

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 SUNDAY TRADING FOR
OFF-CONSUMPTION PREMISES FROM 11:00 TO 18:00

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)

~~NE16199145~~

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

(H)

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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

NAR.YN 192131688

R 200

50

10 000,00

R 100

39

3 900,00

R 20

1

20,00

COINS

1,00

Depositor Detail :

ZHANG

Cellphone number : 0793822111

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Have 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 SUNDAY TRADING FOR OFF-CONSUMPTION PREMISES FROM 11:00 TO 18:00

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

Work tell: 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.

Name of Official J. Mampofu 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 Receipt number payment date

ANNEXURE A
REPRESENTATION AND REASONS INSUPPORT 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 SUNDAY TRADING FOR OFF-CONSUMPTION PREMISES FROM 11:00 TO 18:00** 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 CITY OF CAPE TOWN.

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 for an additional year, specifically for the period 23 July 2024 til 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 herby 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 for Sunday trading for Off – Consumption premises from 11:00 till 18:00 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 sections 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 extend the current business's trading hours to be able to trade Sundays from 11:00 to 18:00 for the period of 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 to Sundays 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 **2023 for the year 2024** 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 to show good will that the applicant do 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 are Zoned as **General Business 2 as per Annexure "E"**.

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 has to 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 and Sundays. The first round of public participation revealed that the majority of respondents felt that off consumption-licences should trade on Sundays 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 and Sunday Trading.

To make a sensible decision for the council, people have to have knowledge of an issue and understanding of the consequences. Public participation occurred numerous times and the general public do have the knowledge of an issue and understanding about the Sunday Trading for off consumption liquor licensed businesses. Visitors to the surrounding shops already experienced the used to the applicant's Shop next to the proposed premises and other businesses located on all sides of the applicant till much later times during the week, and Sundays.

The Municipality already approved the application for extended hours to 11:00 – 18:00 on Sundays till 23 July 2024, as they already experienced the used to the applicant's trading hours from 11:00 till 18:00 on Sundays.

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 impact of the Sunday trading in the surrounding area within at least a 200-meter 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 200 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'ONKHOHO 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 November 2018.

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, **located around the applicant's liquor Store.**

- There are no places of worship near the applicant's premises or in the immediate location of the applicant's premises and it is respectfully submitted that applicant's business is a Retail Store" **and the issue of Sunday trading** will not be prejudicial in any way to any person whatsoever.
- The granting of the **Sunday trading** does not prejudice –
- the residents of a residential area; The applicant implement the necessary safety and strategy precautions' as can be seen on Annexure "F" and in the application.
- the residents of an institution for the aged or frail;
- the learners of an educational institution who are under the age of eighteen 18 years; and the hours between 11:00 and 18:00 on Sundays is not during school activities.
- (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 ensure that the **Sunday trading** till 18:00 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.

The question is whether prohibiting the sale of alcohol on Sundays is likely to be beneficial. Is restricting the sale of alcohol likely to curtail drinking and thereby reduce road traffic fatalities? In fact, it is not obvious that the law will reduce drunk driving, since the Sunday liquor law prohibits only off-premise sale of alcohol.

If the law induces more people to consume alcohol in a bar on Sunday rather than in their homes, these restrictions could increase drunk driving. Some people may be induced by the ban to drink outside the home and then drive home drunk. The effectiveness of the prohibition is also reduced by forward-looking consumers consuming alcohol at home on Sundays by purchasing it on Friday or Saturday and then consume more liquor than ordinary at Fridays, and more likely to buy stock again on Saturday for Sunday.

Other will handle the situation differently with 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 for business on Sundays between 11:00 and 18:00, and the precedent by implication for like businesses to do so is clearly of positive benefit.

The small independent businesses should be allowed more freedom, otherwise we risk the death of the small business; we risk a corporate takeover, a bland and boring Brave New World where we all work for the supermarkets. Three quarters of the public already shop on a Sunday at least once a month. And a recent Comres poll for Open Sundays found that 72 percent of customers think they should be able to shop whenever is convenient. So why should we deny them?

There are no grounds for thinking that public interests would be served by the Sunday alcohol law. It's a good thing that this legal prohibition is coming to an end.

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 considering 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 **Neon Florescent lights** on the outside providing the necessary lightning at all times on the pavement area 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.**

Recent studies do not reveal a connection between Sunday alcohol laws and important secular objectives.

One important US study shows no significant public safety benefit with respect to traffic fatalities. Another study in Canada, examining the effects of Sunday sales restrictions on alcohol consumption, reveals no effect on drinking levels.

