

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

**GOODWOOD TOP CELLARS**  
**WCP/002729**

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Application Prepared by:	
Postal Address:	
Telephone / Cell:	
Fax to Mail:	
Email Address:	

# Nedbank Limited

Reg No. 1951/000009/06

DARLING

28 MAR 2024

T2 (545)

~~NE 16199145~~

Nedbank Limited Reg No 1951/000009/06  
135 Rivonia Campus, 135 Rivonia Road,  
Sandown, Sandton, 2196, South Africa

VAT Registration No. 4320116074

NCC Contact Telephone

0800555111

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NBB DARLING

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CURRENT ACCOUNT

CITY OF CAPE TOWN GENERAL INCOME BANK

0000006000 003226/0 1 13 921,00

CITY OF CAPE TOWN

Cash/Kontant 13 921,00

Cheques/Tjeks

MAR.YN 192131688

R 200 50 10 000,00

R 100 39 3 900,00

R 20 1 20,00

COINS 1,00

Depositor Detail :

ZHUANG

Cellphone number : 0793822111

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Spaar money Nedbank ATM deposits cost less



### CITY HEALTH

**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 authorization to sign on behalf of licensee to be attached)

Name (printed)  Application prepared by

Postal address  Physical address

Worktel:  Cell:

Fax:  Email:

Signature  Date

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

Name (printed)

Liquor licence number

WCP/002729

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, GOODWOOD TOPS CELLARS, SITUATED AT, 183 VOORTREKKER ROAD  
 GOODWOOD. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2024. NO COMPLAINTS WERE  
 RECEIVED BY THE LIQUOR UNIT WITH REGARD TO THIS ESTABLISHMENT. THIS APPLICATION WAS SUBMITTED TO THE  
 PROVINCIAL OFFICE OF SAPS' LIQUOR CONTROL FOR COMMENTARY FROM THE DESIGNATED SAPS STATION; HOWEVER, NO  
 FEEDBACK HAS BEEN RECEIVED.

[Empty text boxes for additional comments]

Name of Official

J. Mampah

Signature

[Handwritten signature]

Date

2024/03/19

(The applicant must now pay the non-refundable application fee of R4 641.00 (Vat inclusive) and hand the application and receipt in at the designated Environmental Health Office. The fee is payable at any cash office into Profit Centre 18070172)

Application Fee

[Empty box for Application Fee]

Receipt number

[Empty box for Receipt number]

payment date

[Empty box for payment date]

## ANNEXURE A

### REPRESENTATION AND REASONS IN SUPPORT OF THE APPLICATION THE APPLICATION FOR EXTENSION OF TRADING HOURS

This representation for an 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 the extension of trading hours from 18:00 to 20:00, Mondays to Saturdays for an Off Consumption premises in respect of a premises to be known as GOODWOOD TOP CELLARS situated ERF 34777, 183 VOORTREKKER ROAD, GOODWOOD, 7460, under the Municipal Sub Council of PAROW.

#### Please Note!!

This is an renewal application for abovementioned Liquor Store, extended trading hours that was approved by council till 23 July 2024.

We here reapply for the current status of affairs for an ongoing concern to extend the period for an additional year, specifically for the period 23 July 2024 till 23 July 2025.

There was no aspects in contradiction of section 6(9)(d) of the By Laws relating suspension, amendments or revocation of extended trading hours or any days and hours including previous records of complaints investigated and confirmed in respect of the last twelve months preceding a current application for extension.

### Introduction

SECTION 6 of the CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 provides the Council with the discretion to grant extensions in trading hours in terms of this By-Law. Under Section 6 of the CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 *"the Council has an absolute discretion to grant or refuse an application in inter alia of SECTION 6(9), 10, 11 and 12 of this BY-LAW."*

The information the applicant provides in this application with the understanding that the applicant undertook responsibility for assessing the relevance and accuracy of its contents.

We will hereby represent all possible facts and information in terms of *SECTION 6(9), 10, 11 and 12 of this BY-LAW."*

We will motivate and outline how the extension of hours from 18:00 to 20:00 will impact the surrounding community, provide an outline of how the applicant will manage any impact to be in direct line with the requirement and expectations in terms of abovementioned sections of the By-Laws and with Reasonable Fair and Constitutional Foundation Principles, and motivate every relevant section of the By-Laws in terms of public interest.

### Foundation Principles

Public choice "Public Interest" is also globally described as "politics without romance." The wishful thinking it displaced presumes that relevant participants aspire to promote the common or greater good. In the conventional "public interest" view, public officials are portrayed as benevolent "public servants" who faithfully carry out the "will of the people." In tending to the public's business, voters, politicians, and public officials are supposed somehow to rise above their own parochial concerns.

As for "Reasonable Fair and Constitutional Foundation Principles" is due to the fact that the By Laws do not made provision for applicants or representatives to be able to make replications to the outcome of community consultations and the recommendation of the relevant ward if negative in terms of section 6(9)(f), raised enormous concerns.

**Purpose of the applicant's goal with this application:**

**To renew the business's extended trading hours for an additional year, to be able to keep on trading from 09:00 to 20:00 on Mondays to Saturdays, specifically for the period 23 July 2024 till 23 July 2025.**

To effectively manage the growth of licensed premises in Hume.

