registered address :   
Postal code :

1.5 Postal address :   
Postal code :


1.6 Address for service of all notices and documents : 


1.7 Address for service of all notices and documents after application has been determined : 

1.8 Contact details of applicant or, if applicant is not a natural person, of contact person : ELIAS JOHANNES ROTHMAN

Telephone numbers

Office :   
Mobile :   
Home or other : 

1.9 Fax number : 

1.10 E-mail address : 

*ER*

### FORM 3

#### APPLICATION FOR A LICENCE IN TERMS OF SECTION 36

[Reg. 9(3)]

#### 2. QUALIFICATION OF APPLICANT

2.1	Is the applicant someone who -	Mark "yes" or "no"	
(a)	has, within the five (5) years prior to the lodgement of this application, been sentenced to imprisonment without the option of paying a fine?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(b)	has, within the five (5) years prior to the lodgement of this application, been declared unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor authority?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(c)	is an unrehabilitated insolvent?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(d)	is a minor?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(e)	was the holder of a licence that was cancelled in terms of the Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of this application?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(f)	is a spouse or life partner of a person described in (a), (b) or (e) above?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(g)	anyone who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
2.2	In the case of an applicant who is not a natural person : Is any member, shareholder, partner, beneficiary or trustee of the applicant a person as described in paragraph 2.1 (a), (b), (c), (d) or ( e)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

2.3 If any of the questions in paragraph 2.1 or 2.2 has "yes" as the answer, provide full details  
(Use a separate annexure if necessary)

**NOT APPLICABLE**

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*PR*

**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

**3. FINANCIAL INTEREST**

3.1 State the name, identity number and address of each person, including the applicant, who has any financial interest in the business and in each case the nature and extent of such interest:

(Use an annexure if necessary)

*[If the applicant is a public company, statutory institution or co-operative as contemplated in the Co-operatives Act, 2005 (Act 14 of 1981), it is sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.]*

**ROTHMAN AND ROTHMAN CC - APPLICANT**

<b>ELIAS JOHANNES ROTHMAN, ID</b>	
<b>LOURENS JOHANNES ROTHMAN</b>	
<b>WILHELM COENRAAD ROTHMAN</b>	

3.2	If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in paragraph 3.1 above -	Mark "yes" or "no"
(a)	has a controlling interest in the company, close corporation or trust?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
(b)	is a partner in the partnership?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(c)	is the main beneficiary under the trust?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

3.3 If any of the questions in paragraph 3.2 (a), (b) or (c) has "yes" as the answer, provide full details (Use an annexure if necessary)

**SAME AS IN 3.1**

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**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

**4. APPLICATION DETAILS**

4.1 State the category of licence applied for : CONSUMPTION OFF

4.2 State the kind(s) of liquor the applicant intends to sell or manufacture under the licence :  
ALL KINDS

4.3 Under what name is the business to be conducted? OK LIQUOR TYGERDAL

4.4 Address of the premises to be licensed, with reference to the number of the erf, street(s), apartment(s), shop(s) or farm, as the case may be, where the business will be conducted :  
ERF 25934, ROTHMAN CENTRE, 190 ALICE STREET, TYGERDAL, GOODWOOD, 7460

4.5 Does the applicant own the proposed licensed premises?  YES  NO

If no, give details of the owner and the applicant's right of occupation :

Owner's name : LOUWTJIE ROTHMAN GOODWOOD CC

Owner's address : [REDACTED]

Applicant's right of occupation : AGREEMENT OF LEASE

Duration of right of occupation : 3 YEARS

4.6	Is the application made in respect of premises that -	Mark "yes" or "no"	
(a)	have not yet been erected?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
(b)	are already erected but require additions or alterations to make them suitable for the purposes of the proposed business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
(c)	are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for the purposes of the proposed business?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

*RL*

**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

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4.7 If any of the questions in paragraph 4.6 (a) or (b) has "yes" as the answer, please state -

(a) the date on which such erection, addition or alteration will commence :

**ALTERATIONS WILL COMMENCE ON RECEIPT OF CONDITIONAL APPROVAL**

(b) the period that will be required for the erection, additions or alterations :

**± 3 MONTHS**

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4.8 Trading hours sought during which it is proposed liquor may be sold or consumed on the licensed premises :

**AS PER MUNICIPAL BYLAW**

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4.9 Should the application be granted, indicate whether the licence will automatically be renewed on an ~~annual~~ or **biennial** basis. *(Mark which is applicable)*

4.10 Jobs to be created

(a) How many persons will be employed by the business?

