

ITEM NUMBER: C 07/04/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 19 APRIL 2016

MC 25/04/16 CONSIDERATION OF A NEW INFORMAL TRADING PLAN FOR WARD 71, BEING THE AREAS OF KIRSTENHOF, TOKIA, STEENBERG, RETREAT, CAPE FARMS DISTRICT H (SOUTH-EAST OF HOUT BAY BUILD UP, SOUTH-WEST OF CONSTANTIA BUILD-UP, WEST OF TOKIA/MUIZENBERG BUILD-UP, NORTH-WEST OF ST. JAMES BUILD-UP), LAKESIDE, HEATHFIELD, BERGVLIET

It is **RECOMMENDED** that:

- (a) Council revokes the South Peninsula Municipality's proclamation published in the Provincial Gazette no. 5311 dated 27 November 1998 and in the Provincial Gazette no. 5377 dated 1 October 1999;
- (b) in term of section 6.9 of the City of Cape Town's Informal Trading By-Law, the informal trading plan for Ward 71, as shown in Annexures A and A1-A4 to the port on the agenda, be adopted as being an area in which the carrying on of the business of street vendor, peddler or hawker is restricted to persons in possession of a valid trading permit.



1. ITEM NUMBER : MC 25/04/16

2. SUBJECT
LSU: F1304

CONSIDERATION OF A NEW INFORMAL TRADING PLAN FOR WARD 71, BEING THE AREAS OF KIRSTENHOF, TOKAI, STEENBERG, RETREAT, CAPE FARMS DISTRICT H (SOUTH-EAST OF HOUT BAY BUILD-UP, SOUTH-WEST OF CONSTANTIA BUILD-UP, WEST OF TOKIA/MUIZENBERG BUILD-UP, NORTH-WEST OF ST. JAMES BUILD-UP), LAKESIDE, HEATHFIELD, BERGVLIET

ONDERWERP

OORWEGING VAN 'N NUWE INFORMELEHANDELSPLAN VIR WYK 71, NAAMLIK DIE GEBIEDE VAN KIRSTENHOF, TOKAI, STEENBERG, RETREAT, KAAPSE PLASE- DISTRIK H (SUID-OOS VAN DIE GEBOUDE GEBIED VAN HOUTBAAI, SUID-WES VAN DIE BEBOUDE GEBIED VAN CONSTANTIA, WES VAN DIE BEBOUDE GEBIED VAN TOKAI/MUIZENBERG, NOORD-WES VAN DIE GEBOUDE GEBIED VAN ST. JAMES), LAKESIDE, HEATHFIELD, BERGVLIET

ISIHLOKO

UKUQWALASELWA KWESICWANGCISO SORHWEBO LWASEZITALATWENI KWIWADI 71, EYIMIMANDLA YASE KIRSTENHOF, TOKAI, STEENBERG, RETREAT CAPE FARMS DISTRICT H (SOUTH-EAST OF HOUT BAY BUILD-UP, SOUTH-WEST OF CONSTANTIA BUILD-UP, WEST OF TOKIA/MUIZENBERG BUILD-UP, NORTH-WEST OF ST. JAMES BUILD-UP), LAKESIDE, HEATHFIELD, BERGVLIET

3. STRATEGIC INTENT

- Opportunity City
- Safe City
- Caring City
- Inclusive City
- Well-run City

Making progress possible. Together.

4. PURPOSE

The purpose of this report is to request the Executive Mayor (refer to section 56(1) of the Municipal Structures Act), following a recommendation by Subcouncil 20, to recommend that Council revoke the proclamations in Provincial Gazette Notice 5311, dated 27th November 1998 and Provincial Gazette Notice 5377, dated 1st October 1999 by the then South Peninsula Municipality in terms of the Businesses Act 71 of 1991 and to consider the adoption of a new informal trading plan for Ward 71, being the area bounded by the Constantia Mountains in an eastward direction towards the railway line along the northerly boundary of the Porter Reformatory Estate, Tokai Forest Reserve, Tessendale Road, Dreyersdal Road, to a point where it crosses the railway line and then in a southerly direction along the railway line towards a point where it crosses Station Road, then in a westerly direction along Steenberg Road, Ou Kaapse Weg towards the Constantia Mountains, as shown on the attached Annexures marked "A", "A1", "A2", "A3", "A4".

