

**MOSSEL BAY MUNICIPALITY:
POLICY ON PROCEDURES FOR
BUSINESS LICENCES**

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1. INTRODUCTION

This policy on the procedure for application and issuing of licences is in terms of the Businesses Act, 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.

2. DEFINITIONS

“**Act**” means the Businesses Act, Act 71 of 1991, as amended.

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

“**Municipality**” means the Mossel Bay Municipality.

“**sell**” includes to prepare, process, store, offer or display for sale;

3. APPLICABLE LEGISLATION

Businesses Act 71 of 1991 as amended and Regulations promulgated under this Act.

Western Cape Noise Control Regulations 2013 in terms of Section 25 of the Environment Conservation Act 73 of 1989.

Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food in terms of Sections 35 and 40 of the Health Act 63 of 1977.

Mossel Bay Municipality By-law Relating on Trading Days and Hours for Liquor Licensed Premises.

Mossel Bay Municipality By-law Relating to Street Trading.

All applicable amendments in terms of the above.

4. BUSINESSES COVERED BY THIS POLICY

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 Health Establishments

The carrying on of business by

- 4.2.1 providing Turkish baths, saunas or other health baths;
- 4.2.2 providing massage or infrared treatment;
- 4.2.3 making the services of an escort, whether male or female, available to any other person.

4.3 Entertainment

The carrying on of business by

- 4.3.1 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;
- 4.3.2 keeping three or more snooker or billiard tables;
- 4.3.3 keeping or conducting a night club or discotheque;
- 4.3.4 keeping or conducting a cinema or theatre.

4.4 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

- 4.4.1 which is conveyed from place to place, whether by vehicle or otherwise;
- 4.4.2 on a public road or at any other place accessible to the public; or
- 4.4.3 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.

No person shall be allowed to operate businesses mentioned in paragraph 4 above within the Mossel Bay municipal area without a valid business licence issued by the Mossel Bay Municipality.

6. APPLICATION PROCEDURE

An individual or firm/company wishing to conduct a business covered in 4 above must follow the following procedure:

- 6.1 An application shall be lodged with the Senior Manager: Waste Management and Pollution Control on the applicable application form as per Annexure B in this Policy.
- 6.2 The prescribed application fee in terms of the Tariff List approved by Council must be paid when submitting the application. A licence shall only be processed once the stipulated licence fee has been paid.
- 6.3 The Senior Manager: Waste Management and Pollution Control shall, within five (5) working days of receipt of the completed application form refer the application to the following departments:
 - Planning and Integrated Services (Town Planning and Building Control Departments) ;
 - Fire and Disaster Management Services;
 - Electrical Department;
 - Legal Services;
 - Community Safety;
 - Eden District Municipality: Municipal Health Services;
 - South African Police Servicesin the prescribed form for their inspection in loco and/or comments on the application.
- 6.4 The departments mentioned in paragraph 6.3 above shall be given a maximum of seven (7) working days to submit their inspection report and/or comments to the Senior Manager: Waste Management and Pollution Control;
- 6.5 The Senior Manager: Waste Management and Pollution Control shall communicate the outcome of the application to the applicant within seven (7) working days after the receipt of all inspection reports and/or comments from the relevant departments.
- 6.6 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.
- 6.7 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.
- 6.8 The application process will be finalised within 21 (twenty-one) days after receipt of the application. Subject to no unforeseen events, delays or circumstances taking place and subject to all applicable and requested documentation being submitted.

7. VALIDITY OF BUSINESS LICENCE

The business licence shall remain valid until:

- 7.1 A new application is lodged;
- 7.2 The nature of the business change;
- 7.3 The ownership of the business change;
- 7.4 The premise of the business change;
- 7.5 The Municipality revokes or amends the licence in terms of non-adherence to any or all applicable legislation or any of the conditions stated in the Policy.

8. APPEAL PROCEDURE

Applicants may appeal against a decision in terms of Section 62 of the Local Government Municipal Systems Act 32 of 2000.

- 8.1 A formal appeal must be lodged in writing by the applicant to the Municipal Manager within 21 days of the applicant being informed of the outcome of the application.

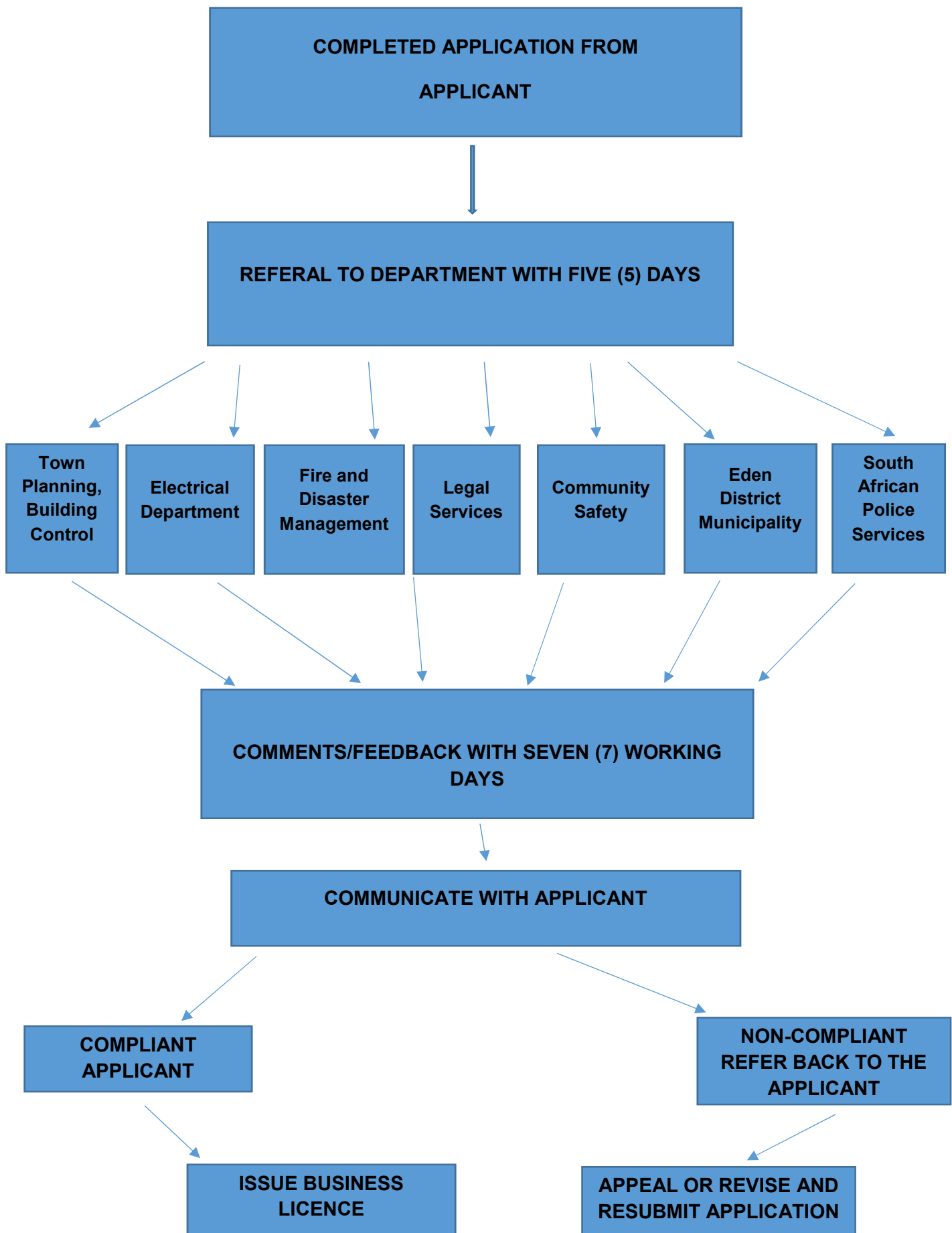
9. GENERAL

- 9.1 When a business change ownership the new owners must obtain a new Electrical Certificate.
- 9.2 Before opening a business owners should ensure that the appropriate land use and zoning are in place.

10. COMMENCEMENT

This Policy shall commence on 1 July 2017.

ANNEXURE A: FLOW CHART



ANNEXURE B



APPLICATION FOR A LICENCE TO CARRY ON A BUSINESS

BUSINESS ACT NO. 71 OF 24 APRIL 1991

1. Name of licensing authority: Mossel Bay Municipality

2. Indicate with an X whether this application is in respect of:

- a. A new licence
- b. A relocation of a business to new premises
- c. An alteration of information on existing licence
i.e. New Director/Associates

A
B
C

3. Full name of applicant (name of individual, company, partnership, etc. in whose name the licence should be issue). Please attach copy of ID and where applicable business registration documents.

4. Trade name of business: _____

5. Street address of business: _____

6. Postal address of business: _____

7. Street address of premises where goods will be stored: _____

8. Erf number: _____ 9. Zoning: _____

10. Licence/s applied for:

Business	
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Hawker	
--------	--

Food Premises	
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Entertainment	
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Health	
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11. Telephone numbers of applicant: _____

12. If the application is for a business include in Item 2 of Schedule 1 of the Act, **full name, identification number and residential address of the person who will be in effective control of the business.**

13. Was the application the holder of a hawker's licence which was withdrawn in the twelve months preceding this application? (YES/NO)

PLEASE ANSWER THE FOLLOWING QUESTIONS:

FOOD PREMISES

1. Did you obtain a Certificate of Acceptability from Eden District Municipality? If yes, please attach.

YES		NO	
-----	--	----	--

2. How many toilet facilities is on the premises?

Indicate number	
-----------------	--

ENTERTAINMENT

1. Type of entertainment

Machines / games / pool tables	Disco / club / karaoke	Cinema	Casino
-----------------------------------	---------------------------	--------	--------

1. Do you have a liquor license?
If yes, please attach.

YES		NO	
-----	--	----	--

2. Are you making use of live artists / DJ's?

YES		NO	
-----	--	----	--

3. Indicate the time the live artists / DJ's will perform: _____

4. Is the premises sound proof?

YES		NO	
-----	--	----	--

5. What measures do you have in place to manage noise from your premises?

.....
.....
.....
.....
.....

6. What is the trading hours of the business?

HEALTH ESTABLISHMENT

1. Did you obtain a Certificate of Acceptability from Eden District Municipality? If yes, please attach.

YES		NO	
-----	--	----	--

2. How many toilet facilities is on the premises?

Indicate number	
-----------------	--

3. Is there a first aid kit on the premises?

YES		NO	
-----	--	----	--

Is there a person with first aid knowledge present at the premises?

YES		NO	
-----	--	----	--

4. Are the equipment sterilised in a correct manner?

YES		NO	
YES		NO	

5. Is the waste water disposed of in a correct manner?

HAWKER

1. Do you have an approved stand?

YES		NO	
-----	--	----	--

2. Is it a private or business property?

Private		Business	
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I, _____ certify that the information contained in this application is true and correct to the best of my knowledge and belief.

Signature: _____

Capacity of applicant: _____

Date: _____