**5 (FIVE)**

(b) How many persons will be employed as managers?

**1 (ONE)**

(c) How many persons will be employed specifically for the sale of liquor?

**5 (FIVE)**

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*SK*

**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

**5. DETAILS OF APPLICANT IF APPLICANT IS NOT A NATURAL PERSON**

*( To be filled in if applicant is a company, close corporation, trust or partnership)*

5.1 Registered name : ROTHMAN AND ROTHMAN CC

5.2 Registration number : 

5.3 Date of registration : 11 NOVEMBER 1998

*( Attach proof of registration as an annexure)*

**5.4 Details of members, directors, partners or trustees :**

*( Use an annexure if necessary)*

Full name : ELIAS JOHANNES ROTHMAN

Physical address : 

Postal code : \_\_\_\_\_

Postal address : \_\_\_\_\_

Postal code : \_\_\_\_\_

Identity number : \_\_\_\_\_

Full name : \_\_\_\_\_

Physical address : \_\_\_\_\_

Postal code : \_\_\_\_\_

Postal address : \_\_\_\_\_

Postal code : \_\_\_\_\_

Identity number : \_\_\_\_\_

Full name : \_\_\_\_\_

Physical address : \_\_\_\_\_

Postal code : \_\_\_\_\_

Postal address : \_\_\_\_\_

Postal code : \_\_\_\_\_

Identity number : \_\_\_\_\_



**FORM 3**

**APPLICATION FOR A LICENCE IN TERMS OF SECTION 36**

[Reg. 9(3)]

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**6. OTHER LICENCES**

6.1 Give full details of any existing liquor licence on the property where the proposed premises are located :

Licensee : ROTHMAN & NEL CC

Type of licence : CONSUMPTION OFF

Authority reference number : WCP/016676

*(The location of such other licensed premises in relation to proposed premises to be indicated on a site plan)*


6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province, as well as full details of any registration held with the National Liquor Authority in terms of the Liquor Act, 2003 (Act 59 of 2003)

**THE APPLICANT HAS NO OTHER LIQUOR LICENCES IN THE  
WESTERN CAPE OR A REGISTRATION WITH THE NLA**

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*(Use an annexure if necessary)*

2023-09-04  
Date

  
Signature of applicant or person authorised by applicant

**R RAS**  
Print name

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**A person who, regarding an application, objection or representations in terms of the Western Cape Liquor Act, 2008, lodges or provides information that he or she knows to be false or misleading, or that he or she does not know to be true, or lodges a forged document or one that purports to be, but is not, a true copy of the original, is guilty of an offence in terms of section 77(a) of the Act.**

**A person so convicted is liable on conviction to a fine not exceeding R50,000.00 or to imprisonment for a period not exceeding three months or to both such fine and such period of imprisonment.**