To support the role that his licensed liquor store play in his business and residential surrounded community and to serve them.

To assist Council in preventing and managing possible harms associated with alcohol consumption within the community in terms of section 6(9)(i)(2), 11 and 12 of this By-Law. **(Evidence of commitment and responsibility the applicant is taking to the Responsible Serving of Alcohol is also attached and will be discussed in detail in this motivation)**

**The Applicant's Objective is:**

Manage growth and development of licensed premises. **(security measures, noise and complaints precautions taken by the applicant is also attached and will be discussed in detail later in this motivation)**

Maximise daytime trade and active street frontages.

Maximise mix and diversity of uses if any, particularly in his business and residential surrounded community.

Protect economic viability of his business and residential surrounded community.

Protect and enhance reasonable commercial opportunities for licensed his liquor store.

Minimise adverse impacts on in his business and residential surrounded community uses if any, and maintain the positive character, image and function of his business and residential surrounded community **by taking all necessary steps and precautions to the safety of patrons and to avoid disturbances**, to minimise negative cumulative impacts due to abovementioned steps and precautions as can be seen later in this motivation.

**SECTION 6(9)(a): the validity of the liquor licence:**

The applicant has a valid liquor licence for the consumption off the premises, **WCP/002729**, in terms of Section 33(1)(c) of the **WESTERN CAPE LIQUOR ACT, 4 of 2008**, as amended by the **Western Cape Liquor Amendment Act, 10 of 2010**.

The licence was renewed in **2022 for the year 2023** as can be seen on attached Annexure "C, the renewal notice (Form 21(A) and the proof of payment of **R5657-00** into the Western Cape Liquor Authority's Bank Account.

**SECTION 6(9)(b) where applicable, the validity of a business licence issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991)**

A business licence is not relevant in terms of this application but the applicant will show good will that the they comply with obligations of licensee in terms of Section 10(2) and 11, that reasonable safety and security measures are in place and that the applicant will further also apply with section 10(1) once any additional approvals will be issued by the City of Cape Town, by displaying all relevant documentation in terms of this By-Law.

**SECTION 6(9)(c) Location category as per the Schedule**

The applicant's Retail Food Store is located on **ERF 34777, 183 VOORTREKKER ROAD, GOODWOOD, 7460** and the rezoning is **General Business 2** which made provision for "Business" As a primary use, which entitle a Liquor Retail Food Store.

See Attached a printed Zoning map of **ERF 34777** that indicate that applicant's location is Zoned as **General Business 2** as per Annexure "D".

**SECTION 6(9)(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**

There is no 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 of trading hours.

Not the applicant, or Law Enforcement, or the Designated Liquor Officer have reported any matters relating section 6(9)(d) of the By-Law.

### **SECTION 6(9)(f) outcome of community consultation and the recommendation of the relevant ward**

As we mentioned "Reasonable Fair and Constitutional Foundation Principles" under the Foundation Principles in the "Introduction" of this motivation, section 6(9)(f) raised enormous concerns, due to the fact that the By Laws do not made provision for applicants or representatives to be able to make replications to the outcome of community consultations and the recommendation of the relevant ward, if negative in terms of section 6(9)(f).

Due to above concerns we need to Pre – Replicate to input for any numbers of people whose welfare will not actually be affected by the action that might object. **The purpose for the Pre – Replication** is to cover all aspects and facts that the Council might take into consideration by negative public input and if any applications needs to go on appeal or presented to Supreme Court.

### **THE RELEVANT PUBLIC'S INPUT.**

The whole of the public must be eligible for consideration in respect of a matter which is asserted to be of public interest, by its very nature. However, as a practical point, there will be large numbers of people whose welfare will not actually be affected by the action.

Public opinion must be relevant in considering what is required in the public interest. However, different people arrive at decisions applying different sets of values and perspectives and there will not be a uniform view.

### **THE RELEVANT PUBLIC**

There is a huge difference with what the public wants, what the public needs, and what they find interesting. "For the greater good.

The public interest is an abstract notion.

Other terms can be used, largely interchangeably. Examples include public benefit, the public good, and the common good –

In most societies there is a basic presumption that people should be able to go about their own business in their own interests. In the course of this they will interact with other people and influence and be influenced by their activities. However, there are further influences on people's activities: when governments, regulators and others seek to intervene in the public interest.

Invoking the public interest requires justification of an ability and right to decide what is for the greater good,

### **The Council needs to take into consideration are the surrounding residents and population:**

Our motivation is based around the key issues that need to be addressed

- consideration of who the relevant public are,
- implementation of the desired action.

The liquor industry is a market, in which everyone makes rational decisions, assumes: rational behaviour; no transaction costs; perfect information; enough decision makers and goods that one decision does not distort the market; and freedom of decision making and market entry. In practice these conditions rarely apply,

### **However, the public may:**

- lack of full understanding
- not have all the facts;
- be swayed by emotion rather than logic; and/or
- have been influenced by individual charisma.

Thus, there must be a concern that individuals may not be able to take the 'right' decision for themselves, even if

considering only their personal perspective in objections.

Mayor Patricia de Lille recommended that the council support the draft by-law and that it be authorised for public participation. Public participation was held in April and May 2013 and these responses were analysed.