5. FOR NOTING BY / FOR DECISION BY

Council in terms of the City of Cape Town Informal Trading By-Law promulgated on the 20th November 2009

This report is for consideration/decision by:

- The Executive Mayor
- Council

6. EXECUTIVE SUMMARY

Informal trading was regulated under the South Peninsula Municipality since 1998. The current informal trading proclamation covers three particular areas within a broader defined area, namely trading at the Retreat Public Transport Interchange, along the Main Road in the vicinity of Bergvliet and Lakeside. The informal trading proclamation authorises street trading only in these approved sites and further declares any street trading taking place outside of these sites to be "prohibited".

The new informal trading plan looks at increasing the number of trading opportunities in and around the Retreat Public Transport Interchange, in light of the intended Public Transport Interchange upgrade; and further retains the identical numbers of informal trading sites at the other two informal trading areas.

A total of 13 new trading sites have been created for the Retreat Transport Interchange, whilst retaining the original 4 sites as well.

The proposed new informal trading sites are attached to this report, (Annexure "A", "A1", "A2", "A3", "A4") for consideration.

Subcouncil 20 supported the report on the 18 November 2015. (See Annexure "D")

7. RECOMMENDATIONS
LSU: G2472/G3028/G4105

Not delegated: for decision by Council:

It is recommended that the Executive Mayor recommend to Council that:

- (a) Council revokes the South Peninsula Municipality's proclamation published in the Provincial Gazette no. 5311 dated 27 November 1998 and in the Provincial Gazette no. 5377 dated 1 October 1999.
- (b) In term of section 6.9 of the City of Cape Town's Informal Trading By-Law, the informal trading plan for ward 71, as shown in Annexure "A, A1-A4", be adopted as being an area in which the carrying on of the business of street vendor, peddler or hawker is restricted to persons in possession of a valid trading permit.

AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat die uitvoerende burgemeester by die Raad aanbeveel dat:

- (a) Die Raad die proklamasie deur die Suid-Skiereiland-munisipaliteit, gepubliseer in Provinsiale Koerant no. 5311 van 27 November 1998 en in Provinsiale Koerant no. 5377 van 1 Oktober 1999, herroep.
- (b) Ingevolge artikel 6.9 van die Stad Kaapstad se Verordening op Informele Handel, die informelehandelsplan vir wyk 71, soos aangetoon in bylae "A, A1-A4", aangeneem word as synde 'n gebied waarin die bedryf van die besigheid van straatverkoper, smous of venter beperk is tot persone wat oor 'n geldige handelspermit beskik.

IZINDULULO

Azigu nyaziswanga: isiqqibo seseBhunga:

Kundululwe ukuba uSodolophu wesiGqeba makandulule kwiBhunga ukuba:

- a) IBhunga malibhangise umpoposho kaMasipala waseCape Peninsula opapashwe kwiGazethi yePhondo engunombolo 5311 yomhla wama-27 Novemba 1998 nakwiGazethi yePhondo engunombolo 5377 yomhla woku-1 Oktobha 1999.
- b) Ngokwecandelo 6.9 loMthetho kaMasipala ongoRhwebo lwaseziTalatweni, isicwangciso sorhwebo lwasezitalatweni kwiwadi 71 , njengoko kubonakaliswe kwisihlomelo "A, A1-A4", masamkelwe njengommandla onesithintelo, apho kuvumeleke kuphela umsebenzi wokuthengisa esitalatweni, ukuthenga

kuvumeleke kuphela umsebenzi wokuthengisa esitalatweni, ukuthenga uthengisa okanye ukuhamba uthengisa – uvumeleke kwabo banamaphephamvume asemthethweni.