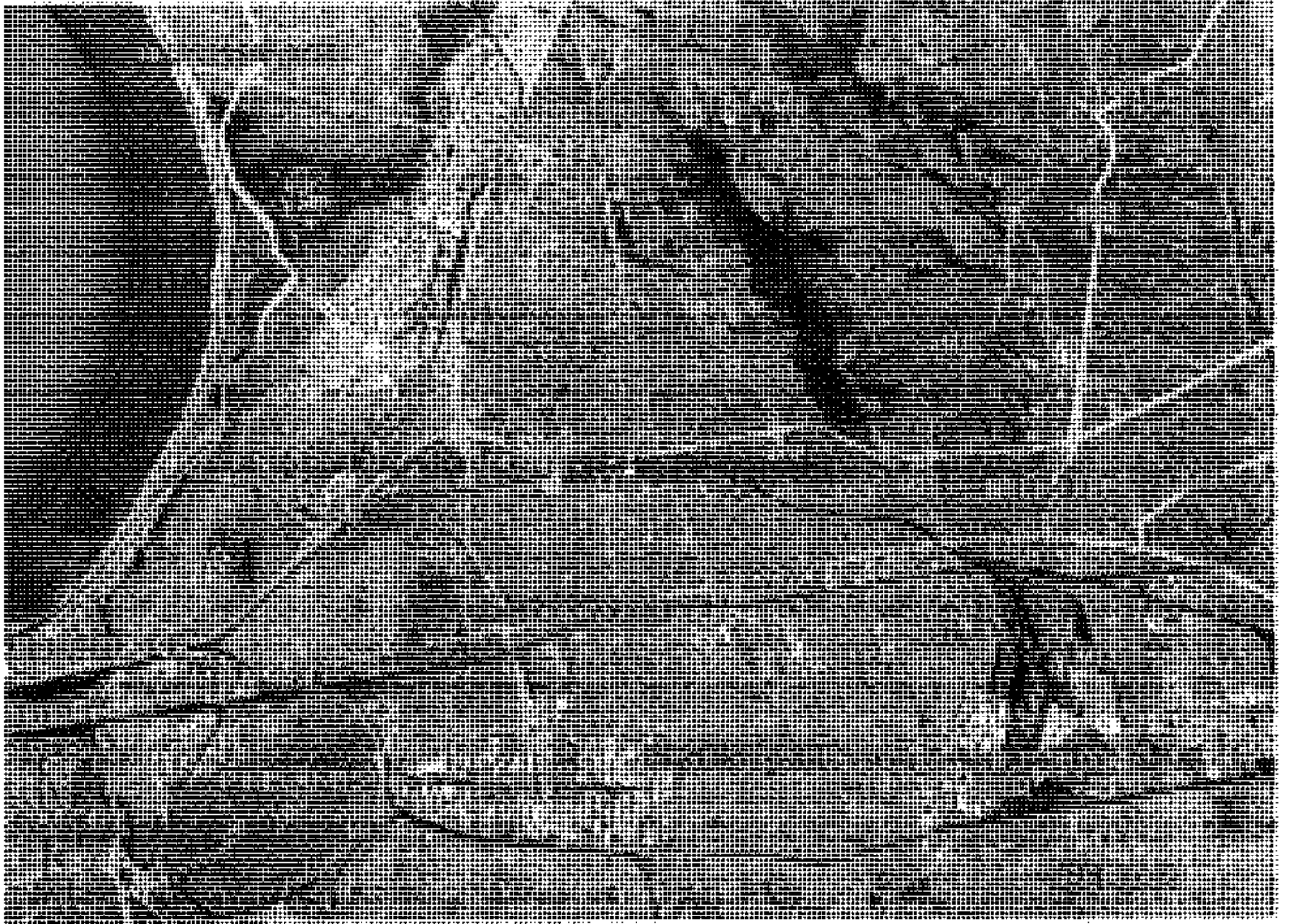
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C





**DESCRIPTION OF THE PREMISES (Regulation 9(4)(c))**

**1. General**

The premises is situated Erf 25934, Rothman Centre, 190 Alice Street, Tygerdal, Goodwood, City of Cape Town, Sub Council 4, Ward 27. This is an existing small shopping centre in the northern suburbs of Cape Town to which the Honourable LLT of the WCLA needs no introduction. The centre is situated close to Frans Conradie Drive and currently the anchor tenant is OK Foods. Also in the centre is a fish & chips take away and a hair salon. As can be seen this centre is also owned by the persons connected to the applicant, which has been trading since here successfully for a number of years.