It was found that more than 90 percent of respondents were in favour of extended trading hours. The first round of public participation revealed that the majority of respondents felt that off consumption-licences should trade until 20:00 and that would have a positive effect on neighbourhoods.

There was another Public participation in November 2013 with also a positive result towards trading hours till 20:00.

To make a sensible decision for the council, people have to have knowledge of an issue and understanding of the consequences. Public participation occurred twice, and the general public do have the knowledge of an issue and understanding about the extensions of hours for liquor stores.

**The Municipality already approved the application for extended hours to 20:00 till 23 July 2024, as they already experienced the use to the applicant's trading hours till 20:00.**

**SECTION 6(9)(e) and (g)(the potential impact on the surrounding environment, the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities**

The potential impact on the surrounding environment refers to both positive and negative impacts that can result from clustering a particular land use or type of land use.

We intent to show good will to the council that we took the proper precautions to avoid any negative impacts in the surrounding area which will be relevant to the impact of the extended hours in the surrounding area within at least a 200 metre radius of the proposed venue. Unless there is another logical boundary that takes into account relevant features, which is not in the applicant's case.

### **Locality**

The term "locality" in the applicant's case refers to the area surrounding the proposed licensed premises of 200 metres. As attached Annexure "B" is a Locality Map indicating all businesses and residential area in a 300 metres radius. The Locality Map will provide a better perception on the outline of how the location of the applicant's premises will have a impact on the immediate area.

This locality will be the area most likely to be affected by the granting of an application in relation to amenity issues if any. However, depending on the nature of the applicant's business the applicant's business is located in a 100% business immediate area. The premises are located in Voortrekker Road, which are totally surrounded by businesses and are located in the main business sector of **GOODWOOD / VASCO**. As can be seen on the locality plan the surrounding businesses are **AWH MOTORS, SHOPRITE, MEATRITE, SCHULMANS HOME, STIX POOL BAR, DIEGO'S FISHERIES, R5 STORE, HONG KONG FASHIONS, and FO'ONKOHO FURNITURE** to mention but a few. There are also business stretching throughout Voortrekker Road towards **BELLVILLE** and **CAPE TOWN**. This was a business area and premises for the last few decade and the community has grown accustomed to it, as well as **trading hours till 20:00 up to 23 July 2023**.

### **Specification of "Locality"**

When determining the "locality" affected by an application under section 6 of the CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 APPROVED BY COUNCIL: 4 DECEMBER 2013, C58/12/131992 The term "Location" is not defined in the By Laws, but according to Oxford Dictionary the terms:

***"locality", as: "a district or neighbourhood; the site or scene of something in relation to the surroundings"; and "vicinity", as: "a surrounding district; nearness or closeness of place or relationship".***

These are residential area at the rear of the applicant's building complex. There is also another business building in between the applicant's building and the nearest dwelling. The applicant's entrance is not visible from any resident, cultural, religious and educational facilities whatsoever. There are flats located on top of the business building located

on the eastern side in Voortrekker Road which are located 450m away from the applicant's premises.

The nearest house is located 60 metres from the applicant's building, but as mentioned the applicant's retail store are not visible from any abovementioned facilities. The surrounding community in the immediate area are the middle-class population and the residents in the flats above the buildings in Voortrekker Road are mostly the black African community.

The nearest licensed premises located in a 200 m radius of the applicant's premises is "Stix Pool Bar", Club 151, Tickey's Tavern which are all On Consumption premises.

- There are no schools of places of worship near the applicant's premises or in the immediate location of the applicant's premises and it is respectfully submitted that the applicant's business is a Retail Store and the issue of extension of hours will not be prejudicial in any way to any person whatsoever.
- The granting of the extension of hours does not prejudice –
- the residents of a residential area
- the residents of an institution for the aged or frail;
- the learners of an educational institution
- the patients of an institution for drug or alcohol related dependencies;
- or the congregants of a religious institution located in the vicinity of the proposed licensed premises.

Under the Underlying Principles the applicant ensures that the extension of hours till 20:00 do not identify any potential 'at risk' groups who may travel through or resort to the locality of the proposed premises, or who may be impacted by the proposed premises. This also includes the people not situated within the boundaries of the area in which the proposed premises' is located. In this case of commuters residing in outlying areas and making use of public transport, it is a known fact that after 18h00 (when liquor stores currently closes) there are still a number of trains and busses arriving at these destinations. This resulted in commuters having to purchase liquor illegally.

Every positive impact, every step by step, every percentage plus percentage, in the absence of any adverse or negative impact, must be seen as being beneficial of the relevant social and economic indicators in the **GOODWOOD** community and the economy.

The applicant did take every possible **security measures, noise and complaints precautions** as also attached and will be discussed in detail later in this motivation.

Due to the extreme **precautions** and measures the applicant took, it can be concluded that there is no evidence that the applicant indicates any negative impact to the community, but the positive impact by one further business being able to provide a service to the market till 20:00, and the precedent by implication for like businesses to do so is clearly of positive benefit.

#### **The risks to and nuisances on the surrounding community - Section 6(9)(i)(1) and 6(9)(i)(2) Mitigation measures to assist the control of risks and nuisances**

The true measure of "The public interest' is this regard lies in the confidence of those with a legitimate interest in the matter, not those making the pronouncements. Therefore, the need for the public interest needs to be consider actual and perceived threats to fitness to decide, and the application of relevant safeguards, will apply throughout the process.

