



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

CITY HEALTH

Rewinah Willemse

T: 0214440851

F:

E: rewinah.willemse@capetown.gov.za

12/08/2024

Confirmation of receipt of application in terms of Section 6(5)A of the City of Cape Town Liquor Trading Days and Hours By-law 2013 as amended.

Liquor Licence Reference Number: 189529
Liquor Licence Number: WCP/011253
Licensee Name: FLEMINGEN SEUNS(PTY)
LTD
Premises Name: VASCO DISCOUNT LIQUORS
Premises Address: 225 VOORTREKKER ROAD
VASCO
Vasco
7460

Date of Application Submission:

Date Application captured: 2024/06/20

Disclaimer

1. Submission of this application does not grant the right to extend liquor trading hours. Approval to be first obtained from the relevant Sub-Council.
2. The application fee is non-refundable.

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

VASCO DISCOUNT LIQUORS WCP/011253

INDEX

Annexure		Description of Document	Form 2
(i)	Application		
(ii)	Representations and reasons in support of extension of trading hours.		A
(iii)	Locality Map		B
(iv)	Copy of current Liquor Licence & Proof of Renewal Fees paid		C
(v)	Printed Zoning map from City of Cape Town		D
(vi)	Power of Attorney		E
(vii)	Letter from Applicant taking responsibility.		F
(viii)	Name, identity number and address of each shareholder, member or partner		G
(ix)	Latest approval of extended trading hours		H

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

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

BY
ROBERT W. CHAMBERLAIN

1955
CHICAGO, ILLINOIS
UNIVERSITY OF CHICAGO PRESS



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/011253**

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, VASCO DISCOUNT LIQUORS, SITUATED AT, 225 VOORTREKKER ROAD
 GOODWOOD. IT WAS ASCERTAINED THAT THE APPLICANT DID RENEW HIS LIQUOR LICENSE FOR 2024. NO COMPLAINTS WERE
 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.

Marilyn Holding
 Name of Official **Assistant Chief**
LAW ENFORCEMENT
10001005

Signature



(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 using SAP G/LB10 400)

Application Fee Receipt number payment date

PAROW CASH OFFICE
OFFICE # 7008
SERVED BY - Caden Laubscher

L DATA C
.SHIER TO

ITEM CODE	ACCOUNT NO.	QTY	AMOUNT PAID
APPF	810400P18070172	0	13,283.00
	EXT LIQUOR LICENSE		

Total Due

13,283.00

DEBIT CARD

13,283.00

Change

0.00

17990 21/11/2023 12:24:02 741
CLAUBSCHER1

Thank you for this payment.

Have a nice day

NAME OF BUSINESS

DIN

TIC



NEDBANK
COCT PAROW CASH OFFICE
 12 HERTZOG BLVD
 CAPE TOWN
 CAPE TOWN
 South Africa

DATA CAPTURE RECEIPT
 (SHIER TO RETAIN A COPY)

2023/11/21 12:27 220201
 SALE

445147*****7815
 UTI: 00029052-1422-4888-
 CBID-10A070218CC0
 VISA FLAG DEBIT CARD/

AUTHORISED - 812290
 TRACE NO - 224888

R 13,283.00

IN68891394 Budget 0

CH 0012 298 1100

Thank you. #17990 21/11/2023 12:24:02 741
 CLAUBSCHER1

Thank you for this payment.

Have a nice day

Subschr

QTY	AMOUNT PAID
0	13,283.00
	13,283.00
	13,283.00
	0.00

DATE: YEAR 2023

ADDING HOURS LICENCE APPLICATION

TICK BOX	AMOUNT	TICK BOX
	R8 855.00	
	R4 428.00	x
	R8 855.00	x

13283.00

NAME OF BUSINESS:

ADDRESS:

SERVICE DEPARTMENT DETAILS:-

DEPARTMENT: HEALTH - Parow

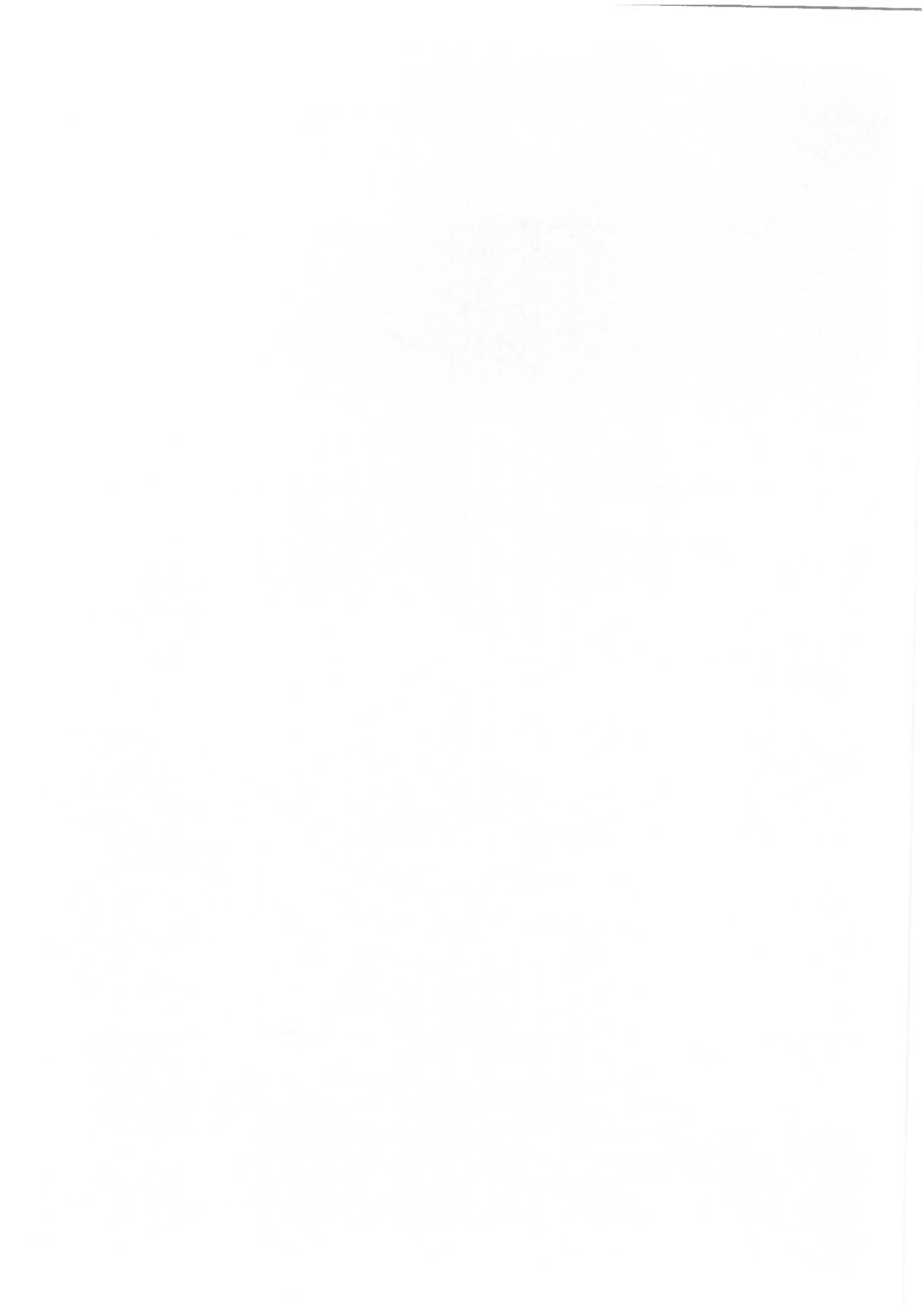
CONTACT PERSON: Rewinah Willemse

PH: 021- 444 0851

EMAIL ADDRESS: Rewinah.Willemse@capetown.gov.za

PLEASE NOTE:

1. Please be advised, should this application be **unsuccessful**, that the application fee will **NOT** be refunded.
2. This is **ONLY** proof of payment that you applied, **NOT** an Extended Liquor Trading Hours Licence.





09 July 2024

Notice of Payment

Dear FLEMING EN SEUNS (PTY) LTD

Subject: Notice Of Payment: CITY OF CT

Please be advised that you made a payment to CITY OF CT as indicated below.