Because of the growth of the franchise group and the OK Liquors, it was decided to lodge this application and to also establish OK Liquors in this small centre for the convenience of shoppers and local residents.

Attached to this application please find colour photographs of current state of the building. It is submitted that as soon as possible on the receipt of the provisional approval, applicant will complete shopfitting and supply colour photographs of the completed premises to the Honourable LLT of the WCLA.

In order to meet the requirements of Regulation 9 and more specific Regulation 9(4)(a),(b) and (bA) of the regulations to the Liquor Act, the Honourable Liquor Licensing Tribunal of the Western Cape Liquor Authority is respectfully requested to read the site plan, Annexure B, with the Google map, Annexure C. It is however submitted that Annexure B and Annexure C, read together, complies with Regulation 9(4)(a),(b) and (bA).

2/...



## **ANNEXURE D CONTINUE**

### **2. Construction of the building**

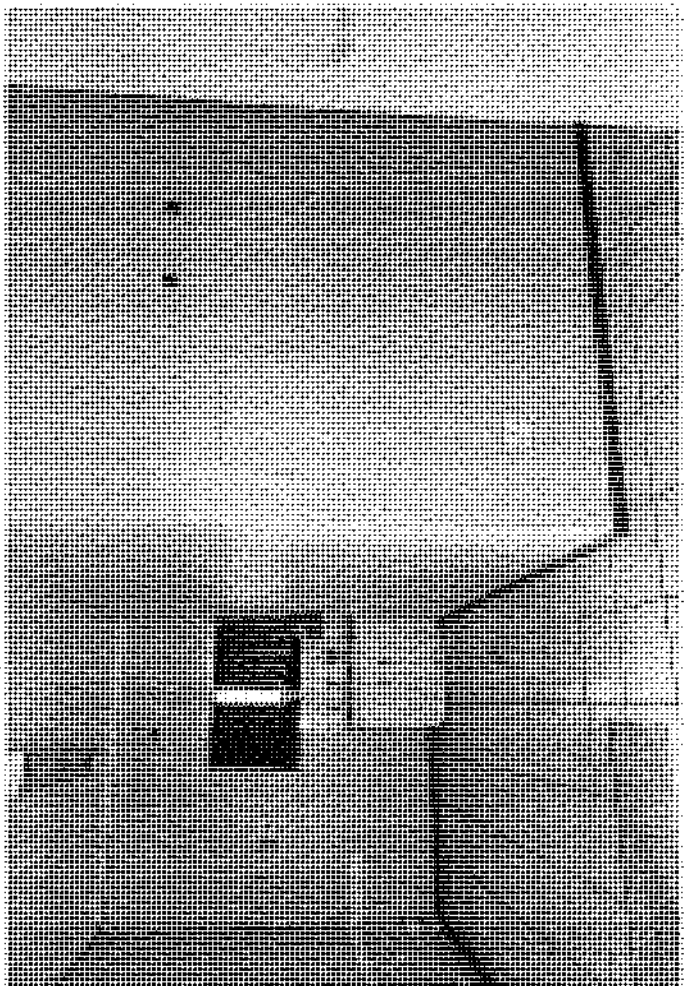
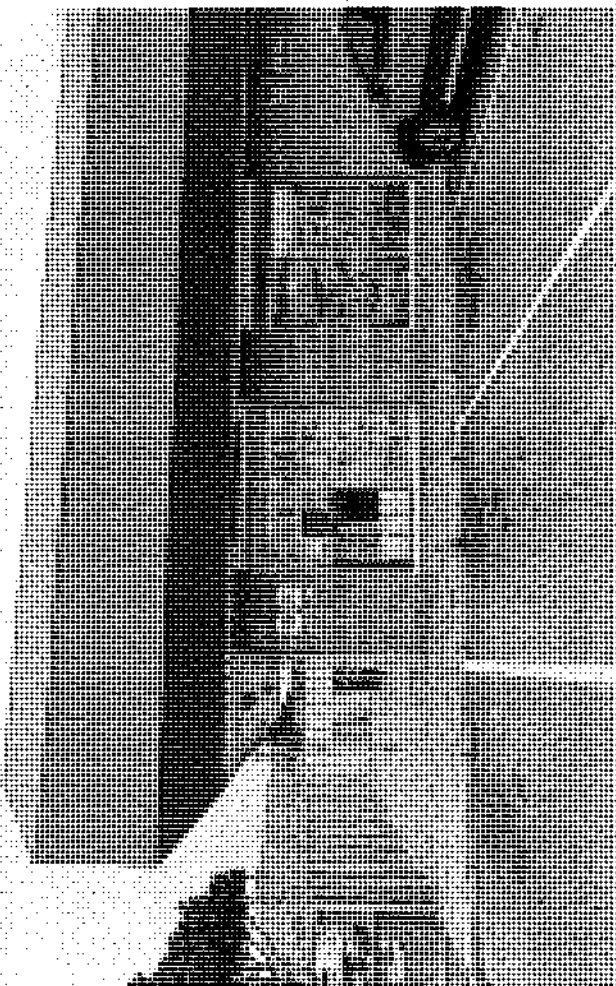
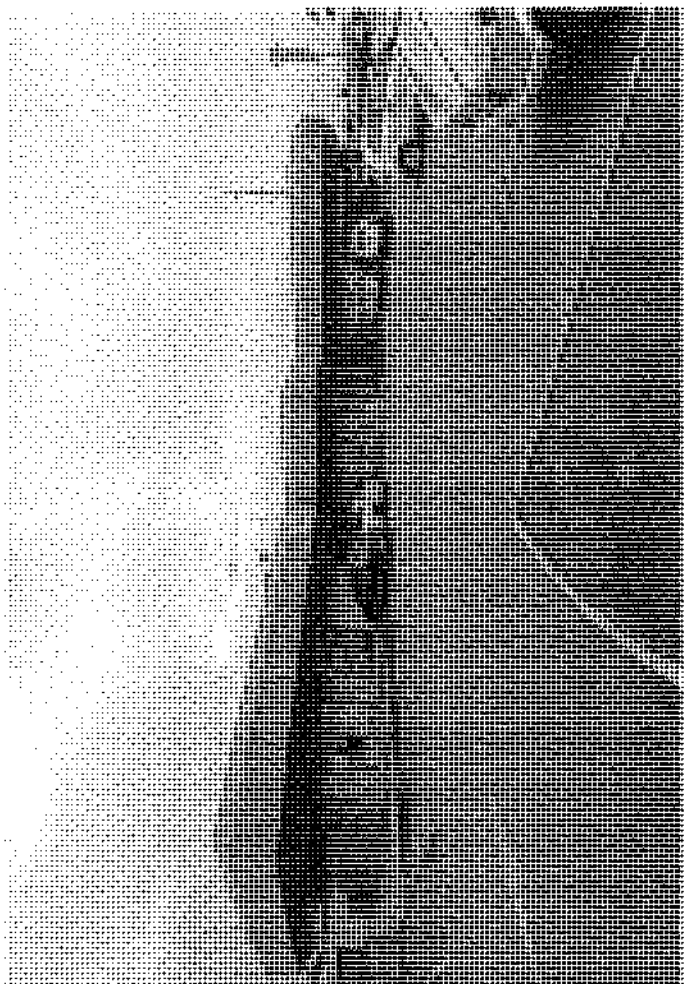
The construction of the building is typical of other small shopping centres found in the Cape Peninsula and Western Cape: steel construction built up with bricks and mortar, plastered and painted where necessary. Shopfronts are constructed of aluminium and glass and finishes are of a high quality in typical OK Liquor standards. There are also ample toilets and other facilities for use by clients and staff, (kindly refer to attached detailed floor and site plan).