The relevant safeguards the applicant put in place will be discussed in detail in this same section of the motivation.

Safeguards (every possible security measures, noise and complaints precautions) will help with future acceptance and implementation.

The applicant **implement various safety measures and strategies** the licensee to minimise the risks to and nuisances on the surrounding community as well as mitigation measures to assist the control of risks and nuisances which will generally include measures to improve process and accountability.

- The applicant have **Spot lights** on the outside providing the necessary lightning at all times on the Parking area and lights in inside and at the entrance that will ensure the safety of his clients accordingly to section 11(c) of this By-Law to all customers.

### Security and safety measures:

- The applicant has the necessary **camera system installed**, which entails remotely "CCTV" system with the adequate amount cameras covering the inside and outside of the applicant's premises, premises including the entrance to ensure the safety of its customers and parking area. The applicant and staff also have access to a **panic button** for emergencies if a situation will acquire. The applicant can view the camera from his cell phone even at home (24 hours a day).
- The applicant also belongs to the Armed Response "Crime Armed Response" which assists him if a problem will occur. They also patrol the area on a 24 hour basis.
- The applicant also belongs to the Armed Response "Goodwood Armed Patrols". They also patrol the area on a 24 hour basis.
- Also attached as per Annexure "F" A letter from the applicant taking responsibly and to ensuring that reasonable safety and security measures are in place to prevent cause a danger to the safety of patrons inside the premises, there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises, by taking reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

A distinguishing mark of liquor licence holder's profession is its acceptance of the responsibility to act in the public's interest.

The public interests and the maintenance of professional standards is the applicant's primary consideration.

The applicant showed the council good will and signed on a paper that he takes responsibility in all aspects that area required from him.

- By implementing ethical and professional rules and standards;
- The public will benefit from the rules and standards;
- For affective public protection, reservation of work to standards and disciplines, security measures and responsibility where needed for.

**GOODWOOD** is not a low socio-economic area, but a civilised middle class community. The impact that trading hours will be on a retail store hour will not be negative as in low socio-economic area like KHAYLITSHA.

In regard to social health indicators, there are no negative factors according to the applicant.

Written confirmation has been given and goodwill shows that all requirements have been met to provide adequate controls over, and over the persons directly or indirectly involved in the sale, disposal and consumption of liquor during extended hours as well as current hours to provide a flexible system or any acceptable way, be practicable, for the administration of this By-Law.

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 49 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 area given preferential treatment.

### SECTION 6(9)(h) whether it is in the public interest to approve and grant an extension of trading days or hours

The public interest test is based on the principle that licensed premises must operate within the interests of the local community. The public interest defined as:

*"an interest in common to the public at large or a significant portion of the public and which may, or may not involve the personal or propriety rights of individual people"*

The public interest provisions enable the licensing authority to consider a broad range of issues specific to each licence or permit application, and flexibility exists to assess each individual

application on its merits.

### Concepts of the public interest

There are at least two concepts of the public interest:

- One concept applies the words literally: the public interest is thus anything of interest to the public. However, matters that are for the public benefit are not necessarily the same thing as matters which the public finds interesting.

Terms other than 'the public interest' can be used, public welfare, the public good, and the common good – the latter in the sense of the public having a common purpose, rather than goods to which there is common access.

Government failed to comply to public interest by reducing hours and with both public participation process.

Charles Parry is the Director of the Alcohol & Drug Abuse Research Unit at the Medical Research Council and an Extraordinary Professor in Psychiatry at Stellenbosch University said.

There may be other negative consequences in reducing liquor trading hours, for example, people may leave residential areas to find places to purchase alcohol in business areas and then drive home in the early hours of the morning under the influence of alcohol. Others may buy several drinks just before 11 pm in drinking establishments in residential areas or before 2 am in business areas, and then leave after having consumed several drinks in a short period of time. The same goes for any off consumption business as well.

As traders like the applicant who derives their livelihood from this industry, is deeply concerned that there is a perception out there, because of a few elements, that you do not care about the well-being of our society. The applicant is always asking himself what he can do to improve this liquor industry and to make it an economically viable business which gains the support of communities. The applicant believes that his role through empowerment would be to change behaviour and conduct his business in a responsible manner and to help improve the quality of our lives and our communities.

### Job creation also are in public interest

This application might have a positive impact on more staff appointments or jobs increasements as a result in this case. The outcome of this application will also no doubt have an effect on the amount of casual workers accommodated in the retail sector all over City of Cape Town

In this case of commuters residing in outlying areas and making use of public transport, it is a known fact that after 18h00 (when liquor stores closes) there are still a number of trains and busses arriving at these destinations. This resulted in commuters having to purchase liquor illegally, or travel with the liquor stock in public transport.

Unemployment issues through examining internet discussion forums of the subject matter are always proponent of the liberalized retail sector when reducing trading hours. Claims such as 'the majority shouldn't be punished for the stupidity of the minority' or 'restricting people's right to drink is an infringement on their civil liberty' are not uncommon.

