

GUIDELINES FOR THE BUSINESS LICENSING

Who must apply for Business License?

Business Licenses are governed by the Business Act of 1991, which states that the following businesses require licenses:

ITEM 1: Sales storage or supply of meals or perishable foodstuff

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

- (a) any foodstuff in the form of meals for consumption on or off the business premises; or
- (b) any perishable food stuff

For the purpose of sub item (1) "perishable foodstuff" means any foodstuff or category of foodstuff declared by an Administrator by notice in the Official Gazette to be a perishable foodstuff in the province concerned for the purpose of this item.

ITEM 2: Provision of certain types of health facilities or entertainment

The carry-on of business by:

- (a) providing Turkish baths, saunas or other health baths
- (b) providing massage or infra- red treatment
- (c) making the services of an escort, whether male or female, available to any other person.
- (d) keeping three or more mechanical, electronic or electrical contrivances, instrument, apparatus or devices which are designed or used for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, or disc therein or in an appliance attached thereto or in any other manner.
- (e) Keeping three or more snooker or billiard tables
- (f) Keeping or conducting a night club or discotheque
- (g) Keeping or conducting a cinema or theatre
- (h) Conducting adult premises referred to in section 24 of the Films and Publication Act, 1996

ITEM 3: Hawking in meals or perishable foodstuffs.

1. The carrying on of business, whether as principal, employee or agent by selling any foodstuff in the form of meals or perishable foodstuff-
 - (a) which is conveyed from place to place
 - (b) on a public road or at any other place accessible to the public; or
 - (c) in, or from a movable structure or stationary vehicle

Application Procedure

- The Business Licensing unit in uMngeni Municipality requires written reports from the Town Planning Inspector, Building Inspector, Environmental Health Officer and Emergency Services Departments.
- The premises will have to be inspected by Town Planning, Building, Environmental Health and Emergency Services for zoning and type of business activity, healthy and fire regulations.
- Due to the many regulations involved in obtaining a Business Licence, you should first contact Town Planning Department. They will compare the zoning of the site to the proposed activity, and will investigate whether the proposed activity may be permitted within the zoning. If permitted, then this is referred to as a Primary use right. If the zoning does not make provisions for the intended use, it would then either be handled by the respective council as a Departure or Special consent use.

Town Planning

The Town Planning Department looks at the impact that the proposed business will have on the physical, social and economic characteristics of the area. Other issues that Town Planning look for is Access, Surrounding Amenities, Services (Water, Electricity, Toilet, Refusal), Compliance with the scheme, Coverage, Building lines, Parking area, Fencing, Ownership

Environmental Health

The Environmental Health Section ensures that hygienic and clean conditions are maintained, to prevent any nuisance, any offensive conditions, or any condition that may be harmful or dangerous, water pollution and primary health.

Emergency services

It is the Emergency services Department's responsibility to check that premises are in no way a fire hazard, and complies with all the necessary safety regulations. The Department ensures the standard requirement for Safety Services and L.P Gas Manifold Installation.

Building Control

The Building Inspector ensures that the standard requirement for building control. The Building must have a legal building plan, the building has to be accordance to the building plan, and the building must not collapse

If the above four (4) sections/ units have no objections, the licence can be issued by council. Once granted, the premises may be inspected from time to time by any authorised Officer from any of the Section mentioned. Inspection can be done of the premises, vehicles, goods or records of the business to ensure that they conform to stipulated regulations.

Licence Application Process

The applicant has to lodge an application for an apposite licence at the Municipal Offices (Main Office). The Business Licensing Official or designated staff member has to advise the applicant on the following:

- Legislative provisions and process that are to be followed;
- The Council's policy;
- The applicable application fees as determined by the Council, and where to pay his / her applicable fee; and
- That the proof of payment is to be returned without delay.

The licence application is processed by the Business Licensing Official or designated staff member within 7 days from receipt of the duly completed application form and proof of payment. The details of the application shall be entered, without delay, into the Business Licenses Application Register.

The Business Licensing Official or designated staff member has to, within 7 days from receipt of duly completed licence application and proof of payment, request the responsible department/ units in writing, to conduct inspection on the premises.

The following department /units are then requested in writing to conduct inspection:

- Environmental Health Services
- Town Planning
- Building Control
- Emergency Services

The responses of the sections/ units are placed in the application file as soon as they are received.

Once the approval of all four departments has been received, Business Licence Department will issue a Business Licence.

The licence will be issued only once all four section/ units have returned a recommendation for approval.