

# ISSUING OF TRADE LICENCES FOR EKURHULENI METROPOLITAN MUNICIPALITY

Item A-ET (02-2011) CM 20011/01/27	BUSINESS LICENCE
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## RESOLVED:

1. **That** the contents of the report on the issuing of trade licences for EMM **BE NOTED**.
2. **That** Ekurhuleni Metropolitan Municipality (Corporate and Legal Services Department) **APPLY** to the Gauteng MEC responsible for Finance and Economic Affairs Department to declare Ekurhuleni Metropolitan Municipality as a designated Licensing authority in terms of Section 2(1) of the Business Act, 1991 (Act 71 of 1991) as amended, for the Ekurhuleni Metropolitan Municipal area.
3. **That** the system of Delegated Powers approved by Council Resolution A-CL (05-2007) on 29 March 2007 **BE AMENDED** by deleting the delegation on Business License delegated to the Executive Director: Community Safety and delegate the powers granted to a Licensing Authority in terms of the Business Act, 1991(Act 71 of 1991) as amended, to the Customer Care Area Managers to be executed in their area of responsibility (Customer Care Area).
4. **That** the Policy and Procedure for Business Licences attached as **Annexure "A"** to the report **BE APPROVED**

## **EMM POLICY AND PROCEDURES FOR BUSINESSES LICENCES**

### **1. INTRODUCTION**

This policy and procedure for application and issuing of licences in terms of the Businesses Act, 1991 (Act 71 of 1991) as amended and Regulations promulgated under this Act. The operation of business issued with these licences shall be within this policy and procedure for business licences.

### **2. DEFINITIONS**

In this Policy and Procedure document for Business Licences, the definitions of the following are given below:

**Act** means the Businesses Act, 1991 (Act 71 of 1991) as amended.

**Municipality** means the Ekurhuleni Metropolitan municipality

**Business premises** means the premises upon, in or from which businesses mentioned in 4 below is carried out or is to be carried out

### **3. APPLICABLE LEGISLATION**

Businesses Act 71 of 1991 as amended.

### **4. BUSINESS COVERED BY THIS POLICY AND PROCEDURE**

All businesses mentioned under schedule 1 of the Act namely:-

#### **4.1. Sale or supply of meals or perishable foodstuffs**

The carrying on of business by the sale or supply to consumers of-

- 4.1.1. any foodstuff in the form of meals for consumption on or off the business premises; or
- 4.1.2. any perishable foodstuff

#### **4.2. Provision of certain types of health facilities or entertainment**

The carrying on of business by

- 4.2.1. providing Turkish baths, saunas or other health baths;
- 4.2.2. providing massage or infra-red treatment;
- 4.2.3. making the services of an escort, whether male or female, available to any other person;
- 4.2.4. keeping three or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner;
- 4.2.5. keeping three or more snooker or billiard tables;
- 4.2.6. keeping or conducting a night club or discotheque;
- 4.2.7. keeping or conducting a cinema or theatre;
- 4.2.8. conducting adult premises referred to in section 24 of the Films and Publications Act, 1996.

#### 4.3 **Hawking in meals or perishable foodstuffs**

The carrying on of business, whether as principal, employee or agent, by selling any foodstuff in the form of meals or any perishable foodstuff

- 4.3.1. which is conveyed from place to place, whether by vehicle or otherwise;
- 4.3.2. on a public road or at any other place accessible to the public; or
- 4.3.3 in, on or from a movable structure or stationery vehicle; unless the business is conveyed by a licence for a business referred to in item 1 of this Schedule

### 5. **BUSINESSES EXCLUDED FROM THIS POLICY AND PROCEDURES**

All business mentioned under schedule 2 of the Act namely:

- 5.1 Business carried on by the State or the municipality;
- 5.2 Business carried on by a charitable, religious, educational cultural, agricultural association, organisation of a public nature if all profits derived from the business are devoted entirely for the purpose of that or any other such association organisation or institution.
- 5.3 the case of a business referred to in 4.1, such a business which is carried on:
  - 5.3.1 by a social sports or recreation club which is a non-proprietary club and restricts the business to the sale or supply to its members and their guests of foodstuffs for consumption on or in the business premises;
  - 5.3.2. by or on behalf of an employer for an employee as such of the employer;