In the case of **Bulk Deals 6 CC and another v The Chairperson, Western Cape Liquor Board and others, 2002 (2) SA 99 (c)**, an application for a liquor licence for restaurants situated in a shopping centre situated in an upmarket residential neighbourhood in Durbanville was dealt with. It was decided in that case, that it had to be taken into account, when assessing, whether the public interest would be served, what the nature of the shopping centre and the Applicant's operation would be.

It is submitted that when the local authority approved the construction of the shopping centre and zoned it for business purpose, it was obviously intended that a variety of businesses including licensed premises such as restaurants and a sports bar and even a **liquor store**, could operate from the centre.

The Judge further rules that The residents of **Durbanville (GOODWOOD** in this case) had always been aware that this is a commercial location and liquor Store which is zoned for business purposes, when they acquired their properties and original licence. Due to the location of the applicant's premises, it is clearly intended that it will minimize the impact of the business operating in it on the neighbourhood, due to the business being located in **VASCO/GOODWOOD.**

Subsequent to the Bulk Deals case, a further legislative requirement has been enacted in the form of Section 6(9)(i)(1) of the Bylaws, which provides that the granting of such an application should not cause "the risks to and nuisances on the surrounding community" in the surrounding and certain other categories of persons.

The possible prejudice of which the residents possibly might object to is already fully been dealt with

abovementioned "Bulk Deals case" and in the applicant's motivation towards his safety measures in place.

In the case *Herbstein J Argus Printing Publishing Mpy Bpk vs Darby's Artware Edms Bpk & Ander 1952(2) SA 1(c)* is determined that there's need to look at the result in the wider aspect "that the public is better served"

In the case *Catharina Wilhelmina Pienaar vs die Drankraad & ander (t) 15-3-1988* is also determent that public interest is also "convenience of the public" and that reasonable facilities need to be available for the public.

In support of this application, I want to refer the Board to the case *Leicester Properties (Ltd) vs Farran 1976(1) SA 492 (D)* whether the public would be better served if the proposed scheme succeeded than by the continuation of the existing state of affairs. The promotion of healthy competition may have a positive spin-off for the public interest.

### Who are the relevant public?

What the relevant public's normally wants may be incompatible with a public interest outcome for a number of reasons. The overall impact of individual wants may be a sub-optimal outcome through the effect of one person's activities directly affecting another's, or through what the public think they want being distorted by incomplete or wrong information. Common goods and services and other externalities and public goods result in a different marginal cost-benefit to individuals than to society as a whole, especially taking qualitative issues into account. Over-riding values may arise, for example, from seeking to lead a change in attitudes. Finally, when trading current against future effects, people tend to discount the latter very heavily in their minds.

As a result, the relevant "public's wants" may need to be adjusted. However, the assertion that 'we know better' is rightly open to challenge and there will be an onus on those asserting an action to be in the public interest to explain why they know better.

The whole of the public must be eligible for consideration in respect of a matter which is asserted to be of public interest, by its very nature. However, as a practical point, there will be large numbers of people whose welfare will not actually be affected by the action of extending the applicant's trading hours. The relevant public will therefore only be a sub-set of the whole public: those 'affected'. This will include those whose welfare will be advantaged or disadvantaged, although this is not always a clear-cut; also, others with a legitimate interest, for example GPF, Rates and Taxes Association representative bodies and others with a mandate to speak on behalf of people who are affected. Within the relevant public there will also be degrees of impact, which may be relevant in determining how to weight views.

The relevant public will not include those whose interest merely lies in finding something interesting. That is a different meaning of interest altogether.

First, by its nature, the relevant public in a public interest matter will be broadly based. Second, what people want is complicated: it usually revolves around happiness, which is a subjective notion built around a whole series of factors that often conflict with each other, those of other people and those of other cultures, wants therefore tend to conflict. Third, interests can coincide with those of others and interest groups will be created. Inevitably some will have a public interest perspective and some not. Some are more articulate or otherwise better at making themselves heard than others and expressed opinion will not necessarily be the same as actual opinion. Having sought out representative opinion from the relevant public, it can be helpful to apply a sense check. A rational imputation of wants will consider: what would we expect the relevant public to want to stand in their shoes? The applicant showed intelligence and creativity and showed an important role to be played in making the motivation too. Sometimes it may be difficult or impossible to gather opinion and a theoretical good motivation and facts presented by the applicant will be the only option. This does impose a greater burden of proof of ability and right to decide, as the motivation and facts presented by the applicant might inevitably be challenged by those with different views.

### 6(9) (i) (3) possible benefits of extended liquor trading hours and days on the surrounding community.

#### Economic impacts

The economic impacts of alcohol can usually be split into 2 categories; benefits and costs. The economic benefits alcohol brings to society can be measured by the revenues generated in both the on and off-trade from the sales of alcoholic beverages locally, which in turn the Treasury receives a proportion of by taxation of company profits. They are also represented in the number of jobs created within any region where alcoholic beverages are produced and also indirectly for those who distribute alcohol as a commodity.

These benefits may be more straightforward to calculate than some of the costs.

As this is the best way of controlling liquor consumption. 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.

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 need not embroil on the hazardous situation of transporting liquor via public transport.