Transaction number:	
Payment date:	2024-07-09
Payment made from:	Current account
Payment made to:	CITY OF CT
Beneficiary account number:	192131688
Bank branch code:	0031294
For the amount of:	1 460.00
Immediate interbank payment:	N
Reference on beneficiary statement:	

Please remember that the following applies to online banking payments to non-ABSA and Absa Vehicle and Asset Finance bank accounts.

- Payments made on weekdays before 15:30 will be credited to the receiving bank account by midnight of the same day.
- Payments made on weekdays after 15:30 will be credited by midnight of the following day.
- Payments made on a Saturday, Sunday or Public holiday will be credited to the account by midnight of the 1st following weekday.
- Payments may take up to 30 minutes to reflect in the beneficiary's Vehicle Finance Account.

If you need more information or assistance, please call us on 0860 008 600 or +2711 501 5110 (International calls).

If you have made an incorrect internet banking payment, please send an email to digital@absa.co.za

Yours sincerely

General Manager: Digital Channels

This document is intended for use by the addressee and is privileged and confidential. If the transmission has been misdirected to you, please contact us immediately. Thank you.



ANNEXURE A
REPRESENTATION AND REASONS IN SUPPORT OF 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 **VASCO LIQUORS** situated **ERF 18982, 225 VOORTREKKER ROAD, VASCO, GOODWOOD, 7460** under the Municipal Sub Council of **CITY OF CAPE TOWN**.

Please Note!!

This is an application for abovementioned Liquor Store, extended trading hours that was initially approved by council for the period of one year from 25 August 2022 until 22 August 2023.

We hereby reapply for the current status of affairs for an on going concern for an additional year.

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 provide 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 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 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 as an ongoing concern to be able to trade from 18:00 to 20:00 Mondays to Saturdays for the further period of 1 year.

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/011253**, 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 is renewed in **2023** for the year **2024** as can be seen on attached Annexure "C", the renewal notice (**Form 21A**) and the proof of payment of **R5 657-00** into the Western Cape Liquor Authorities 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 has and will continue 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 Liquor Store is located on **ERF 18982, 225 VOORTREKKER ROAD, VASCO, GOODWOOD, 7460** and the rezoning is **General business 4** which made provision for "**Business Premises**" As a primary use, which entitle a Liquor Retail Outlet. See Attached a printed Zoning map of **ERF 18982** that indicate that the applicant's location are **Zoned as General Business 4 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** are 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 are 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. 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 were 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 general public already experienced the used to the applicant's trading hours till 20:00 till 25 August 2023**

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 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 is 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 building consist of **FLAMING OVEN (licenced On Consumption, THE VASCO RACING TAB (Licenced On Consumption, previously "Vasco Hotel"**, and the surrounding businesses are **HOLLANDIA CAR SALES MOTORS, RAYMOND WOLSTENHOLME, SOLO MOTORS, OSKAVA CAR SEAT COVERS, AUTO SELECT, PROTON GOODWOOD, B.P GARAGE, GEELY MOTORS and MOTORAMA**. This is quite a busy used road for travellers and there are also business stretching throughout the Voortrekker Road towards Vasco / Goodwood to Parow, Bellville and Cape Town and vice versa. This was a business area exists for the last few decades and the community grown accustomed to it, as well as trading hours till 20:00. The Applicant's liquor store licence was granted in the 1970's and the whole of Vasco / Goodwood community are already used to extended hours for many years.

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"**.

There are a residential area at the rear of the applicant's building complex. There also a huge parking area between the applicant's building and the nearest dwelling. The nearest dwelling behind the parking area at the rear of the applicant's building located 80 metres away from the applicant's business. The applicant's premises are not in view of any dwellings at the rear of the premises. There are residents located on top of the business building the applicant's premises are located on, these residents are residing there on a permanent basis and was originally part of the hotel that do not exist today anymore. There are also dwellings located on the eastern and western side of the rear of the building, located 90 meters away. The applicant's entrance is not visible from any of these residents. The surrounding community in the surrounding area are the middle-class population and the residents in the flats above the buildings in Voortrekker Road are mostly the below middle-class community from whom the landlord provide housing at very reasonable rate. The applicant's entrance is also not visible from any resident, cultural, religious and educational facilities whatsoever.