### 6. **NO PERSON SHALL BE ALLOWED TO OPERATE BUSINESSES MENTIONED IN 3 ABOVE WITHIN EMM WITHOUT A VALID BUSINESS LICENCE ISSUED BY EKURHULENI METROPOLITAN**

### 7. **APPLICATION PROCEDURE**

An individual or firm/company wishing to conduct a business covered in 3 above shall follow the following procedure:

- 7.1. An application shall be lodged with the Customer Care Area Manager servicing the Customer Care Area within which the business will be located and an application form shall be filled at that office.
- 7.2. The Customer Care Area shall, within five (5) working days of receipt of the application form refer the application to the City Development Department (Town Planning); Environmental Development Department (Environmental Health); Community Safety Department and the Municipal Infrastructure Department (Electricity Division) in the prescribed form for their inspection in loco and/or their comments on the application;
- 7.3. The requests for an inspection in loco and or comments from the departments mentioned in 7.2. above shall be directed to their offices nearest to the Customer Care Area where the application was lodged.

EMM Policy: Business Licences

- 7.4. The departments mentioned in 7.2. above shall be given a maximum of seven (7) working days to submit their inspection report and/or comments to the requesting Customer Care Area.
- 7.5. The Customer Care Area shall communicate outcome of the application to the applicant within seven (7) working days after receipt of all inspection reports and/or comments from relevant departments.

EMM Policy: Business Licences

- 7.6. The licence fee shall be paid within a period of three (3) months from the date of approval of the business licence.
- 7.7. The non-payment of the licence fee within a period of three (3) months will result in the cancellation of the licence application by the Customer Care Area Manager.
- 7.8. A cancelled licence application will require the applicant to lodge a new application and due processes in terms of a new application will be followed.
- 7.9. A licence application for change of ownership and/or change of business will be treated the same way as if it is a new application for a business licence
- 7.10. A licence shall be issued to the applicant subject to the payment of the stipulated licence fee

## **8. VALIDITY OF BUSINESS LICENCE**

The business licence shall remain valid for an indefinite period.

## **9. INVALID BUSINESS LICENCE**

The business licence shall be invalid once the ownership changes and/or the business premises for which the business licence was issued, changes the nature of business operations.