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8. DISCUSSION/CONTENTS

8.1 Introduction

Subcouncil 20, following a request from the Ward Councillor for Ward 71, requested that the existing proclamation regarding informal trading for Ward 71 be reviewed. Ward 71 was declared a prohibited and restricted area for informal trading by the then South Peninsula Municipality, as reflected in the Official Gazette proclamation No. 5311 dated 27 November 1998 and Gazette Notice 5377, dated 1 October 1999 (Annexures "B", "B1", "B2", "B3", "B4").

This report seeks approval for the adoption of a new informal trading plan for the Retreat Public Transport Interchange, Lakeside and Bergvliet suburbs and further recommends that Proclamation No. 5311 dated 27 November 1998 and Proclamation No. 5377 dated 1 October 1999 for the same areas be revoked.

The informal trading plan does not cover kiosk trading or facilities.

Focus of this report is directed at:

- Existing illegal trading activities.
- Need for additional legal trading sites in the area.
- Increased unemployment conditions.
- Viability of small business opportunities.
- Regulations for controlled informal trading on the road reserve and public open spaces.
- Safety, security, security of tenure for informal traders, job creation, the mutual benefit of the buying public, in partnership with informal traders.

Attached to this report is the new informal trading plan (Annexure "A") that sufficiently caters for the needs mentioned above.

8.1.2 Geographic boundaries

The new informal trading plan covers Ward 71 within the boundaries of Subcouncil 20 - being the area bounded by the Constantia Mountains in an eastward direction towards the railway line along the northerly boundary of the Porter Reformatory Estate, Tokai forest reserve, Tessendale Road, Dreyersdal Road, to a point where it crosses the railway line and then in a southerly direction along the railway line towards a point where it crosses Station road, then in a westerly direction along Steenberg Road, Ou Kaapse Weg towards the Constantia Mountains

This area is shown in Annexure "A"

8.1.3 Ward 71 overview

Economic profile –Ward 71

Ward 071 Labour Force Indicators	Black African	Coloured	Asian	White	Other	Total
Population aged 15 to 64 years	4 302	3 615	243	11 075	372	19 607
Labour Force	2 507	1 845	171	8 060	253	12 836
Employed	1 882	1 623	162	7 767	235	11 669
Unemployed	625	222	9	293	18	1 167
Not Economically Active	1 795	1 770	72	3 015	119	6 771
Discouraged Work-seekers	76	41	1	42	11	171
Other not economically active	1 719	1 729	71	2 973	108	6 600

Population 27943

Average household size = 3

19% of households have monthly income of R3200 or less (Source: 2011 Stats SA Census data)

8.1.4 Trading areas

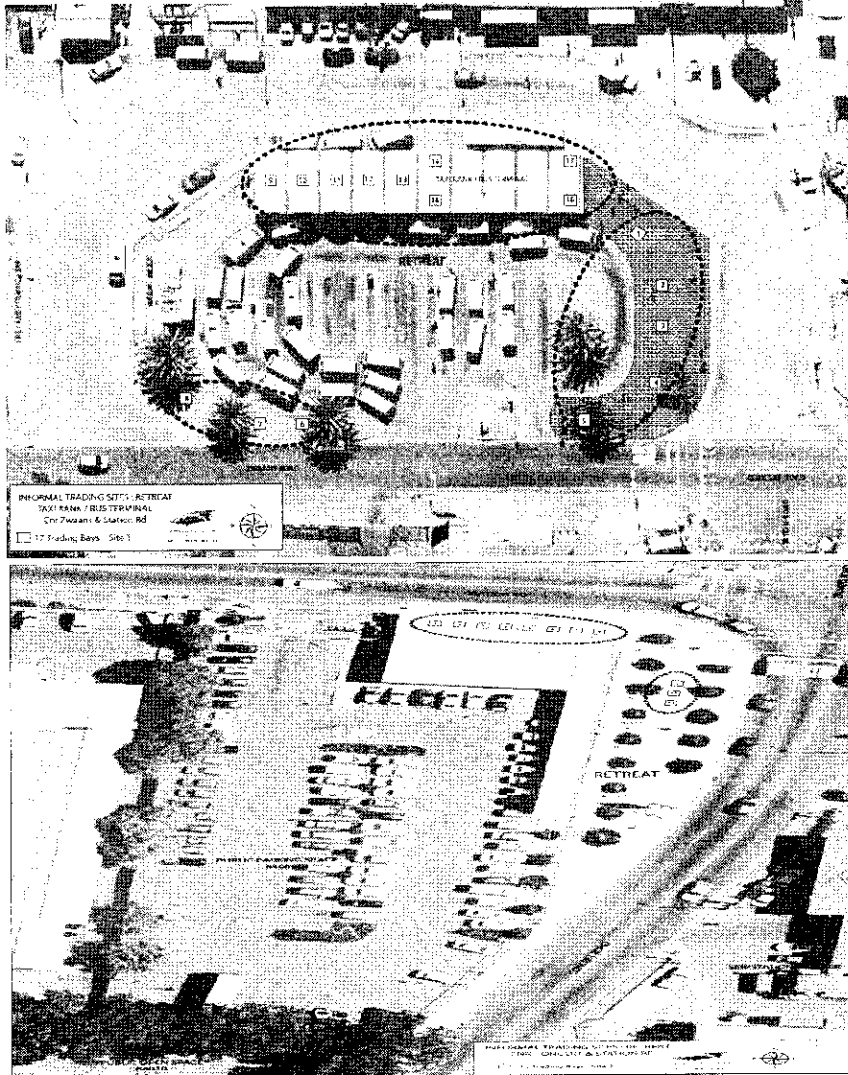
Retreat Interchange – the existing informal trading proclamation identifies 4 sites on the public transport interchange and a market area adjacent to the City's Park and Ride Facility.