The nearest licensed premises located in a 200 m radius of the applicant's premises is located on the same erf and building as the applicant's premises and are **"THE VASCO RACING TAB (Licenced On Consumption, previously "Vasco hotel")**

- There no schools near the applicant's premises or in the immediate location of the applicant's premises. There are a place of worship located 200 metres from the applicant's premises on the western side of the premises. The place of worship are not in view of any part of the applicant's premises. This is respectfully submitted that 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 applicant implement the necessary safety and strategy precautions' as can be seen on Annexure "F" and "I" 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 18:00 and 20:00 is not during school activities. There are no schools near the applicant's business.



- (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. The place of worship are nor located in the immediate area or in direct view of the applicant's business and are 200 meters away.

Under the Underlying Principles the applicant ensure 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 **VASCO / 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 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 also belongs to the Armed Response which assists him in emergencies.
- There is adequate lighting outside the applicant's store, a spotlight on the whole parking area and the front of the applicant's store.
- **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 interest.'

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

VASCO / 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 shown 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, 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. 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.

Taking responsibility is public interest.

Annexure "F" 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

Originally 2 staff members was retrenched due to the reducing in hours. The reducing of retail store's hours was the result of major job losses and had an enormous negative impact on the economy. Hopefully jobs will increase 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.

According to the applicant's calculations that the sales of the retail store drop with 25% since the hours was reduced since April 2013. This shows "public demand" Public interest are also described in various Courts as public demand. The 25% decreasing shows a demand, and it is clear that a large portion of the applicant's clientele purchase liquor after hours, and currently they purchase liquor during working hours. We describe this matter more briefly later in this application which



clearly explains that purchasing liquor during working hours have a major negative aspect toward public interest.

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 / 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 **VOORTREKKER ROAD**.

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 need to looked at the result in the wider aspect "that the public is better served"

In the case **Catharina Wilhelmina Pienaar vs die Drankraad & ander (f) 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.

1. 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 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.

2. 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 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:

- Locality 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.

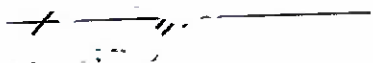
The applicant showed the council in all aspects that **his** objective is to balance the need for extended trading hours to create an equal playing field for all liquor licensees with retail Stores across the City of Cape Town with the need to ensure that the general amenity in suburban areas is not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

The applicant motivated all Public interest aspects and all advantages relating the extension of the trading hours for the retail store from 18:00 till 20:00.

The Municipality already approved the applicant's application for extended hours 18:00 to 20:00 till 25 August 2023, as the public already experienced the used to the applicant's trading hours on Sundays.

The applicant merely applies for another extension from 18:00 to 20:00 for an additional year.

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



1000

1000

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. LONDON TOWN PUB
- 2. THE VASCO RACING TAB
- 3. HOLLANDIA CAR SALES MOTORS
- 4. RAYMOND WOLSTENHOLME
- 5. SOLO MOTORS
- 6. OSKAWA CAR SEAT COVERS
- 7. AUTO SELECT
- 8. PRITON GOODWOOD
- 9. B.P.
- 10. SEELY MOTORS
- 11. MOTORAMA



LOCALITY MAP

VASCO DISCOUNT LIQUOR

Date: 6 February 2014
Drawn: D. van Driel
Checked: C. de Boer
Project: TPA459
Tel: 0215594922
Cell: 0846255409
79 Vreugde St. Morija Vista
card@cardmakers.co.za



ANNEXURE C

Copy of current Liquor Licence & Proof of Renewal Fees paid





WESTERN CAPE
LIQUOR AUTHORITY

Physical: 3rd Floor | Sunbel Building | 1 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

Fleming En Seuns (Pty) Ltd
50 15th Avenue
BOSTON EST
Bellville
7530



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/011253

Name of licensee: Fleming En Seuns (Pty) Ltd
Address of the licensed premises: 225 Voortrekker Road, Vasco, GOODWOOD, 7140

(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/011253) 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/011253

LMaTS number: _____

Liquor consultant: _____

ANNEXURE B

**PLEASE COMPLETE 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:	Fleming En Sours (Pty) Ltd	
Mobile No:		
Email Address:		
Postal Address:		

Licence details		
	On record	New details
Licence Type:	Consumption Off	
Trading As:	Vasco Discount Liquors	
Licensed Premises:	225 Voortrekker Road Vasco GOODWOOD 7460	

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

Please Note:

A licensee who intends to change the legal identity of the entity, must lodge with the Authority a notice of the change of name in the form of Form 21B by no later than 30 November 2023.

