

INFORMAL BEACH TRADING POLICY AND MANAGEMENT FRAMEWORK

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PREPARED BY:



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1. INTRODUCTION

For the City, Informal Beach Trading is a positive development in the micro business sector as it contributes to the creation of jobs and has the potential to expand further the City's economic base and to contribute to the creation of a globally competitive world class African city. It also allows for the effective and efficient management of beaches ensuring the protection of our natural resources and the creation of a healthy synergy between traders and other beach users.

1.1. Link to Council Strategic Direction

At the end of 2002, an eight goal strategy was set which would ensure a City which is:

- 1) Sustainable
- 2) Dignified
- 3) Accessible
- 4) Credible
- 5) Competent
- 6) Safe and Caring
- 7) Prosperous
- 8) Known for its leadership

In line with this strategic direction, the City's vision and mission for informal beach trading are:

VISION: "A well managed informal beach-trading sector that is fully integrated into the beach management and protection strategy as well as the economic, spatial and social development objectives of the City."

MISSION: "Through a developmental approach, the City seeks to manage the use and enjoyment of its beaches by nurturing a positive relationship with all users of the beach by providing a stable regulatory and flexible management environment that is predictable, empowering and sustainable in addition to facilitating the access to job and entrepreneurial opportunities within the informal beach trading sector."

1.2. Policy aims

The ultimate goal of this Policy and Management Framework is sustainable Beach Management, which plans, designs and manages beaches that is able to accommodate Informal Trading on beaches. Integrated beach management is necessary in order to enhance the City's attractiveness, promote economic development, meet the needs of all beach users and expand employment opportunities.

The reasons for having an Informal Beach Trading Policy can be summarised as follows:

- It defines an integrated and holistic approach for Beach Management within the City of Cape Town;

- It clarifies the City's Policy and Management framework to all relevant stakeholders;
- It forms the basis for the By-Law that will regulate Informal Beach Trading activity in the City;
- It provides a basis for resource allocation decisions;
- It establishes the basis for a monitoring and evaluation process, with clearly defined key objectives.

1.3. Scope of Informal Beach Trading Policy

The policy covers the different types of informal trading that take place on the beaches of Cape Town, namely:

- Fixed-site
- Roving
- Mobile
- Special events

1.4. Legislative Framework

The legislative framework that governs Informal Beach Trading generally and Beach Trading specifically is composed of the following Acts:

- National Small Business Act, No.102 of 1996;
- Businesses Act, No. 71 of 1991;
- Sea-Shore Act, No.21 of 1935;
- Road Traffic Act, No.29 of 1989;
- Municipal Systems Act, No.32 of 2000.

1.5. Policy Statement

The City of Cape Town acknowledges the relevance and contribution of informal trading in general and beach trading specifically to the economic and social life of the City. The City aims to manage the beach trading sector and its participants to ensure the protection of the environment and its enjoyment by all users.

1.6. Four Policy Levers for Change

The first point of departure in the policy for the informal economy is that local government should promote the creation of job opportunities and diverse economic and trading opportunities.

The four key levers for change are planning, the allocations policy, the registration process and the rentals policy.

1.5.1. Ensuring Maximum Trading Viability

New beach developments and trading opportunities must be properly planned, bearing in mind the economic needs of traders, the need for more vibrant use of space and the need for orderly beach management and planning including issues of health and safety. Proposed Category A & B beaches should be managed properly, while proposed Category C and D are developed appropriately to cater for emerging patterns of usage and to open up new opportunities for traders. All

planning should be done bearing in mind the framework principles for the allocations criteria (See below).

1.5.2 Allocations Criteria (See Section 7.2)

The aim of the allocations criteria is to protect natural resources and to support growth and provide opportunities for new entrants, in an economically and environmentally sustainable and socially useful way. It can feed directly into the tourism industry, through achieving the appropriate trader mix at beaches. The allocations criteria could be used as a tool to develop partnerships between established traders and new entrants.

1.5.3 Registration

The policy goal is that all people working in public places will register with the City. Registration (as well as the sustained payment of rentals) is the action which gives permission to operate, and which provides access to services and support. Existing registration procedures need to be simplified and moved towards the one-stop shop concept, which will reduce the high cost to poorer traders associated with becoming legal. Data on registration will be kept in the centralised inter-departmental information system. This system will link where traders are, the sectors they work in with registration, rent-paying status, environmental health and the enforcement function.

1.5.4 Criteria for Rentals¹

In the same way that built property has a value placed on it, depending on where it is located, so it is important to place value on different informal beach trading sites, such as category of beach. Value is placed on sites on different categories of beaches through a system of differentiated rentals. Rentals will be linked to site size, desirability of location and the level of services provided. Levels will be determined by considering the cost to local government of providing the facility, bearing in mind the need to subsidise new opportunities on developing beaches. The formula by which levels are set needs to be fair and transparent to officials, traders, all business people and the public.

1.7. Informal Trading's Contribution to the Economy

Informal Trading has become a feature of our urban environment in most South African cities, and symbolises the changing nature of the city in both spatial and economic terms. In a study of Africa's rapidly growing cities, markets and street vendors were found to be major sources of provisioning for poor urban households.² It is recognised that Informal Trading forms a vital part of any emerging economy. In Sub-Saharan Africa, the Informal Sector accounts for up to 60% of the economy.

The survey of the Informal Trading sector in Cape Town in 2002 revealed that 42% of traders had chosen to engage in informal trading as a result of not having or

¹ The term "rental" usually refers to payment for a *place*; in this document rental refers also to payment for the *right to operate*, whether at a fixed site, or as an itinerant / mobile worker.

² The Nordic Africa Institute's research programme on "Cities, Governance and Civil Society in Africa"

losing a job. This indicates the significant role that Informal Trading in general plays in absorbing the unemployed. Also significant was the fact that more than half of the traders were female; this form of business activity is increasingly the province of women because of its flexible working hours as well as the opportunity it provides for additional income generation for the poor. In Cape Town, it is estimated that the Informal Sector accounts for 18 – 20% of the economy.

The City aims to manage the beach trading sector and its participants to ensure the protection of its beaches and the environment by all users as well developing it into a commercially viable and dynamic economic sector, which contributes to the economic growth of the City and the quality of life of its citizens in a sustainable manner. The cooperation between departments to ensure appropriate infrastructure support and services, entrepreneurial development and spatial planning will be the cornerstones to achieving such a policy goal.

2. DEFINITION

2.1. Informal Economic Activity

"The informal sector includes employees, employers, self-employed people or family business workers who work for private sector enterprises with 20 or less employees and in enterprises that are not registered or incorporated and do not keep a set of accounts separate from the household budget. If respondents were uncertain about the enterprise's record-keeping, it was classified as informal if it did not make Unemployment Insurance Fund (UIF) deductions and/or the business is located on a footpath street, open space or a market. Stats SA's OHS 1998/1999 estimates of the informal sector are based on direct questions to the respondents as to whether the enterprise was in the formal or informal sector, based on their knowledge of whether the enterprise was registered."³

2.2. Working Definition of Informal Trading

Informal Beach Trading is defined as the legal economic activity undertaken by entrepreneurs who sell goods and services on a beach or grass verge contiguous to the beach. .

This specifically excludes any activity that is defined as illegal by any national and/or provincial law. While the definition as articulated in the previous paragraph would include trading taking place from private property, this Policy seeks to address the regulation only of those trading activities taking place on publicly owned land.

³ Metsebetsi Labour Force Survey, Report 360 1999

3. POLICY PRINCIPLES

The following are the Key Principles that will govern the City's approach to Informal Beach Trading specifically as it relates to the identification of possible trading areas on beaches within the city:

3.1. Economic Principles

3.1.1. Ensuring Maximum Trading Viability

The location for investment of infrastructure should reflect existing dominant patterns (locations) of beach usage. The City will promote diversity of products and services to ensure that the needs of beach users are adequately met.

3.1.2. Facilitating Economic Growth

Generally speaking, traders must be encouraged as far as it is practical to do so, to move their business along a Developmental Continuum, from survivalist trading, through informal trading to formal trading. It is also recognised that not all informal traders can or may want to progress to a different level. Incentives and disincentives would be used to encourage upward movement as far as possible

3.1.3. Optimal Utilisation Of City Resources

The City must ensure that its beaches are used for the maximum enjoyment of all users while ensuring the social and economic development of the historically disadvantaged community within which they are located.