The proposed new informal trading plan increases the number of informal trading sites on the public transport interchange from 4 to 17. The market area has been clearly designed and will consist of 11 individual informal trading opportunities.

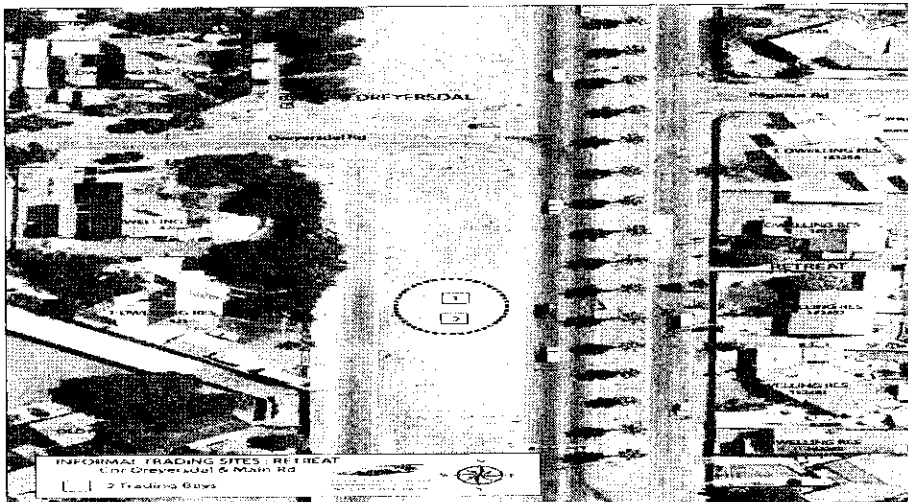
The informal trading sites are:

Site 1-	Retreat Interchange	trading sites marked 1 to 17
Site 2-	Retreat Park and Ride facility (erf number 84009):	trading sites marked 1 to 11
Site 3-	Main Road - Zwaanswyk High School	trading sites marked 1 to 2
Site 4-	Steenberg and Main Roads	trading sites marked 1 to 8

Retreat Interchange and Park & Ride facility

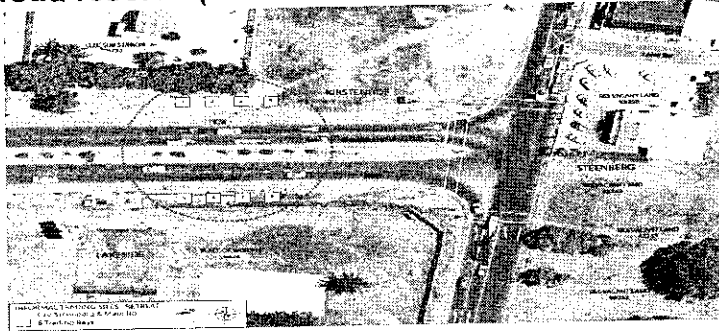


Main Road, vicinity of Zwaanswyk High School – 2 trading sites, in the Road reserve.