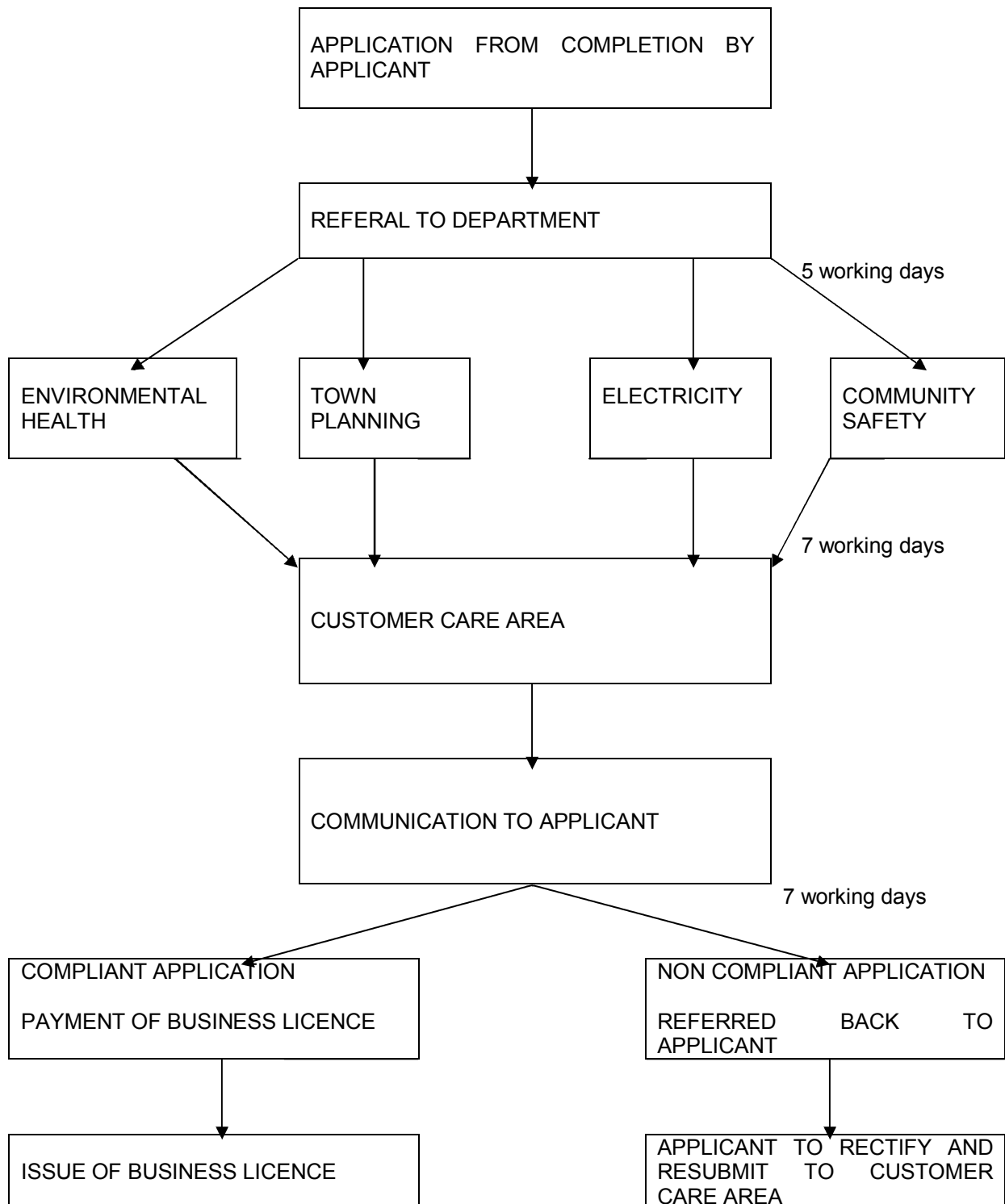
## **10. APPEAL PROCEDURE**

The following appeal procedure will be followed in cases where the licence is not approved:

- 10.1. The formal appeal will be lodge in writing by the applicant at the respective customer care area.
- 10.2. The customer care area manager will refer the appeal to the EMM Development Tribunal.
- 10.3. The EMM Development Tribunal will arrange for a hearing on the matter.
- 10.4. The decision of the EMM Development Tribunal shall be final and binding to all parties.

**ANNEXURE "B"**

**FLOW CHART**





**Ekurhuleni**  
METROPOLITAN MUNICIPALITY

To : CITY DEVELOPMENT  
CUSTOMER CARE AREA

**ANNEXURE "C"**

FILE NUMBER: \_\_\_\_\_

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COMMENTS FOR THE PURPOSE OF ISSUING A BUSINESS LICENCE I.T.O BUSINESS ACT, 1991 (ACTS 71 OF 1991)  
AS AMENDED

NAME OF FIRM / COMPANY	:	
TRADE NAME	:	
NAME OF APPLICANT	:	
STREET NAME AND NUMBER /		
PLOT NUMBER	:	
CUSTOMER CARE AREA	:	
WARD NUMBER	:	
NATURE OF BUSINESS	:	

Please furnish this office as soon as possible (within 7 working days after receipt of this notice) with your inspection report.

\_\_\_\_\_  
CUSTOMER CARE AREA MANAGER

REPORT: CITY DEVELOPMENT DEPARTMENT

Date received: \_\_\_\_\_

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Date: \_\_\_\_\_

\_\_\_\_\_  
Town Planner



TO : ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL DEVELOPMENT DEPARTMENT

Customer Care Area

FILE NUMBER: \_\_\_\_\_

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COMMENTS FOR THE PURPOSE OF ISSUING A BUSINESS LICENCE I.T.O BUSINESS ACT, 1991 (ACTS 71 OF 1991)  
AS AMENDED

New Application

Change of Business

Change of ownership

NAME OF FIRM / COMPANY	:	
TRADE NAME	:	
NAME OF APPLICANT	:	
STAND NUMBER	:	
PLOT NUMBER	:	
STREET NAME AND NUMBER /	:	
NAME OF FARM	:	
CUSTOMER CARE AREA	:	
WARD NUMBER	:	
NATURE OF BUSINESS	:	

Please furnish this office as soon as possible (within 7 working days after receipt of this notice) with your inspection report. A form indicating the kind of business and / or services to be rendered is attached.