It has not been proved that there are health benefits attached to this sales restriction.

There may, in fact, be health *costs*. One study of homeless people found that alcohol-related seizures occurred more frequently on Mondays, presumably due to a lack of commercial availability of alcohol on Sundays.

There may also be a health benefit to drinking being more evenly spread-out across the days of the week. Sunday liquor laws, because they treat sales for on-premise and off-premise consumption differently, grant market power to licensed restaurants, hotels and bars to sell alcohol when liquor stores and supermarkets cannot. These laws thus distort the alcohol retail market by allowing a few types of liquor seller's near-monopoly power in alcohol sales on Sundays.

As a result, there is an increased cost for ordinary citizens, since a person wanting to buy alcohol will have to pay the higher price of alcohol at restaurants or hotels. Consumers may be forced to purchase food and pay service charges in an effort to drink what would otherwise be available at bottle stores.

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

The public interests and the maintenance of professional standards is the applicants be the primary consideration' The applicant showed the council good will and signed on 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 this rule the rules and standards;
- For affective public protection, reservation of work to standards and disciplines, security measures and responsibility where needed for.

'A applicant is making a distinguishing mark for a liquor licence holder's profession by his acceptance of the responsibility to act in the public interest.'

The public interests and the maintenance of professional standards will be the primary consideration of the applicant.

The public also needs to have taken the time or effort to understand his neighbour's business or to consider the written submission in favour of the application

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 will not be negative as in low socio-economic area like Khayelitsha. In regard to social health indicators, there are no negative factors according to the applicant.

Written confirmation has been given and good will show 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 Sundays as well as current hours to provide a flexible system or any acceptable way, as may 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. 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.

It is about freedom of choice.' It should be the people's decision if they want to purchase liquor on Sundays or not, and not the government's decision. This is not a republic anymore but a democracy. **Freedom of choice is public interest.**

Under the new Liquor Act the sale of alcohol on Sundays in Kwazulu-Natal is now legally permitted.

According to the minister of trade and Industry of Kwazulu-Natal, Sunday liquor laws were originally justified as an expression of the Christian aversion to alcohol consumption on the Sabbath. The apartheid state was biased in favour of Christianity, and its bias was reflected in laws that forced shops to close on Sundays, motivated by biblical verses such as Exodus 20: 8-10.

These laws sent a message to other religious groups, for whom Sunday is not the Sabbath, that they were not full members of the political community.

In post-apartheid South Africa, the state's endorsing of particular religions is correctly considered unacceptable because it violates a principle of political morality: the state should be neutral with respect to religion.

Although laws prohibiting the sale of alcohol on Sundays seem like unjustified pro-Christian state bias, some argue that nowadays they serve non-religious purposes, and are therefore justified.

We would like the Council to take note of this case !!

REBECCA LAWRENCE versus THE STATE THE MINISTER OF TRADE AND INDUSTRY 1997 (CONSTITUTIONAL COURT OF SOUTH AFRICA) (Cape Town)

The judge also ruled that the appellant did not raised the issues under unequal treatment, but he determined that unequal treatment of religions may well give rise to issues under section 8(2), but that section was not relied upon by the appellant in the present case. To read a equitable considerations relating to state action into section 14(1) would give rise to any number of problems not only in relation to freedom of religion but also in relation to freedom of conscience, thought, belief and opinion, which would go far beyond the difficulties raised by the establishment clause of the US Constitution.

The owner of **Seven Eleven** was charged for trading on Sundays in terms of section 159 (1)(f) of Act 27 of 1989. And took the matter before the Constitutional court for "freedom of religion" and raised section 26 and section 14 of the temporary Constitution in 1997.

The judge raised Section 14 (1) and (2) of our constitution that states equal treatment for religion and compare the two sections of the US and SA's Constitution which sections deals with unequal treatment of religion. Both sections were An establishment clause. The primary purpose of the establishment clause of the US preventing unequal treatment became quite relevant for the judge. According to the judge it is the primary purpose of the Establishment clause in the US Constitution is to prevent the unequal treatment, advancement or inhibition of religion by the state, and the primary purpose of the a free exercise clause is to permit adherents of different faiths to pursue their religious beliefs without being impeded from doing so by state coercion.

The Judge further ruled that our Constitution's establishment clause, Section 14 (1) and (2) deals with issues of religion differently as to the US Constitution. The US does so under the equitable to all religions and the provisions of their establishment clause section 8, the freedom of religion, believes and opinions provisions of against our section 14, and the education provisions of section 32.