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Main and Steenberg Roads, Lakeside – 8 individual trading sites, situated in the road reserve (4 on each side of Steenberg Road)



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8.1.5 Management plan

All the informal trading sites will be managed in terms of the City's SAP informal trading permitting system and will be enforced by City Law Enforcement. There are no heritage concerns, due to the trading sites being situated on the road reserve and the public transport interchange.

8.1.6 Estimated Revenue

At the current tariff rate of R84-00p/m applicable to the area, there should be an annual income of R38304-00 generated from the adoption of the new trading plan. These tariffs and charges have been adopted by full Council for the current financial year.

The repairs and maintenance will only cover the painting and re - painting of the 2 informal trading areas around the Public Transport Interchange, as the informal trading activity is on tarmac. The other informal trading areas are created on terrain made up of gravel and grass, due to it being on the road reserve.

8.1.7 Roles & Responsibilities

Department	Responsibility
Economic Development	Developing the informal trading plan, issue trading permits and monitoring permit holders and conditions
Law Enforcement	enforcement of City By-Laws
Public Transport facility manager	Management of the facility
City of Cape Town Public Transport Interchange Management Advisory Committee.	Stakeholder engagements and complaints

8.1.8 Stakeholder consultation

The proposal has been extensively discussed with the Ward Councillor, the Public Transport Interchange Management Committee, Public Transport Operators and the Informal Traders, who are in support of the proposal as set out in this report. It is noted that the Public Transport Operators have recently submitted an objection to the process, which is attached (Annexure C3).

The proposal regarding Councils intention to amend the informal trading plan for Ward 71 was advertised, in terms of the City's Informal Trading By-Law and also in terms of section 17 of the Local Government: Municipal Systems Act, Act 32 of

2000, to allow the public and interested parties or groups to be given the opportunity to submit comment on the draft informal trading plan. **046**

Further to the advertisement, Council arranged an open day session, as per the City's Informal Trading By-Law, for all interested parties to comment on the draft informal trading plan for Ward 71, at the Alphen Centre, Constantia on the 20th April 2015.

Based on the public participation, all interested and affected parties were granted a period of 30 days within which to give necessary feedback on the proposed informal trading plan.

Three (3) objections have been received. (see Annexures "C", "C1", "C2", "C3").

8.1.9 Legal Compliance

Legal Compliance has requested that the following be stated / confirmed in terms of the Informal Trading By-Law:

- The Public Meeting that took place on 20 April 2015 took place in terms of section 6.5 of the City's Informal Trading By-Law.
- It is confirmed that section 6.1 of the Informal Trading By Law has been complied with and that the City has consulted with interested and affected role players including the informal and formal sectors with regards to the draft informal trading plan;
- The draft informal trading plan has been published in accordance with the prescripts of section 6.3 which states that the City must publish notices in 2 (two) local daily newspapers that are circulated in the area in which the proposed trading area is situated. The broadcast in terms of section 6.4 was considered not applicable;
- The draft informal trading plan complies with sections 11 (General Prohibitions on Informal Trading); 12 (Restrictions on Informal Trading) and 13 (Waste Removal, Cleansing and Hygiene) of the By-Law. The locations of the proposed demarcated trading bays is compliant with the By-Law. Once the informal trader has been issued a permit to trade; the trader and the trading activities need to comply with the By-Law;
- The area has already been declared / proclaimed a prohibited / restricted area in terms of the Businesses Act 71 of 1991 and traders in these areas are trading in demarcated / designated trading bays in terms of the requirements of the Businesses Act. The City is no longer demarcating trading areas in terms of the Businesses Act but in terms of the City of Cape Town's Informal Trading By-Law. It is confirmed that the Businesses Act proclamation for this area needs to be revoked and replaced by a new proclamation in terms of the City of Cape Town's Informal Trading By-Law.