3.1.4. Boosting Tourism Potential

Proposed category C and D beaches should be developed wherever possible to promote and accommodate tourist potential. This should be related to the kind of products that domestic and foreign tourists would be interested in.

3.2. Social Principles

3.2.1. Promoting Equity within the City

The tariff structure will allow for transparent subsidies in order to ensure cross-subsidisation and equity between the different category beaches.

3.2.2. Integrating Communities

Where possible, the use of beaches and the development of traders should be viewed as an opportunity to integrate spatially historically separated communities.

3.2.3. Target Market should be Identified as Independent and Survivalist Micro Enterprises

The intention should be to assist these traders to grow their businesses successfully and move along the Development Continuum defined in this document under the heading "A Developmental Approach" in section 4.1.

4. POLICY OBJECTIVES

The City of Cape Town recognises the key role Informal Beach Trading has and will continue to play in the creation of jobs and the opening up of economic access opportunities for Historically Disadvantaged Communities. In light of this the following have to be prioritised:

4.1. Developmental Continuum

In order to encourage economic growth this sector has to be encouraged to develop from survivalist to more robust business enterprises. For greater explanation refer to Draft Informal Trading Policy April 2003.

4.2. Service Level Agreements

Effective delivery of "basic municipal services"⁴ provides an environment in which business can thrive and beach users can get maximum benefit. These may include:

- Provision of facilities and management thereof;
- Provision of electricity, cleaning services, water, sewage services etc, depending on the type of facilities involved.
- Ensuring safety and security in business areas.
- Ensuring the appropriate mix of beach related services and products

Generic business services to assist less sophisticated businesses to run efficiently and mature (i.e. grow in size, revenue and sophistication), may include:

- Business literacy skills and training development;
- Provision of advice, information and business counseling;
- Provision of management or appropriate technical training, including financial management;
- Provision of marketing and market development services.

The service areas within the City that will be impacted upon are:

Trading Services

These include Water, Electricity, Solid Waste (Refuse) Removal and Sewerage. These services would need to be provided on a consistent basis to all beaches in order to ensure a beach environment that is conducive to doing business effectively and efficiently and to protect the environment and to provide an enjoyable recreational environment

Specifically, Service Level Agreements need to be established around Solid Waste Removal to ensure that all beaches areas are kept hygienic and that refuse is collected on a regular basis, similar to agreements with formal businesses located in the same area.

⁴ Basic municipal services need not be provided directly by the City of Cape Town. The outsourcing, ring-fencing and privatisation of services means that multiple parties can be service providers. However, the social, economic and political responsibility for such services still resides with the City of Cape Town.

Development Services

This portfolio addresses high level planning issues (economic development, spatial and land-use planning) and infrastructure development and delivery (roads, storm water drainage, housing and transport). Due to its areas of focus, this Directorate will take primary responsibility for ensuring that the developmental approach is practically achieved through the co-ordination of service delivery from both internal and external agencies (e.g. Wesgro, Chambers of Commerce, Provincial Government). Services to be co-ordinated would include business skills development training and mentoring.

Community Services

This portfolio focuses on the quality of life issues of our citizens. Service provision covers City Police, Emergency Services, City Health, Libraries, Parks, Community and Recreational Services. This directorate would through the City Police be responsible for enforcing the Informal Trading By-Law of the City. As the primary focus would be business development rather than merely enforcement, appropriate training needs to be offered to the City Police on:

- The contents and intention of the Informal Trading Policy;
- How the Informal Trading By-Law should be applied;
- Location of all trading areas and what its designation is and the appropriate response to non-compliance;
- Confiscation of goods and the arrest of the trader, which should only be explored as a last option;
- The status of each designated trading area with appropriate remedial and punitive steps that City Police need to follow when there is a clear violation;
- The Traders' Code of Conduct.
- Community Services would also be responsible for categorization of beaches, identification of trading opportunities and the appropriate mix of products for different beaches.

4.3. Integrated Service Delivery

This needs to be appropriately phased in to ensure that there is a uniform approach to Informal Beach Trading throughout the City. There are basically four key components to Informal Beach Trading within the City:

- Policy Formulation and Revision
- Regulation or Enforcement
- Developmental Responsibilities
- Management / operations

Control of policy formulation and regulation should always reside directly with the City. Development and management, however, can be provided by external service providers that are managed directly or indirectly by the City of Cape Town.

The City of Cape Town recognises the key role Informal Trading has and will continue to play in the creation of jobs and the opening up of economic access opportunities for Historically Disadvantaged Communities. In light of this the following has to be prioritised:

4.3.1 Current Situation

Historically each administration has Beach Trading regulated by different departments, using varying approaches. The following provides a breakdown of how trading permits are currently allocated:

- **Cape Town Administration**

Parks and Bathing for all the beaches and adjacent areas.

Traffic Department for mobile ice cream vendors using the public road.

Economic Development for the kerbside across the nearest main road.

- **Helderberg Administration**

Amenities Department responsible for all trading on the sand area.

Administration Department for the grassed area adjacent to the beach and promenade.

Traffic Department for parking areas and kerbsides adjacent to the beach.

- **South Peninsula Administration**

Amenities Department for beach areas and certain parking and grassed areas.

Traffic Department for all parking areas in the Simonstown area.

- **Blaauwberg Administration**

Legal Department issues permits for all areas.

4.3.2. Phase One

This would involve ensuring that the issuing of all trading permits be done through the Community Facilities Directorate for the sandy areas and grassy verges adjacent to the beach. This Directorate will also be responsible for policy formulation and the management of the transition phases as it affects Beach Trading.

Regulation and law enforcement would be the responsibility of the Traffic Department and City Police working in partnership and cooperation with the Community Facilities Directorate.

4.3.3. Phase Two

This phase would entail the integration of Beach Trading with Informal Trading generally. Policy development and management should be the direct responsibility of Economic Development and Tourism. Amenities and Recreational Services will still give input into assisting with policy development and ensuring efficient management of trading on beaches.

All legal compliance requirements will be addressed through one unit to facilitate ease of compliance with all laws and policies. This would mean that trading licences, business licences (where this is applicable) and health compliance requirements would be dealt with in one place speedily and effectively.

The relevant law enforcement agencies will be responsible for regulation and law enforcement of all informal trading in the City i.e City Police, Law Enforcement and Traffic.

4.3.4. Phase Three

Establish a Special Purpose Vehicle that would specifically deal with management and developmental responsibilities of the City. Policy formulation and regulation of trading will remain the responsibility of Economic Development and Tourism and Traffic and City Police. The nature and structure of the SPV is more fully discussed in Section Four: Management Framework

4.4. Categorisation Of Beaches

Over the next twelve months all the beaches should be categorised as Category A to D Beaches. Part of this exercise would be to detail the number of trading permits that will be granted as well as how this will be divided between fixed site and mobile traders.

The following criteria will be used to categorise the beaches:

Category A: Experiences high footfall of locals as well as domestic and foreign tourists. Beach used for multi-recreational purposes. (E.g. Clifton, Camps Bay, Muizenberg)

Category B: A beach that experiences high footfall of locals and domestic tourists. Multi-recreational use. (E.g. Fish Hoek, Blaauwberg)

Category C: Experiences high footfall of locals. Multi-recreational use. (E.g. Strandfontein, Soet Water)

Category D: Experiences low footfall from locals and has a uni-recreational use. (E.g. Mnandi)

5. PROBLEM STATEMENT MATRIX – STAKEHOLDERS

CITY	INFORMAL TRADERS	FORMAL BUSINESSES
No synergy between departments.	No comprehensive and predictable policy to base business decisions on.	Unfair advantage given due to a lack of regulatory control.
Lack of financial resources to provide appropriate infrastructure and services.	Business conducted in an environment not conducive to attracting appropriate clients.	Crowding of beaches with traders which lead to reduced traffic flows and an unhygienic environment.
Aspects of administration and management fragmented and located in different departments.	Compliance with current regulations difficult and onerous.	No clear understanding of the City approach to informal trading and how it will regulate.
Maintenance and ongoing monitoring of trading difficult to maintain.	Leaves gaps for private syndicates to take control and exploit individual traders.	Physical and economic environment deteriorates and the beach environment becomes increasingly unpredictable

6. ROLES AND RESPONSIBILITIES

6.1. Management Level⁵

	Security/ Law Enforcement	Cleansing	Product Diversification	Facilities	Aesthetics	Permit allocation ⁶	Money Collection	Development Training	Marketing
Beach Trading	CS City Police	TW Solid Waste	CS	CS and DS	CS	CS (City Police	CS (Community Recreation and City Police	DS (Econ. Develop. DU	NA

6.2. High Level

For a high level view of roles and responsibilities please refer to Draft Informal Trading Policy

6.3. Sector Support Level

Refer to Informal Trading Policy, April 2003.

⁵ Legend. CS = Community Services. TS = Trading Services. DS = Development Services. PS = Private Sector. DU = dedicated unit

⁶ includes maintenance of waiting lists

7. OPERATIONAL ISSUES

7.1 Criteria to Allocate Permits

When issuing permits the following criteria should inform the allocation decisions:

Preference given to Historically Disadvantaged Individuals. (*Definition of HDI to be in line with the City's Procurement Policy.*)

Preference given to unemployed individuals.

In possession of a valid South African identity document or working permit.

Trader must be able to trade at least six (6) days per week.

Ensure there is sufficient product diversity in an area to ensure the needs of beach users are appropriately met as well as ensuring sufficient market share for traders for them to operate profitably.

Only one permit to be issued per trader City wide.

Special Circumstances

It is recognised that the following special circumstances may warrant a variation on the above criteria:

Death of Principal Trader – where the inability to trade would place undue hardship on the family of the Principal Trader, permission may be granted to another family member/assistant trader to continue trading until the end of the trading period as stipulated on the permit.

Illness of Principal Trader – where the trader is able to provide proof from a medical practitioner that he/she is incapable of trading. The period of incapacity must be stipulated. A family member or assistant trader may trade in his/her place but for a period that does not extend beyond that which is stipulated on the permit.

Religious Observances of Principal Trader – where the trader has to be absent in order to fulfil the duties of his/her religion, the City may decide to allow a family member/assistant trader to trade on their behalf for a period not exceeding one month or the period stipulated on the permit.

If the Principle Trader or his/her family chooses not to make application for special consideration as outlined above, the permit must be returned to the City to be allocated to the next person meeting the criteria on the waiting list.

7.2 Criteria for the Allocation of Trading Sites/Bays/Areas

The municipality to compile a database of all beach traders in a particular beach including their ID numbers or any recognised form of identification, addresses, goods they are selling, locations etc.

Allocations only to be made to bona fide traders not formal business (operating from a "brick and mortar" structure)

Traders having the ability to operate for six days per week for at least 35 weeks of the year to get preference over occasional / casual traders.

Only one permit to be allocated per trader on a city-wide basis.

Unemployed people will get first preference.

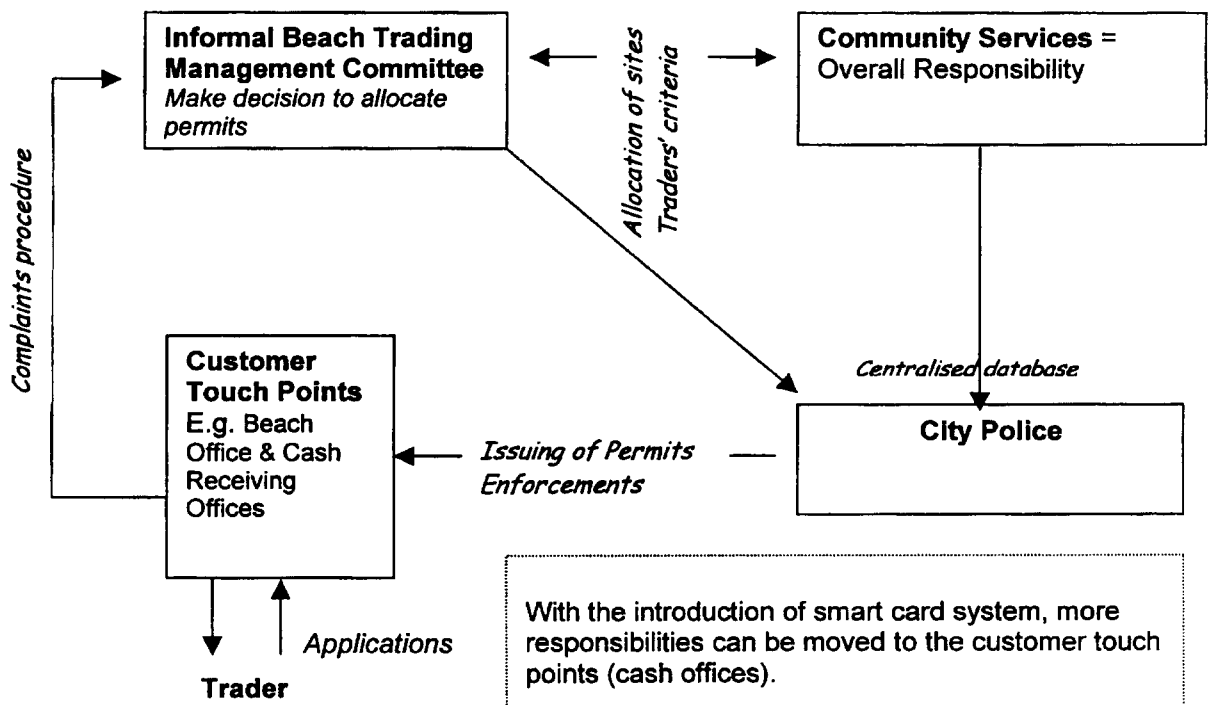
Council will reserve the right to withdraw summarily the allocation of a bay in the event of evidence proving that (i) a trader has willfully supplied incorrect information related to permit conditions and failed to update the information annually (ii) a trader, who is allocated a bay, has sublet such a bay to a third party without the approval of Council. (iii) has violated any of the conditions attached to the permit.

7.3 Permit process

Applicants will be considered against the criteria by the Informal Beach Trading Management Committee, members of which to be determined by Council.

New applicants will be required to fill in a prescribed application form if they wish to be considered for a trading permit. Permits will be issued on a "first come, first served" basis from the waiting list, but the number of permits may not exceed the maximum number of sites allowed on any beach. The issuing of permits will be centralised and area based (refer table in section 6.1)

The diagram below sets out the steps involved in issuing permits and the various City Departments that contribute to the process.



7.4 Types Activities

There are five trading categories:

7.4.1 Fixed Trading Sites

Fixed site permit holders will be granted permission to trade from 1 x fixed site, measuring 2.5m x 2.5m.

A gazebo type structure (consisting of 4 x open sides) will be permitted within the boundaries of the fixed site. Where wind breakers are attached it may only be 1m high from the ground. The structure is to be erected and dismantled on daily basis, and traders must ensure that any structure is safely and securely fixed against the wind. Traders are responsible for the cleaning of their sites.

Fixed site permit holders are permitted to engage 2 x roving traders.

7.4.2 Roving Traders

Roving traders are restricted to trading on specific beaches only. Permits allocated on annual basis to ensure the entrance of new traders. (A schedule of these beaches will be published on an annual basis).

7.4.3 Mobile Traders

- Mobile trading permits may be granted to engine propelled vehicles with two (2) roving permits to trade from a mobile unit in a designated parking bay or within a specified area.
- The vehicle or trailer must be limited in size to ensure that it does not occupy more space than the designated parking bay.
- The same tariff as for a fixed site will be charged.
- All safety requirements are to be adhered to.
- The site is to be cleaned on a daily basis by the trader, and the trader is to guard against smoke emissions or odours, moving parts and oil spillage. Product prices are to be displayed prominently on vehicle only.

7.4.4 Rentals/hire of equipment

- These sites to include deck chairs and umbrellas, kayaks, watersport equipment.

7.4.5 Kiosks

- On resorts based beaches, rovers are entitled to 5-year leases. The City will endeavour to maximise product diversity amongst informal traders to ensure sustainability of all businesses.

- When deciding on the type of activity to promote or allow within a certain location, cognizance must be taken of the spatial implications of all other human activities, i.e. economic, social, political, cultural, spiritual, recreational, institutional and environmental. Wherever possible, trading activities for certain beaches must supplement and complement each other within designated areas in order to reap the benefits associated with more efficient and effective management and clustering thereby reinforcing economic development.

7.5 Trading Products and services

Activities of traders on beaches should focus on beach related products and services and must as far as possible supplement and complement one another:

The following trading products and services will be considered:

- Food and beverages
- Beach related recreational products and services eg Frisbees
- Rental and hire products
- Trial products

A written motivation for the introduction of new products must be presented to the Community Facilities Directorate before the close of applications for the peak season during which the applicant wishes to trade.

Trading sites for trial products will not be reflected on the trading sites schedule and will be identified on an ad hoc and as required basis.

7.6 Product specific criteria

7.6.1 Food and beverages

- Preparation of food on beaches will not be permitted except in demarcated sites as per the site schedule.
- All traders wishing to trade in foodstuffs must be in possession of the required Business licence and Certificate of Acceptability
- The use of gas operated equipment is to be approved by the Fire Dept prior to the issue of the permit.
-

7.6.2 Rental and hire products

- A quota of no more than 100 umbrellas and 100 deck chairs will be permitted for each permit issued
- No products are to be washed with detergents on the beach or grassed areas

- Traders trading in kayaks, jetskis, other motorised or non-motorised crafts are to be fully responsible for ensuring that all safety requirements are met for the operation of the craft, to ensure that the user is adequately protected.

7.6.3 Beach Massage

- Only qualified masseurs will be permitted to provide service on the beach
- Certified copies of qualifications will be required on application
- Massages are to take place under a gazebo type structure
- Only a massage chair that permits massaging from head to lower back will be permitted

7.7 Tariff Structure

- A trader does not hold a right of reserve over any trading site. Community Services will have the final decision on the allocation of trading space. Tariffs are set out in the Council's tariff schedule and approved annually. The inherent economic value of space/areas must be accommodated in the allocation of permits and leases and the tariffs to be charged. This tariff must take into account where the trading space is located as well as the balance of value added by informal trading to that beach and its users.
- In areas where services are supplied that are supplementary to those provided by the City (e.g. CIDs, adjacent to shopping centres), an alternative tariff structure may apply in order to reflect the value of the additional services provided in the area.
- Roving permits will be granted on an annual basis.

7.8 Permit conditions

- Permits will be granted for a period of up to three (3) years to the successful applicant where the allocation period runs from July in Year One and terminates in June in Year Three.
- Roving permits will be granted on an annual basis to ensure the regular entrance of new traders.
- If a trader is unable to continue trading for the full period of tenure, the permit must be returned to council to be made available to the next eligible trader on the waiting list.
- Permission to trade is not to raise an expectation of future trading.
- No trading will be allowed prior to a permit having been obtained and the standard Indemnity Forms having been signed.

7.9 Purchasing and issuing of permits

- When purchasing permits, traders are to produce proof of identity and a sworn statement signed by Commissioner of Oaths confirming HDI status and employment status.

- All traders wishing to trade in pre-packaged foodstuffs must be in possession of the required Business License and Certificate of Acceptability. Only the Certificate of Acceptability is required should trading be in pre-packaged foodstuffs only. Both the License and the Certificate are obtainable from the Medical Officer of Health, and must be available for view before the Applications Committee grants final permission to trade.
- All advertising to be approved by the Manager: Environmental Management Branch in the Economic Development Directorate prior to a permit being issued

7.10 General Conditions

- All products and prices are to be displayed in a manner acceptable to the City.
- No person shall carry on the business of street vendor, peddler or hawker in contravention of the terms and conditions of lease or allocation of him of a stand or area.
- No person carrying on the business of trader shall at any time:
 - Stay overnight at the place of such business, or
 - Erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter, without the written approval of the Council.

7.11 Equipment and Product Restrictions.

- Alcoholic products may not be promoted or sold.
- No bells, hooters, amplified equipment or similar devices, which emit any sound, may be used to attract customers.
- No electrical supply or generator is to be used in trading spaces other than that which has been approved when the trading permit was obtained.

7.12 Responsibilities of the Principal Permit Holders and Assistants.

- The principal permit holder is required to operate the site himself/herself for the greater part of the day.
- When on duty, traders and assistants must display the identity cards, which will be issued with the permit.
- If the Council has set apart and demarcated any stand or area for the purposes of the carrying on of the business of trading, any person trading on such stand or in such area must be in possession of written proof that such stand or area has been leased from or otherwise been allocated by the Council
- Any person whilst carrying on the business of street vendor, peddler or hawker shall carry on his person the written authorisation required in terms of the by-law and shall on the request of an officer* exhibit such authorisation. (*Officer - A traffic officer; a member of the South African Police Service; A peace officer as contemplated in the Criminal Procedures Act, No. 51 of 1977.).

- All traders and assistants are to obey any instructions given to them by uniformed law enforcement officers or designated Council officials.
- All traders and assistants are to wear clean clothing and be well presented. The area, stand and goods must be kept in a clean and sanitary condition.
- At the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature, which are utilised in connection with such business, must be removed from trading areas daily and disposed of in the receptacles provided for that purpose, provided that the Council may in writing grant exemptions in this respect.
- No person carrying on the business of street vendor, peddler or hawker may accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, storm water drain or on any public road or public place, other than in a refuse receptacle approved by the Council;
- Principal traders will be responsible for their own conduct and for that of any roving traders or assistants, who are employed by them.

7.13. Withdrawal of Permission to Trade.

- Failure to present the permit and appropriate identity documentation on demand may lead to the withdrawal of permission to trade.
- Failure to remove all equipment from trading spaces daily may result in the revocation of a permit
- Unsociable behaviour or misconduct, failure to comply with permit conditions and tampering or altering a permit could result in the revocation of a permit.

7.13.1. A trader whose permit has been revoked in the past twelve months will not be issued with a new permit.

7.13.2. Any Council approved event takes precedence over a trading site and Council will not be held liable for loss of earnings or be expected to pay compensation in any form.

7.14. Enforcement and Monitoring

In order to enhance the City's image in the eyes of both its residents and visitors, the conduct of traders will be strictly monitored. Anti-social and other unruly behaviour will be viewed as misconduct. ["Nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet.] No trader will be permitted to carry on such business in a manner which:

- Creates a nuisance;
- Is a danger or threat to public health and safety
- Damages or defaces any Council property.

7.14.1. Where a trader violates the permit conditions, he/she will be informed in writing of the violation and course of action. Permit fees will not be refundable if the permit is revoked or suspended.

7.14.2. Punitive measures could include a warning, a suspension for a specified period, or the total withdrawal of such trading permit.

7.14.3 The trader will have the opportunity to put his/her case forward at an inquiry and he/she will be permitted to call any witnesses to testify on his/her behalf. Minutes will be kept of all inquiries and will be available to all interested parties.

7.14.4. In the case of a trader being refused a permit or having his permit revoked, the complaints procedure will be through the Area Informal Trading Management Committee (refer diagram in Section 8.3). In terms of the Municipal Structures Act, should the complaint be about a Council official, it must be referred to the City Manager and should the complaint be about an elected official, it must be referred to the Mayor.

7.1.5. Each trader will be assessed every three years to monitor the trader's position in and movement along the developmental continuum.

8. WAY FORWARD

Currently, Informal Beach Trading is managed by a variety of different departments within the different Administrations. In addition to this, each Administration has been using its own system of managing Informal Beach Trading which leaves the challenge of establishing one system that will ensure uniformity and consistency throughout the City. The benefits of integrating the six previous Administrations will only truly be seen in two to three years. However, while this delay is inevitable when transforming a bureaucracy as large as the City, the need for effective and efficient management of Informal Beach Trading currently, is too great to allow for any further delay.

In order to ensure quick and significant progress, it is imperative that the management of Informal Beach Trading be engaged to ensure that the cross-functional co-operation and involvement of different departments focus on the end result, which is service delivery rather than on general matters related to structures within the City's bureaucracy. Given the key requirements of the Management Framework, this will ultimately best be met through the establishment of a Dedicated Unit that will be driven by a Public Private Partnership (PPP). The Dedicated Unit will report to the Economic Development Directorate.

The timeframe for this phased approach will be as follows:

Phase 1 Categorisation of Beaches	6 months
Phase 2 Internal integration, pending new macro design	12 – 18 months
Phase 3 Dedicated Unit.	18 months plus

For all the phases, the reporting line will be directly to the Community Services and Economic Development Services.

The Informal Beach Trading Policy will be reviewed every second year to ensure that it adequately addresses all the matters related to the effective and efficient management of beaches in the City.