Signature of Licence Holder / Liquor consultant

Date:



2013/1160



VASCO DISCOUNT LIQUORS
WCP/011253

ERF 18982
225 VOORTREKKER ROAD
VASCO
GOODWOOD
7460

Herewith I, _____, IDENTITY NUMBER: _____, liquor license holder of **VASCO DISCOUNT LIQUORS, WCP/011253**, confirm that I take responsibility and will comply accordingly in terms of the **Section 6(9)(i), 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

EXTRACT FROM THE MINUTES of a meeting of the Directors of FLEMING EN SEUNS (PTY) LTD, REGISTRATION NUMBER: [REDACTED] held at GOODWOOD on the 2ND day of NOVEMBER 2023.

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 [REDACTED], IDENTITY NUMBER: [REDACTED] be and is hereby authorized to sign all documents to give effect hereto.
- 3 That [REDACTED] Identity Number: [REDACTED] or [REDACTED] (Identity Number: [REDACTED]) or [REDACTED] (Identity Number: [REDACTED])

From 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 and 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 2ND day of NOVEMBER 2023.

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



ANNEXURE F

Letter from applicant taking responsibility





Notice of Payment

02 November 2023

Dear Western Cape Liquor

Subject: Notice Of Payment: Western Cape Liquor

Please be advised that FLEMING EN SEUNS (PTY) LTD made a payment to your account as indicated below

Transaction number	2023-11-02
Payment date	FLEMING EN SEUNS (PTY) LTD
Payment made by	Western Cape Liquor
Payment made to	NBSBANK
Beneficiary bank name	148208863
Beneficiary account number	
Bank branch code	
For the amount of	R 657.00
Immediate interbank payment	N
Reference no beneficiary statement	WCPD01283

Please note that you have received this payment as the following applies to online banking payments into non-ABSA and Absa Vehicle and Asset Finance bank accounts:

- Payments made on weekdays before 15:30 will be credited to the receiving bank account by midnight of the same day
- Payments made on weekdays after 15:30 will be credited by midnight of the following day
- Payments made on a Saturday, Sunday or Public holiday will be credited to the account by midnight of the 1st following weekday
- Payments may take up to 30 minutes to reflect in the beneficiary's Vehicle Finance Account

If you need more information or assistance, please call us on 0800 008 600 or +2711 501 5110 (International calls)

If you have made an incorrect internet banking payment, please send an email to digital@absa.co.za

Yours sincerely
General Manager; Digital Channels

This document is intended for use by the addressee and is privileged and confidential. If the transmission has been misdirected to you, please contact us immediately. Thank you.





1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is handled in a responsible and secure manner.

5. The fifth part of the document discusses the importance of data governance and the role of a data governance committee. It outlines the key principles and practices that should guide the organization's data management activities.

6. The sixth part of the document provides a summary of the key findings and recommendations. It emphasizes the need for a comprehensive data management strategy that aligns with the organization's overall goals and objectives.

ANNEXURE E
Power of Attorney



ANNEXURE G

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

FLEMING EN SEUNS (PTY) LTD

REGISTRATION NUMBER:

DETAIL AS FOLLOWS:

NAME:

IDENTITY NUMBER:

**ADDRESS: 225 VOORTREKKER ROAD
VASCO
GOODWOOD
7460**

EXTENT OF INTEREST IN BUSINESS: DIRECTOR WITH 50% INTEREST

NAME:

IDENTITY NUMBER:

**ADDRESS: 225 VOORTREKKER ROAD
VASCO
GOODWOOD
7460**

EXTENT OF INTEREST IN BUSINESS: DIRECTOR WITH 50% INTEREST

SD

AL

SD

ANNEXURE H

Latest approval of extended trading hours



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

COMMUNITY SERVICES AND HEALTH
ENVIRONMENTAL HEALTH SERVICES
AREA CENTRAL

Chantel Ross

T: 021 444 0851 F: 021 444 8210
E: Chantel.ross@capetown.gov.za

Community Services & Health - Area Central - Environmental Health Parow
15 September 2022