The judge further ruled that the only provision relied on by the appellant in the present case is section 14, and that the Constitution deals with inequitable treatment and discrimination under section 8(2). Section 9 in our current Constitution.

The judge also ruled that the appellant did not raised the issues under unequal treatment, but he determent that unequal treatment of religions may well give rise to issues under section 8(2), but that section was not relied upon by the appellant in the present case. To read a equitable considerations relating to state action into section 14(1) would give rise to any number of problems not only in relation to freedom of religion but also in relation to freedom of conscience, thought, belief and opinion, which would go far beyond the difficulties raised by the establishment clause of the US Constitution.

Taking responsibility is public interest.

Annexure "H" the applicant took responsibility.

It is the traders that have first-hand and intimate contact with those who use alcohol. It is, among others, some tavern owners; some of those who run pubs and clubs as well as some of our bottle store owners, who participate in irresponsible trading, thereby denting the image of the whole industry. The applicant clearly took responsibility in all aspect. Today's launch of this responsible matter is aimed at precisely eliminating those elements who drag in the

mud the name of liquor traders. Today's launch is about galvanising all the responsible traders to become a change agent and to lead by example in responsible trading.

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

The outcome of this application will also no doubt have an effect on the number of casual workers accommodated in the retail sector all over City of Cape Town.

For retail employees who already work on Sundays, full liberalization opens up the opportunity to work more hours. With Sunday wages usually carrying an increased rate of pay, this can be an important income source for those who struggle to get enough working hours during the week by allowing Sunday trading.

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 purchase products on Sundays 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 (**VASCO** 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 standing 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. Sunday alcohol sales could bring in tax revenue to the state, which could be used to uplift the poor.

As this is the best way of controlling liquor consumption. Weekly purchases made on a Saturday morning (for the week) might result in overindulgence 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.

What are the economic advantages of shops opening on Sundays? "Research shows that there is a slight increase in turnover when shops open on Sundays. That is an advantage for shop owners of course. Consumers can also organize their time more flexibly. That in turn has effects on the time they can devote for work. You are more likely to be able to work on a Saturday if the shops are also open on Sunday."

South Africans are not sufficiently aware of the enormous international pressure to keep the productivity of an economy high.

A prime example is the London 2012 Olympics when, in an attempt to encourage further tourist spending, the

government suspended Sunday trading laws for eight consecutive weekends.

The results for September 2012 showed an increase of 3.2 per cent in retail, compared to 1.6 per cent the following month when the restrictions were back in place. The knock-on effect would be huge – many leisure services, like restaurants, currently have no reason to stay open on a Sunday night because the high street becomes a ghost town in the early evening.

Conclusion

The applicant shown good cause towards complying in terms of taking responsibility and 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.
- provide good cause identifying the strategies the applicant intends to implement to address these matters and take responsibility.

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 **Sunday trading**, to create an equal playing field for all liquor licensees 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 11:00 till 18:00 on Sundays, and the Municipality already approved the application for extended hours to Sundays from 11:00 to 18:00 on Sundays till 23 July 2024, as they already experienced the used to the applicant's trading hours on Sundays. The applicant merely applies for another extension from 11:00 to 18:00 on Sundays for the period of an additional year.

