



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2018-08-03

NOTICE OF A JOINT SITTING

ECONOMIC DEVELOPMENT AND PLANNING SERVICES & PROTECTION SERVICES COMMITTEE MEETING

TUESDAY: 2018-08-07 AT 14:00

TO Ald JP Serdyn (Ms) [Chairperson: Econ. Dev. and Planning Serv.]

COUNCILLORS F Adams
FJ Badenhorst
AJ Hanekom
RS Nalumango (Ms)
S Schäfer
LL Stander

TO Cllr Q Smit [Chairperson: Protection Services]

COUNCILLORS G Cele (Ms)
J Hendriks
C Manuel
NE McOmbring (Ms)
N Sinkinya (Ms)

Ex officio Executive Mayor, Ald G Van Deventer (Ms)

Notice is hereby given that a Joint sitting of the Economic Development and Planning Services Committee meeting and Protection Services Committee meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Tuesday, 2018-08-07 at 14:00** to consider the attached Agenda.

ALD JP SERDYN (MS)
CLLR Q SMIT
CHAIRPERSONS

AGENDA
JOINT SITTING OF THE
ECONOMIC DEVELOPMENT AND PLANNING SERVICES

&

PROTECTION SERVICES COMMITTEE MEETING

2018-08-07

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AGENDA JOINT PLANNING, ECONOMIC AND PROTECTION 2018-08-07
SERVICES COMMITTEE MEETING

1.	OPENING AND WELCOME	(3/4/3/3)
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2.	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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3.	DISCLOSURE OF INTEREST	(3/6/2/2)
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4.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/3/3)
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AGENDA JOINT PLANNING, ECONOMIC AND PROTECTION 2018-08-07
SERVICES COMMITTEE MEETING

5.	REPORT/S FROM OFFICIALS: ECONOMIC DEVELOPMENT AND PLANNING & PROTECTION SERVICES [JOINT SITTING]
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5.1	NON-DELEGATED MATTERS
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5.1.1	REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL
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Collaborator No:

File nr

1/3/1/15

IDP KPA Ref No:

065

Meeting Date:

7 August 2018

1. SUBJECT: REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL

2. PURPOSE

To submit the Reviewed Stellenbosch Liquor Trading By-law (**ANNEXURE 1**) to Council for consideration, whereafter it could be published for public participation as envisaged in Section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa, "a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Reviewed Liquor Trading By-law which seeks to regulate liquor trading hours in the Stellenbosch Municipal area.

4. EXECUTIVE SUMMARY

The Reviewed Stellenbosch Liquor Trading By-law sets to rectify various shortcomings in the current Liquor Trading Hours By-law. The shortcomings, amongst other things, relate to the jurisdiction of power and delegated powers to enforce the aforementioned By-law.

5. RECOMMENDATIONS

- (a) that Council approves the Reviewed Stellenbosch Liquor Trading By-law for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Reviewed Stellenbosch Liquor Trading By-law for public comments after which it will be submitted to Council for final consideration.

6. DISCUSSION / CONTENTS

6.1 Background

The current Liquor Trading Hours By-law was promulgated on 15 January 2016 in the Provincial Government Gazette 7753. Due to certain shortcomings, the aforementioned policy is now being reviewed. Section 156 (2) of Constitution of the Republic of South Africa, 1966 reads as follows: "a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate. In this instance it refers to the days and hours during which liquor may be sold by licensees and for matters related thereto.

6.2 Discussion

Due to certain flaws in the current Liquor Trading Hours By-law (See **ANNEXURE 2: Current Liquor Trading Hours Bylaw with track changes**) the Administration was compelled to review the by-law.

The reviewed policy with the Schedule for Admission of Guilt Fines addresses deficiencies relating to:

- A nodal approach to Liquor Trading Hours;
- Powers to the municipal law enforcement officers to enforce the bylaw;
- Regulations on electronic selling of alcohol like the internet;
- The jurisdiction in which the by-law will be applicable;
- Consumer friendly language and easier enforceable by-law;
- Setting of maximum permissible trading hours with no provision for extension of hours to prevent administrative red tape.
- Maximum fines for transgressors of the by-law irrespective of the size of the business.

6.3 **Financial Implications**

The proposed policy provides for penalties and this should be included in the tariff book as issued by Council.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

Adequate human resources will be needed to enforce the by-law.

6.6 Previous / Relevant Council Resolutions

No previous Council resolutions in regards to this Reviewed Stellenbosch Liquor Trading Hours By-law but the joint sitting of the Economic Development and Protection Services Committee: 2017-11-10 resolved as follows:
"that this matter be referred back to allow the Administration to prepare an accurate item (with correct appendices)."

6.7 Risk Implications

Risk relates to weak mechanisms to enforce the By-law if it is not well written.

6.8 Comments from Senior Management

6.8.1 Director: Planning and Economic Development

Supports recommendations

6.8.2 Legal Services

Supported with minor adjustments which is Liquor Trading Hours incorporated Liquor Trading Hours in the Draft Amended Liquor Trading Hours By-law

6.8.3 Community and Protection Services

Supported

FURTHER DETAILS CONTACT:

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POSITION	Manager: Economic Development & Tourism
DIRECTORATE	Planning and Economic Development
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REPORT DATE	

DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.