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	187401
Liquor Licence Number	WCP/011253
Full Name Of Licensee	Shaakrah Undre
Name/Designation or The Title Under Which The Business Is Carried On	Vasco Liquors
Address of The Licenced Premises	225 Voortrekker Road, Vasco

I refer to your application dated 26 July 2022 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:

- That the application for extension of liquor trading hours from 18:00 to 20:00 Mon-Sat 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 25 August 2022 until 22 August 2023 and remains subject to possession of a valid Liquor Licence.

Yours faithfully


For Head: Environmental Health
Area Central: Parow

Making progress possible. Together.



**CITY HEALTH DEPARTMENT: COMMUNITY SERVICES
AND HEALTH
("CITY HEALTH")**



THIS CITY HEALTH PRIVACY NOTICE("NOTICE") APPLIES TO HOW WE COLLECT, USE AND PROCESS YOUR PERSONAL INFORMATION AND SPECIAL PERSONAL INFORMATION. PLEASE READ THIS NOTICE CAREFULLY. THIS NOTICE SHOULD BE READ TOGETHER WITH THE CITY OF CAPE TOWN'S PRIVACY NOTICE.

1. Introduction and scope

- 1.1. City Health or "we" or "us" or "our" means the City Health Department, a department within the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998, with its registered address at Civic Centre, Podium Block, 6th Floor, 12 Hertzog Boulevard, Cape Town.
- 1.2. We collect and process your personal information as part of the administration and consideration of:
 - 1.2.1. applications for business licences, in terms of the Business Act, 1999 (the "Business Act"), as well as Regulations Relating to Business promulgated under the Business Act (the "Business Regulations") and other applicable law; and
 - 1.2.2. applications for extended liquor trading hours in terms of the Control of Undertakings that Sell Liquor to the Public By-Law, 2013 (the "Liquor By-Law") and other applicable law.
- 1.3. Personal information refers to your private information which is used to identify you. This may include, but is not limited to, the following:
 - 1.3.1. if you are a business owner, your full names, copy of your identity document or passport, residential address and contact details, as well as your business' name and address;
 - 1.3.2. if you are representing a company, closed corporation, partnership, trust or any other business entity, your full names, copy of your identity document or passport, residential address and contact details, as well as the relevant entity's name, registration number and address; and
 - 1.3.3. if you are representing a company, closed corporation, partnership, trust or any other business entity, the names, identity numbers and addresses of the relevant entity's directors and shareholders, members, partners or trustees (as the case may be).
- 1.4. The information we collect from you may also include information relating to your or the relevant business entity's past criminal conduct. This constitutes special personal information which under the Protection of Personal Information Act ("POPIA") may only be processed under certain conditions.
- 1.5. In terms of the Local Government: Municipal Systems Act, 2000 (the "Municipal Systems Act") we have delegated our power to administer and consider your application to a municipal Sub-Council. This Sub-Council forms part of the City of Cape Town. Accordingly, your personal information and special personal information will be shared with the Sub-Council that will process your application and grant or reject it.
- 1.6. We, or the Sub-Council may compile a report containing, among other things: (i) some of the information you provided to us (such as your business' name, registration number and the licence



you are applying for); (ii) official and formal comments and recommendations made in respect of your application by various departments and officials within the City of Cape Town; and (iii) the ultimate decision taken by the Sub-Council in respect of your application. This report will only include those essential personal and special personal information about you that is reasonably required to facilitate public participation. This report will be circulated to interested parties and made available to the public by including it in the agenda and minutes of the Sub-Council's meeting. The agenda and minutes will also be made available on the City of Cape Town's website.

1.7. City Health and the Sub-Council will only process your personal information and special personal information in a manner that is compliant with the Business Act, Business Regulations, Liquor By-Law, the Municipal Systems Act and any other applicable law (the "Empowering Legislation"), as well as POPIA.

1.8. We are committed to protecting and respecting your privacy. We strive to ensure that our use of your personal information and special personal information is lawful, reasonable, and relevant to our activities, with the ultimate goal of improving our services and your experience.