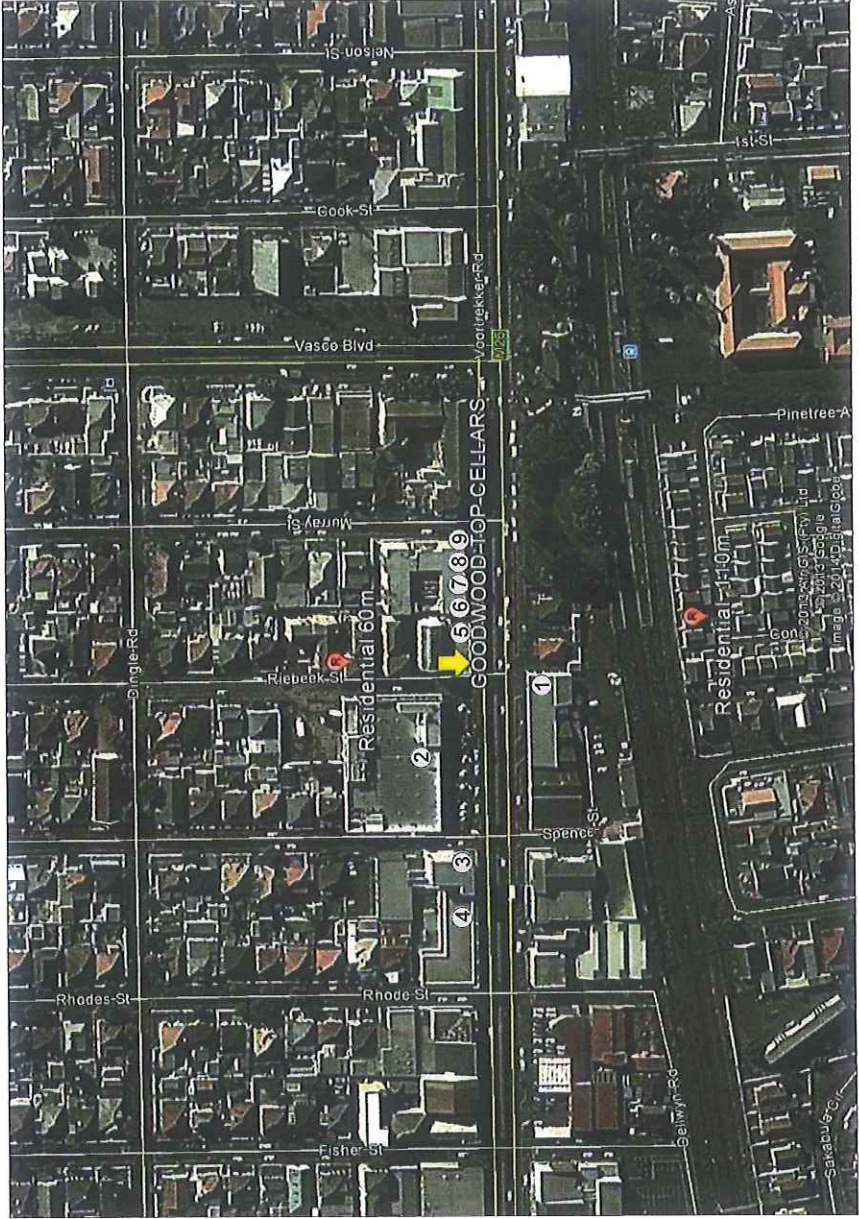
The applicant respectfully submits that the proposed **application for Sunday trading** is reasonable required in the public interest and humbly prays that the same be granted by the Council.

/ u

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. MEATRIT
- 4. SCHULMANS HOME
- 5. STIX POOL BAR
- 6. DIEGO'S FISHERIES
- 7. R5 STORE
- 8. HONG KONG FASHIONS
- 9. FOONKOKHO FURNITURE

GOODWOOD TOP CELLARS

ERF 34777
183 VOORTREKKER ROAD
GOODWOOD
7460

Date: 6 February 2014
Drawn: D. van Driel
Checked: C. de Beer
P/ArchT. T0459
Tel: 0215584832
Cell: 0846255409
79 Visagie St. Monte Vista
carol@carolsplans.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 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | 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.)

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

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

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.)

Category of licence: Consumption Off

You are hereby notified that the total renewal fees payable to the Western Cape Liquor Authority

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

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 fee 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. 1981/000009/06
 DARLING
 01 NOV 2023

NEDBANK

Nedbank Limited Reg No. 1981/000009/06
 135 Rivonia Road, Sandton, Sandton, 2196, South Africa

VAT Registration No. 4320116074

CC Contact Telephone 0800555111

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48 D V197 545 1 01/11/2023 13:57
 NBB DARLING

00000000000 (H)

CURRENT ACCOUNT
 WESTERN CAPE LIQUOR AUTHORITY

0000001452 069883/0	1	5 657,00
Cash/Kontant		5 657,00
NAR.MW 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

00000000000

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 15th 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 I _____, 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 15th 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)(f), 10, 11, and 12 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**.

- 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: 10000173300123

NAME: WEIYU TRADING CC

IDENTITY NUMBER: 10000173300123

ADDRESS: 10000173300123

10000173300123

7530

EXTENT OF INTEREST IN BUSINESS: 50% INTEREST

NAME: WEIYU TRADING CC

PASSPORT NUMBER: 10000173300123 (PEOPLE'S REPUBLIC OF CHINA)

ADDRESS: 10000173300123

10000173300123

7530

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 SUNDAY TRADING,
FROM 11:00 TO 18:00 OFF - CONSUMPTION PREMISES**

Extended Liquor Trading Hours Reference Number	188022
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 for Sundays has been considered by Sub-Council 4, and it was **approved** subject to the following conditions:

- That the application for extension of liquor trading hours from 11:00 to 18:00 Sunday trading off consumption premises **BE APPROVED**.
- 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.
- 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**