### Alcohol in the workplace

Official statistics on alcohol consumption show that those in employment (especially in “office” professions) are more likely to drink during the week and also to a greater extent than those who are unemployed or economically struggling. Survey data also show that in recent years, an increasing proportion of working people have been drinking above recommended guidelines. It is always better not to force people to purchase liquor during working hours.

But, with the looming threat of the reducing hours of retail stores, it meant that not only would big business lose out on significant revenue, but it would also hit hard the pockets of small businesses, especially in the townships.

“Cutting hours is the biggest mistake. It will be much more beneficial to repair the trading hours and this will reduce the open the market and fuelling the unlicensed trading because consumers will simply go and find an unlicensed trader after 6pm. People will not drink less,” president Mauritz Rossouw said.

### Conclusion

**The applicant shown good cause towards complying in terms of taking all safety measures possible** to assist Council in preventing and managing possible harms associated with alcohol consumption within the community in terms of section 6(9)(i)(2), 11 and 12 of this By-Law by:

- ensuring that reasonable safety and security measures are in place to prevent cause a danger to the safety of patrons inside the premises,
- there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises,
- by taking reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises by the security guard appointed by the applicant.

### The applicant also Presented:

- Site plan, showing location in relation to adjoining uses, sensitive uses
- and other licensed premises.
- Management of premises (security, noise, complaints procedure).
- Evidence of commitment to the Responsible Serving of Alcohol.

The applicant showed the council in all aspects that his objective is to balance the need for extended trading hours to create an equal playing field for all liquor licensee’s with retail Stores across the City of Cape Town with the need to ensure that the general amenity in suburban areas is not unduly affected.

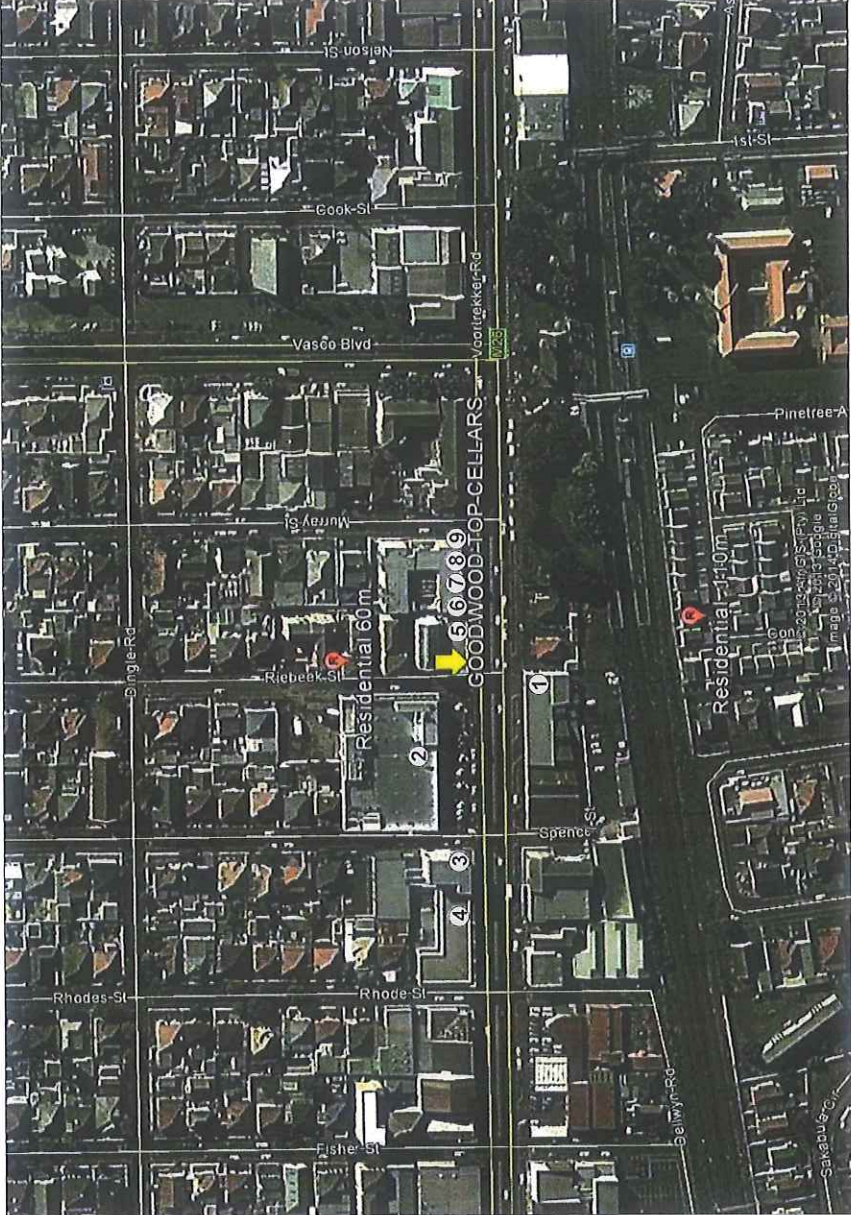
**The applicant motivated all Public interest aspects and all advantages relating the extension of the trading hours for the retail store from 18:00 till 20:00, and the Municipality already approved the application for extended hours to 20:00 till 23 July 2024, as they already experienced the used to the applicant’s trading hours till 20:00. The applicant merely applies for another extension from 18:00 to 20:00 for the period of an additional year.**

The applicant respectfully submits that the proposed **application for extension of trading hours** is reasonable ~~required~~ in the public interest and humbly prays that the same be granted by the Council.