### **3. Layout of the premises**

Once shopfitted, the premises will be some  $\pm 80 \text{ m}^2$  in size and will comprise of the following:

- Entrance from side walk
- Cashiers
- Kiosk
- Freezer for ice
- Walk-in cold room
- Fridges for cold drinks and other beverages
- Store area
- Lockable cabinet for expensive items
- Goods receiving area

*3/11*  
*[Signature]*



**REPRESENTATIONS IN SUPPORT OF THE APPLICATION (Regulation 9(4)(e))**

**1. The Application**

This is an application for a licence for the sale of liquor for consumption OFF the premises in terms of Section 36 and Section 33(1)(c) of the Western Cape Liquor Act, Act no 4 of 2008, as amended by Rothman and Rothman CC, registration number : 1998/064929/23, in respect of premises situated Erf 25934, Rothman Centre, 190 Alice Street, Tygerdal, Goodwood, City of Cape Town, Sub Council 4, Ward 27.

**2. The Applicant**

The applicant is Rothman and Rothman CC, registration number : 1998/064929/23, with registered address [REDACTED]

[REDACTED] Applicant is a close corporation formed in terms of the Company's Act of 2008 as amended and is utilised to manage the retail business affairs of its three members. The Honourable Liquor Authority is respectfully referred to the answer to Question 3.1 of Form 3 and the answer to Question 5 of Form 3 which details the three members of the said close corporation. As mentioned in the answer to Question 6.2 of Form 3 applicant does not have any other liquor licences in the Western Cape or registrations with the NLA.

As the Honourable Liquor Authority is aware, the Shoprite Checkers Group is one of the leading supermarket and liquor groups, not only in the Republic of South Africa, but also in the rest of Africa. There is no doubt that they are

**ANNEXURE F CONTINUE**

leading, but also responsible retailers. It is therefore submitted that applicant will also be a fit and proper person to be responsible for this off consumption liquor outlet as applied for in this instance.

The OK Liquor, OK Mini-mark and OK Foods are franchise divisions of Shoprite Checkers.

It also needs to be noted that in this point in time there is some ±530 stores trading under the OK banner which is either company owned or franchised.

**3. Appointment in terms of section 52(1) of the Western Cape Liquor Act**

As indicated in Form 15 attached to this application, applicant wishes to appoint Elias Johannes Rothman, identity number: [REDACTED] [REDACTED] as the manager on approval of this application. Proposed responsible person has been involved in managerial positions and as owner of various retail businesses including liquor businesses. Attached to this application also find his "CV" which is self-evident. It is therefore submitted that he will no doubt be fit and proper person to also be in charge of this licenced off consumption business as applied for in this instance.

**4. The 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.

**ANNEXURE F CONTINUE**

According to the decisions 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 off consumption liquor licence will no doubt be in the public interest and request the Honourable Liquor Authority in this instance, to take into consideration the following :

- The placing of a OK Liquor Shop in this position is not only in the public interest, but it would result in a better distribution of liquor and will also result in competition between retailers.
  
- As the name indicates, the OK Liquor Shop will be a high-quality self-service liquor shop which will also be focussed on the lady shopper who wishes to do liquor purchases.



**ANNEXURE F CONTINUE**

- The control systems used by the Shoprite Checkers Group, as well as the proven management record of the proposed manager, Elias Johannes Rothman and other top management, are also in the public interest.
- In response to Government policy, this shop will also create job opportunities in the Tygerdal area. In this instance at least 5 new permanent and some temporary job opportunities will be created.
- The placing of a OK Liquor Shop in close vicinity of the OK Mini-mark in the same centre, is no doubt also in the public interest as advertisements in the local press and other media will enable shoppers of this centre to also be able to enjoy special offers by OK Liquors.
- The growth experienced in general by the OK brand and more particular OK liquors accentuate the need for a self-service liquor shop to be placed in this small centre to enhance the shopping experience by customers to this centre.
- As the Honourable LLT of the WCLA is aware, the Shoprite Checkers Group is well versed in the trading in liquor which is not an ordinary commodity. The Group is also aware of well-being of the workers and also contributes towards BEE.

It is therefore respectfully submitted that the granting of this licence will no doubt be in the public interest.