8.1.10 Conclusion

It is the Department's view that in light of the planned public transport interchange upgrade and from the increased pedestrian movements and patterns, that the number of informal trading opportunities be increased.

The revoking of the existing proclamation will result in more informal traders benefitting from this facility.

There is a need to adopt a new informal trading plan for the informal trading activities at the Retreat Interchange, to create legal and appropriate informal trading opportunities for the informal traders, who are currently trading illegally at the Interchange.

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In terms of the Businesses Act 71 of 1991, there is a need to revoke the existing Provincial Gazette proclamation of Gazette No. 5311 dated 27 November 1998 and Gazette No. 5377 dated 1 October 1999, to give effect to the proposal mentioned in this report.

Subcouncil 20 supported the report on the 18 November 2015(see Annexure "D").

8.2 Constitutional and Policy Implications

This report complies with the City's Informal Trading Policy.

8.3 Sustainability Implications

Does the activity in this report have any sustainability implications for the City? No Yes

8.4 Legal Implications

This report complies with the City's Informal Trading Policy, Informal Trading By Law and the Businesses Act 71 of 1991.

The revocation of the declarations published in Gazette Notices 5311 and 5377 shall take effect by publication in the Official Gazette, as per the provisions of the Businesses Act.

8.5 Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No

Yes

8.6 Other Services Consulted

Public Transport Department: Narima Teegler, Randall Skrikker and Alex Miller
The Public Transport Department has no objection to the proposed new informal trading plan for Ward 71.

City TCT Department: Brian John Dookoo
No objection to the proposed new informal trading plan for Ward 71.

Ward Councilors: Penny East and Johannes Burger strongly support the proposed new informal trading plan

ANNEXURES

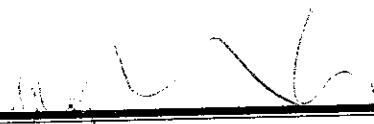
- "A" - Proposed demarcated trading area for Ward 71, with defined geographical boundaries
- "A1"- Retreat Public Transport Interchange
- "A2" - Retreat Interchange Park and Ride facility
- "A3"- Main Road, vicinity of Zwaanswyk High School Main
- "A4" Main and Steenberg Road trading area

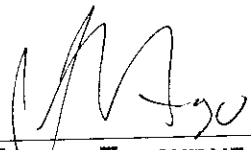
- "B" - Previously demarcated trading area (South Peninsula Municipality)
- "B1" - Retreat Public Transport Interchange
- "B2"- Retreat Interchange Park and Ride facility
- "B3" - Main Road, vicinity of Zwaanswyk High School Main
- "B4" - Main and Steenberg Road trading area

- "C" – Objection sheet
- "C1" – Objection from Diane Novitzkas
- "C2" - Objection from Bergvliet-Meadowridge Ratepayers Association
- "C3" – Objection from Retreat Taxi Association

- "D" – Extract from Subcouncil 20 resolution dated 18 November 2015

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Tourism Events and Economic Development
FILE REF NO	29/4/1/3/2/8
SIGNATURE : DIRECTOR ECONOMIC DEVELOPMENT (THEMBINKOSI SIGANDA)	



**JAPIE HUGO - ACTING EXECUTIVE
DIRECTOR: TOURISM, EVENTS & ECONOMIC
DEVELOPMENT**

Comment:

NAME _____

DATE 02.03.2016.



P. de Lille

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EXECUTIVE MAYOR

ALDERMAN PATRICIA DE LILLE

SUPPORTED FOR ONWARD SUBMISSION TO MAYCO / COUNCIL

PC RECOMMENDATION

RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT

ALTERNATIVE RECOMMENDATION TO BE REFLECTED BELOW

APPROVED I.T.O. DELEGATED AUTHORITY

NOTED

REFUSED

REFERRED BACK

DATE 17.03.2016

COMMENT:

