



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

JUNE 2022



DOS AND DON'TS OF INFORMAL TRADING IN CAPE TOWN

Making progress possible. Together.

Hello

This guide is for informal traders who have been given permits to trade in informal trading areas within the City of Cape Town (the City).

Informal trading in Cape Town is governed by the Informal Trading By-law, 2009, as amended by the Informal Trading Amendment By-law, 2013.

THIS GUIDE WILL HELP YOU:

- ★ Understand what the conditions (rules) of trading are
- ★ Know what to do so that you make the most out of your trading permit
- ★ Know what not to do so that you don't break the rules
- ★ Understand what powers the City has and when the City can exercise them
- ★ Understand what rights you have if the City takes action against you
- ★ Find out how and to what extent you can make changes to your permit

Dos and don'ts for informal traders

Your trading permit

DO

- ✓ Only trade in an informal trading area if you have a valid permit issued by the City of Cape Town.
- ✓ Only trade in the bay that has been allocated to you and which is displayed in your permit.
- ✓ Keep your trading permit with you at all times during trading hours.
- ✓ Show your permit to a City official and/or any authorised agent of the City of Cape Town who asks to see it.

Contact your area co-ordinator if your personal circumstances have changed, e.g. if you have found a new job or started a new business, so that the City can cancel your trading permit.

DON'T

- ✗ Rent out or sell your trading bay to someone else.
- ✗ Give your permit to someone else for them to trade from your bay, unless you have permission from the City.
- ✗ Allow someone else to work at your bay if you are ill or you need to go away, unless you have registered them as an assistant on your permit.

Trading hours

DO

- ✓ Make sure that you meet the trading hours for your trading area as set out in the trading permit.

Paying for your informal trading permit

DO

- ✓ Pay your permit fees a month in advance. For example, you have to make the payment for February by the end of January.
- ✓ Inform the City in writing if you cannot pay the permit fees. Please give a reason and proof in your request.
- ✓ Be aware that there are consequences for not paying your permit fees.

CONSEQUENCES FOR NON-PAYMENT OF PERMIT FEES

1 MONTH: REMINDER SENT	2 MONTHS: PERMIT SOFT REVOKED	6 MONTHS: PERMIT HARD REVOKED
You will receive an SMS reminding you to bring your account up to date	You will need to contact the area co-ordinator to get your permit reinstated	You will lose your permit and not be allowed to trade in City bays

The people working at your bay

DO

- ✓ Make sure that you, as the permit holder, are personally working at the bay and that you are there during trading hours.
- ✓ Contact the area co-ordinator to register an assistant on your permit if you need help.

Contact your area co-ordinator to request permission to have more than two people working at your bay at one time.

DON'T

- ✗ Have more than two people working at your bay at one time, unless you have permission from the City.

Your space and equipment

DO

- ✓ Keep your trading space neat.
- ✓ Keep your goods and equipment in your trading bay.
- ✓ Take down your structure and remove it, along with your equipment and all your goods at the end of the trading day.
- ✓ Move your structure, equipment and goods if a City official asks you to, so that the City can clean or work in the area.

DON'T

- ✗ Put up any structures other than what the trading plan says you can.
- ✗ Damage the road, pavement, buildings or other public property to put up your structure or equipment.
- ✗ Tie ropes to any poles, trees or other public property.
- ✗ Over-trade.

Your goods

DO

- ✓ Sell only legal goods.

DON'T

- ✗ Sell counterfeit goods e.g. fake brand-name clothing and CD's, loose cigarettes and medicine.
- ✗ Use your trading bay as a distributing point for goods like a supplier or wholesaler.
- ✗ Sell goods and services if they are not allowed on your permit.
- ✗ Sell alcohol and drugs at your trading bay.

Contact your area co-ordinator to change or add goods you want to sell.

Keeping your trading space clean

DO

- ✓ Keep your bay and the area around your bay clean while you are trading.
- ✓ Collect your waste at the end of the day and throw it in a designated waste bin.

DON'T

- ✗ Dump your waste in the public space around your bay.

Keeping the public safe

DO

- ✓ Apply for a business licence and a Certificate of Acceptability from the Environmental Health Department if you are making and selling food.
- ✓ Apply for a Certificate of Acceptability if you are selling any pre-packaged food.
- ✓ Adhere to Covid-19 regulations by covering your nose and mouth with a mask, maintaining a social distance of 1,5 m, and sanitising hands and surfaces regularly.

DON'T

- ✗ Cook on open fires unless you have permission from the City of Cape Town to do so.
- ✗ Conduct business in a manner that creates a nuisance, like playing loud music to attract customers.

Safeguarding your permit

DON'T

- ✗ Breach any of the conditions of your permit.
- ✗ Threaten, fight, interfere or block a City official or its authorised agent who is doing their work by enforcing the City's by-laws.
- ✗ Give a City official or its authorised agent false information.
- ✗ Be unruly or display anti-social behaviour at your bay during trading hours.
- ✗ Breach any of the conditions of trading, otherwise your goods may be impounded, you may lose your permit and be fined, or you may even be sent to prison.

Powers of the City

The City can exercise its power to police informal trade in the following ways:

Written warnings

If you breach the permit conditions, the Informal Trading By-law or any other City by-law, a law enforcement officer or an authorised agent of the City of Cape Town can give you a written warning.

Impounding goods

Depending on the nature of the offence, the City works on a three-strike system – if you've already been given two warnings and you break the rules again, your permit will be cancelled and your goods may be impounded by law enforcement.

Confiscating illegal goods

If there is reasonable suspicion that you are selling or buying illegal goods, law enforcement can confiscate your goods immediately.

Fines

You can be fined up to R5 000 or go to prison for up to the three months if you:

- !** breach the permit conditions or if you contravene the Informal Trading By-law
- !** give an officer or a City employee false information
- !** threaten, resist, interfere with, or obstruct an officer or City employee when they are carrying out their official duties in terms of the Informal Trading By-law

Suspensions and relocations

In the case of an event or when the City needs to do some work in the area, the City can, with reasonable prior notice:

- 1.** Temporarily suspend your permit;
- 2.** Relocate you; or
- 3.** Require you to stop trading.

In these situations, the City is not required to compensate you in any way.

Your rights

If the City has taken action against you that negatively affects your business, here are a number of things you can do:

Make your case

Make an appointment with your area co-ordinator to explain why the action taken against you is wrong.

Make an appeal in writing

If you have made your case and the City still upholds the action, you can make an appeal to the City Manager in writing within 21 days. You can submit your notice of appeal via:

Email: msa.appeals@capetown.gov.za

Fax: 021 400 2503 or 021 400 3788

Written notices can also be hand delivered or posted to:

The Legal Compliance Unit,
Office of the City Manager, City of Cape Town,
20th Floor, 2 Bay Side, Tower Block,
Cape Town Civic Centre,
12 Hertzog Boulevard, Cape Town

The Legal Compliance Unit
Private Bag X9181
Cape Town
8000

Join an informal trader association

Informal traders associations represent informal traders and can support you in your engagements with the City.

Lodge a complaint about service delivery

If you are unhappy with the level of service delivery and want to lodge a complaint regarding an alleged act of maladministration from the department, you can approach the Office of the City Ombudsman by calling **021 400 2196** or **021 400 2165** for assistance.

The Office of the Ombudsman will help you to lodge your complaint online, or will send a form to you. You can submit your complaint form by email, fax or post, or you can hand deliver it to the Ombudsman's offices.

Making changes to your permit

Register an assistant

Contact your area co-ordinator to register your assistant.

You will need to provide:

1. An unemployment status affidavit from your assistant;
2. A certified copy of their ID document; and
3. Their proof of address, i.e. municipal accounts or affidavit.

Change your commodities (products)

Contact your area co-ordinator to change your commodities. If your request is approved, the commodities on your permit will be changed.

Transfer your permit temporarily

If you can't trade for personal reasons like an illness, pregnancy, family responsibility or religious or cultural matters, you can apply to the City to transfer the permit temporarily to a dependent for a period of six months.

Contact your area co-ordinator if you are unable to trade.

You will need to:

1. Indicate who the permit should be transferred to;
2. Provide a medical certificate showing the dates on which you will be unable to work; or
3. Provide an affidavit stating the reasons for when you cannot trade, as well as the start and end date you will be unavailable.

The area co-ordinator will consider your application and advise on the outcome.

Transfer a permit permanently

In the event of death, a permit can be transferred permanently to a dependent of the deceased or an assistant trader for the duration of the contract.

Contact your area co-ordinator if you are a dependent or an assistant of the deceased permit holder.

You will need to provide:

1. The permit holder's death certificate; and
2. An affidavit stating the relationship between you and the deceased permit holder, and that you are dependent on the income from the informal trading.

Contact our area offices

Area Central

Goodwood:

Goodwood Administrative Building, Corner of Voortrekker and De Villiers Roads

 021 417 4043

Area East

Khayelitsha:

Block C, Stocks & Stocks

 021 400 1345

Area North

Cape Town:

44 Wale Street

 021 400 5379

Area South

Plumstead:

Plumstead Municipal Office, Corner of Victoria and Main Roads

 021 400 2808 / 021 444 9501

More information

Visit the City's website at www.capetown.gov.za and search for "informal trading".

Contact Area Economic Development directly via:

Email 1: informal.trading@capetown.gov.za





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