\_\_\_\_\_  
CUSTOMER AREA MANAGER

REPORT: ENVIRONMENTAL HEALTH SERVICES

Date received: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Environmental Health Practitioner



**Ekurhuleni**  
METROPOLITAN MUNICIPALITY

To : ELECTRICITY AND ENERGY

Licensing Division  
Community Safety Department

FILE NUMBER: \_\_\_\_\_

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COMMENTS FOR THE PURPOSE OF ISSUING A BUSINESS LICENCE I.T.O BUSINESSES ACT, 1991 (ACTS 71 OF 1991) AS AMENDED

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NAME OF FIRM / COMPANY	:	
TRADE NAME	:	
NAME OF APPLICANT	:	
STREET NAME AND NUMBER /		
PLOT NUMBER	:	
CUSTOMER CARE AREA	:	
WARD NUMBER	:	
NATURE OF BUSINESS	:	

Please furnish this office as soon as possible (within 7 working days after receipt of this notice) with your inspection report.

\_\_\_\_\_

CUSTOMER CARE AREA MANAGER

REPROT: ELECTRICITY AND ENERGY

Date received: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Electrician





TO : Emergency Service Division  
EMPD Division  
Disaster Management Division  
COMMUNITY SAFETY DEPARTMENT

CUSTOMER CARE AREA

FILE NUMBER: \_\_\_\_\_

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COMMENTS FOR THE PURPOSE OF ISSUING A BUSINESS LICENCE I.T.O BUSINESSES ACT, 1991 (ACTS 71 OF 1991) AS AMENDED

NAME OF FIRM / COMPANY	:	
TRADE NAME	:	
NAME OF APPLICANT	:	
STREET NAME AND NUMBER /		
PLOT NUMBER	:	
CUSTOMER CARE AREA	:	
WARD NUMBER	:	
NATURE OF BUSINESS	:	

Please furnish this office as soon as possible (within 7 working days after receipt of this notice) with your inspection report. A form indicating the kind of business and/or service to be rendered is attached.

\_\_\_\_\_

CUSTOMER CARE AREA MANAGER

REPROT: COMMUNITY SAFETY

Date received: \_\_\_\_\_

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Dater: \_\_\_\_\_

\_\_\_\_\_  
Community Safety Department Officer



**Ekurhuleni**  
METROPOLITAN MUNICIPALITY

APPLICATION FOR ISSUING OF  
BUSINESS LICENCE i.t.o. BUSINESS  
ACT, 1991 (ACT 71 OF 1991) AS  
AMENDED

APPLICATION FORM

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NAME OF FIRM / COMPANY	:	
TRADE NAME	:	
NAME OF APPLICANT	:	
IDENTITY NUMBER	:	
STREET NAME AND NUMBER /		
PLOT NUMBER	:	
CUSTOMER CARE AREA	:	
WARD NUMBER	:	
TYPE OF LICENCE	:	
NATURE OF BUSINESS	:	

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of application



**Ekurhuleni**  
METROPOLITAN MUNICIPALITY

## LICENCE TO CONDUCT A BUSINESS

Regulation 8 of Licensing of Business Regulations, 1993, promulgated under section 6 of Business Act, 1991

Serial Number : (CCA/Lic. No./Month/Year) e.g. Alb/01/04/2010

Date of issue of Licence : \_\_\_\_\_

Name of Licence Holder : \_\_\_\_\_

Name of Business : \_\_\_\_\_

Business Postal Address : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Business Physical Address : \_\_\_\_\_

: \_\_\_\_\_

Nature of business in respect of which this licence is issued

\_\_\_\_\_

### Licence conditions

This business licence is issued subject to the following conditions:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Customer Care Area Manager

\_\_\_\_\_  
Date