**ANNEXURE B**  
**Locality Map**

NOTES

This drawing is for Business license and for Liquor license application. It is, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.



- LEGEND
- 1. AWH MOTOR
  - 2. SHOPRITE
  - 3. MEATRITTE
  - 4. SCHULMANS HOME
  - 5. STIX POOL BAR
  - 6. DIEGO'S FISHERIES
  - 7. RS STORE
  - 8. HONG KONG FASHIONS
  - 9. FO'ONKHO FURNITURE

**GOODWOOD TOP CELLARS**

**ERF 34777**  
**183 VOORTREKKER ROAD**  
**GOODWOOD**  
**7460**

Date: 6 February 2014  
Drawn: D. van Driel  
Checked: C. de Beer  
PrArchT: T0459  
Tel: 0215664832  
Cell: 0846255409  
79 Visagie St. Monte Vista  
cardi@carolplans.co.za

**DWG. NO. 664-1/1**

LOCALITY MAP

**ANNEXURE C**

Copy of current Liquor Licence & Proof of Renewal Fees paid



**WESTERN CAPE  
LIQUOR AUTHORITY**

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlarnhof | Bellville | 7532  
**Email:** [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za)  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

Weiyu Trading CC  
183 Voortrekker Road  
GOODWOOD  
7460



OFFICE USE

---

**FORM 21A**

**ANNUAL LICENCE RENEWAL NOTICE:**

**FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:**

**THE YEAR 2024**

**(REG. 30(1))**

---

**LIQUOR AUTHORITY REFERENCE NUMBER: WCP/002729**

Name of licensee: Weiyu Trading CC  
Address of the licensed premises: 183 Voortrekker Road, GOODWOOD, 7460

**(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:

Annual: R 5,657, payable on or before 31 December 2023

**Please Note:**

1. Payment must be made by direct deposit into the following bank account of the Authority:

Bank: Nedbank  
Account holder: Western Cape Liquor Authority  
Account number: 145 206 9883  
Branch code: 198 765

Please use your licence number (WCP/002729) as the reference on the deposit slip.

**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/002729

LMaTS number: 2013/114

Liquor consultant: Alfie Crous

## ANNEXURE B

**PLEASE CORRECT IN THE PROVIDED BOX ON THE RIGHT HAND SIDE, AND RETURN THIS FORM BY**

**EMAIL: LIQUOR.ENQUIRIES@WCLA.GOV.ZA**

PLEASE COMPLETE IN BLOCK LETTERS

Licence holder		
	On record	New details
Full Name:		
Mobile No:		
Email Address:		
Postal Address:		

Licence details		
	On record	New details
Licence Type:	Consumption Off	
Trading As:	Goodwood Top Cellars	
Licensed Premises:	183 Voortrekker Road GOODWOOD 7460	

Liquor consultant		
	On record	New details
Full Name:		
Mobile No:		
Email Address:		
Postal Address:		

**Please Note:**

**A licensee who intends to subscribe to a biennial renewal cycle, must lodge with the Authority a notice in the form of Form 21B by no later than 30 November 2023.**

\_\_\_\_\_  
Signature of Licence Holder / Liquor consultant

Date:



2013/114



**WESTERN CAPE  
LIQUOR AUTHORITY**

**Physical:** 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530  
**Postal:** Private Bag X6 | Sanlamhof | Bellville | 7532  
**Email:** Liquor.Enquiries@wcla.gov.za  
**Tel:** +27 (0) 21 204 9700 | [www.wcla.gov.za](http://www.wcla.gov.za)

Weiyou Trading CC  
 183 Voortrekker Road  
 GOODWOOD  
 7460



OFFICE USE

**FORM 21A**  
**ANNUAL LICENCE RENEWAL NOTICE:**  
**FEES PAYABLE IN RESPECT OF A LIQUOR LICENCE FOR:**  
**THE YEAR 2024**  
**(REG. 30(1))**

**LIQUOR AUTHORITY REFERENCE NUMBER: WCP/002729**

Name of licensee: Weiyou Trading CC  
 Address of the licensed premises: 183 Voortrekker Road, GOODWOOD, 7460

(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:

Annual: R 5,657, payable on or before 31 December 2023

**Please Note:**

1. Payment must be made by direct deposit into the following bank account of the Authority:

Bank: Nedbank  
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 Account number: 145 206 9883  
 Branch code: 198 765

Please use your licence number (WCP/002729) as the reference on the deposit slip.

**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 for 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 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 applicable 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 the year in respect of which the applicable renewal fee had to be paid may, on or before 31 March of that year, apply in writing to the Chief Executive Officer for condonation of such failure, and the Chief Executive Officer may condone the prescribed fee by a date to be determined by the Authority, subject to the payment of the prescribed fee by that date. See section 63(4).

**Nedbank Limited**  
 Reg No. 1991/000009/06  
 DARLING  
 01 NOV 2023

**NEDBANK**  
 Nedbank Limited Reg No. 1991/000009/06  
 135 Rivonia Road, Sandton, 2196, South Africa

VAT Registration No. 4320116074  
 Contact Telephone 0800555111

000000000000  
 H 48 D V197 545 1 01/11/2023 13:57  
 NBB DARLING (H)

000000000000  
 CURRENT ACCOUNT  
 WESTERN CAPE LIQUOR AUTHORITY

000001452 069883/0	1	5 657,00
Cash/Kontant		5 657,00
NAR, MN WCP/002729		
R 100	6	600,00
R 50	1	50,00
R 20	250	5 000,00
COINS		7,00

Depositor Detail :  
 ZHUANG  
 Cellphone number : 0793822111  
 Enjoy your day Geniet die dag  
 Save money Nedbank ATM deposits cost less

000000000000

**ANNEXURE D**

Printed Zoning map from City of Cape Town



**ANNEXURE E**

Power of Attorney

MINUTES of a meeting of the CC, WEIYU TRADING CC, REGISTRATION  
NUMBER: \_\_\_\_\_ Held at GOODWOOD on the 15<sup>th</sup> day of JUNE 2020

RESOLVED:

- 1 That the company apply for a SECTION 6(1) application in terms of CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 APPROVED BY COUNCIL 4 DECEMBER 2013, C58/12/13 for an application to the Municipality for the extension of trading hours.
- 2 That \_\_\_\_\_, IDENTITY NUMBER: \_\_\_\_\_ be and is hereby authorized to sign all documents to give effect hereto.
- 3 That \_\_\_\_\_ (Identity Number: \_\_\_\_\_) or \_\_\_\_\_ (Identity Number: \_\_\_\_\_)

From Alfie Crous Liquor Licence Consultants of 35 Allen Drive, Loevenstein, Bellville, is hereby authorized to in accordance with the SECTION 6(1) of the CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 APPROVED BY COUNCIL: 4 DECEMBER 2013, C58/12/13 to sign an submit any relevant documentation relating to this application with the relevant Authorities and to be our legal representative at any meeting or hearing relating to this application.

Duly signed at GOODWOOD on this 15<sup>th</sup> day of JUNE 2020.

.....  
**SIGNATURE**  
APPLICANT OR PERSON AUTHORISED  
TO SIGN ON HIS/HER BEHALF

**ANNEXURE F**

Letter from Applicant taking responsibility

**GOODWOOD TOP CELLARS**  
**WCP/002729**

ERF 34777  
183 VOORTREKKER ROAD  
GOODWOOD  
7460

Herewith I \_\_\_\_\_ IDENTITY NUMBER: \_\_\_\_\_ liquor license holder of **GOODWOOD TOP CELLARS, WCP/002729**, confirm that I take responsibility and will comply accordingly in terms of the **Section 6(9)(l), 10, 11, and 12 of the CITY OF CAPÉ TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013 APPROVED BY COUNCIL: 4 DECEMBER 2013, C58/12/13**.

- ensuring that reasonable safety and security measures are in place to prevent cause a danger to the safety of patrons inside the premises,
- there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises,
- by taking reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

---

**LIQUOR LICENCE HOLDER**  
**2020/06/15**

**ANNEXURE G**

Name, identity number and address of each shareholder, member or partner

**WEIYU TRADING CC**

**REGISTRATION NUMBER:** 2009/17339723

**NAME:** WEIYU TRADING CC

**IDENTITY NUMBER:** 120719-5702140

**ADDRESS:** SEVENTH AVENUE

BOSTON

MASSACHUSETTS

02111

**EXTENT OF INTEREST IN BUSINESS:** 50% INTEREST

**NAME:** WEIYU TRADING CC

**PASSPORT NUMBER:** 200919 (PEOPLE'S REPUBLIC OF CHINA)

**ADDRESS:** SEVENTH AVENUE

BOSTON

MASSACHUSETTS

02111

**EXTENT OF INTEREST IN BUSINESS:** 50% INTEREST

**ANNEXURE H**

Current Approval Extended Trading Hours



Community Services & Health –Area Central – Environmental Health Parow

04 May 2023

Dear Sir/Madam

**APPLICATION FOR THE EXTENSION OF LIQUOR TRADING HOURS FOR MONDAY TO SATURDAY TRADING, FROM 18:00 TO 20:00 OFF - CONSUMPTION PREMISES**

Extended Liquor Trading Hours Reference Number	188020
Liquor Licence Number	WCP/002729
Full Name Of Licensee	WEIYU Trading cc
Name/Designation or The Title Under Which The Business Is Carried On	Goodwood Top Cellars
Address of The Licenced Premises	183 Voortrekker Road, Goodwood

I refer to your application dated 16 March 2023 regarding the abovementioned matter and wish to advise that your application to extend your trading hours from Monday to Saturday's, from 18:00 to 20:00 has been considered by Sub-Council 4, and it was **approved** subject to the following conditions:

- (a) That the application for extension of liquor trading hours from 18:00 to 20:00 Mon-Sat Trading off consumption premises **BE APPROVED**.
- (b) Should complaints be received concerning noise and/or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn.
- (c) Any complaints received concerning noise and/or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of liquor license.

This approval for extension of liquor trading hours for off consumption premises is valid from 23 July 2023 until 23 July 2024 and remains subject to possession of a valid Liquor Licence.

Yours faithfully

For Head: Environmental Health  
Area Central