1.9. By submitting an application for a business or an extended liquor trading hours licence you agree and acknowledge that we may process your personal information and special personal information in the manner set out herein.

2. How we collect your personal information and special personal information

We collect your personal information by requiring you to complete an application form and to submit that form, together with relevant supporting documents, to us.

3. How we use your personal information and special personal information

3.1. We collect and process your personal information and special personal information to determine the suitability of your application. Your personal information and special personal information will only be processed in a manner that is adequate, relevant and not excessive to this purpose.

3.2. We may share the personal information and special personal information we collect from you with the relevant Sub-Council to enable it to determine the suitability of your application in light of the considerations and requirements set out in the Empowering Legislation.

3.3. The Sub-Council may compile a report in respect of your application, which will only contain personal information and special personal information that is reasonably required to facilitate public participation. This report may be shared with interested parties and made available to the public by including it in the agenda and minutes of the Sub-Council's meeting. The agenda and minutes may also be made available on the City of Cape Town's website. The purpose of this publication is to determine the suitability of your application in the light of community considerations and to discharge City Health's general duty to promote public participation and community consultation under the Empowering Legislation.

3.4. Any further processing of your personal information and special personal information will be compatible with the purpose of determining the suitability of your application in light of the considerations and requirements set out in the Empowering Legislation.

4. Storage of your personal information and special personal information

The personal information and special personal information we collect from you is stored on premises which are owned or controlled by the City of Cape Town. The personal information and special personal information are also recorded digitally.



5. Failure to provide your personal information and special personal information

The personal information and special personal information you provide to us are critical and necessary to enable us to consider your application in terms of the Empowering Legislation. If you do not provide us with the required information, we are unable to determine the suitability of your application and as such, grant the application.

6. Security

6.1. We take reasonable technical and organisational measures to secure the integrity of your personal information and special personal information and use accepted technological standards to prevent unauthorised access to or disclosure of your personal information and special personal information, we also protect your personal information and special personal information from misuse, loss, alteration and destruction.

6.2. We also review our information collection, storage and processing practices, including our physical security measures, periodically to ensure that we keep abreast of good practice.

7. Retention of your personal information and special personal information

We may retain and process some or all of your personal information and special personal information if and for as long as:

- 7.1. we are required or permitted by law, a code of conduct or a contract with you to do so;
- 7.2. we reasonably need it for lawful purposes related to the performance of our functions and activities;
- 7.3. we reasonably require it for evidentiary purposes; or
- 7.4. you agree to us retaining it for a specified further period.

8. Data subjects rights

Under POPIA, you have the right to request to access, confirm, request the correction, destruction, or deletion of, or request a description of, the personal information about you held by City Health. Relevant details on how to access this information will be provided to you on request. Subject to applicable law, you also have the right to be notified of a personal information breach and the right to object to, or restrict, City Health's processing of your personal information.

9. Changes to this Notice

This Notice may be amended and updated from time to time in our sole discretion, without notice. The updated Notice will be made available on the City of Cape Town's website together with the relevant application forms, as amended from time to time.

10. General

This Notice must be read together with the City of Cape Town's Privacy Notice as amended from time to time ("Privacy Notice") which is available at <https://www.capetown.gov.za/general/privacy> and any other documents, agreement or terms between City Health and you (the "Agreements") that describe the manner in which we, in specific circumstances, collect or process personal information and/or special personal information about you. This Notice supplements the Privacy Notice and Agreements, but does not supersede them and in the event of any conflict, ambiguity or inconsistency between this Notice, the Privacy Notice and/or the Agreements the documents shall be construed in the following order of priority:

- 10.1. this Notice;



10.2. the Privacy Notice; and

10.3. the Agreements.

11. Queries and contact details of the Information Officer and Information Regulator

Should you feel that your rights in respect of your personal information and/or special personal information have been infringed, please address your concerns to the City of Cape Town's Information Officer at Popia@capetown.gov.za. If you feel that the attempts by City Health to resolve the matter have been inadequate, you may lodge a complaint with the South African Information Regulator by accessing their website at <https://www.justice.gov.za/infoereg/contact.html>.

I have read the  this document:


Name:

Date:

