



SOL PLAATJE MUNICIPALITY

HOUSE SHOP (also known as Spaza Shop and Tuck Shop) POLICY

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1. PURPOSE

To formulate a policy with regard the establishment of house shops/ Spaza Shops/Tuck Shops on residential properties located within the Sol Plaatje Municipal Area.

2. BACKGROUND

At present, the Sol Plaatje Municipality controls the establishment of House Shops/ Spaza Shops/Tuck Shops in terms of temporary departures from the zoning schemes applicable to the area the House Shop is located in, with very few shop owners applying almost 90% of house shops in Sol Plaatje are operating illegally. There are limited controls in place to identify appropriate sites for these types of micro- business enterprises and the municipality's currently does not have policy guidelines, to address this issue.

The policy under consideration is specifically aimed at achieving sustainable land use control guidelines to allow house shops or similar micro enterprises to operate from residential premises.

The policy must take into consideration existing municipal by-laws and policies, existing Land Use Scheme (2022), the Spatial Planning and Land Use Management Act (SPLUMA), the Planning Municipal Bylaw (2015), the Sol Plaatje Spatial Development Framework and the Integrated Development Plan for Sol Plaatje Municipality.

Cognizance should be taken in the preparation of the policy of the fact that the framework within which the house shops will be allowed can become a sensitive issue, especially in the poorer communities which these "shops" mostly serve. It is thus essential that a balance is achieved between implementing a framework to control/manage these businesses and the perceived constitutional right of an individual to generate an income from the premises he resides in.

In terms of planning theory and practice the following issues need to be taken into consideration;

- a) The operation of a House Shop/Spaza Shop/Tuck Shop is a way in which a homeowner with very little capital can enter into business and make a living or get started in the building of a business venture. House shops are therefore beneficial in terms of micro enterprise development and economic development in general.
- b) House shops/ Spaza Shops/Tuck Shops, because they are embedded in the community, offer a very high degree of convenience to local people who often have limited mobility. Therefore, they enhance the quality of life for people who use them.
- c) House shops/ Spaza Shops/Tuck Shops create social space where neighbours can meet while making purchases, thereby performing a potentially important informal social meeting space.
- d) Shops by their nature are places where people congregate to a greater extent than at ordinary houses and the owner of the property has only a commercial relationship, not, necessarily a personal relationship with the people who go there. They therefore make it easier for outsiders to enter the community and have a legitimate explanation

for being there, whether their real reason is legitimate or not. This reduces security within residential neighbourhoods.

- e) In spaces where business transactions take place and goods are bought and sold, House Shops/ Spaza Shops/Tuck Shops can easily sell liquor and drugs. This can lead to social problems.
- f) In the South Africa context house shops are now 80% of the time in townships owned by foreigner nationals and this can cause tension either because of competition with local business people or because of perceptions of commercial exploitation.

Controlling the establishment of shops in the existing business and industrial sections of Sol Plaatje generally does not present a problem for the municipality as formal zoning rights are in place and “new” rights can be accommodated in terms of rezoning and departure/ consent applications.

Problems however exist in the “our previously known black townships” where discriminatory planning principles only made provision for residential uses and no proper planning is in place to allow for business and industrial land uses. These planning principles resulted in the proliferation of illegal business and industrial establishments experienced today.

It is acknowledged that many of these illegal establishments allow members of the community access to basic goods and services without the need to travel far and that it promotes entrepreneurship (allows people to make a living and access work opportunities). The uncontrolled allowance of these activities can however result in some level of abuse - can act as fronts for illegal activities such as selling of drugs and liquor, etc.

3. DEFINING A HOUSE SHOP/ SPAZA SHOP/TUCK SHOP

According to the Sol Plaatje Land Use Scheme (2022) a House Shop is defined as follows:

“means a shop with a maximum gross floor area of 20m² on residential property run by a member(s) of only the household occupying the property selling daily convenience goods and prepared and pre-wrapped foods, excluding the sale of alcoholic beverages and excluding the cooking of food, and which shall not provide table games or electronic games

A House Shop/ Spaza Shop/Tuck Shop shall include, but is not limited to, a convenience retail business that sells groceries and other food stuffs, as well as convenience services, except hardware goods.

It must be noted that the above definition includes operation of a retail trade from a dwelling house, second dwelling, outbuilding or any other legal structure as approved by the Municipality, by one or more of the occupants residing permanently on the respective residential property.

4. ASPECTS TO BE ADDRESSED BY POLICY

The policy document will firstly focus on the establishment of a policy to regulate these establishments.

At present the approval of House Shops/ Spaza Shops/Tuck Shops does result in a substantial increase in property rates and taxes. As the turnover of the House Shops/ Spaza Shops/Tuck Shops is relatively small this has the effect that it is virtually impossible to operate the House Shops/ Spaza Shops/Tuck Shops as an economically feasible establishment.

These facts are also not known to the owner of the House Shop/ Spaza Shop/Tuck Shop and usually come as a huge surprise to the owner when he receives his rates and taxes account. These increases are a result of the municipality's rates system which adjusts the rates to business should a House Shop/ Spaza Shop/Tuck Shop be approved.

This policy must further create a mechanism that will encourage existing illegal operators whose establishments are located in desirable locations, to legalise their activities and to operate within the proposed economic precincts.

The policy will lastly need to address the enforcement of the regulations and the handling of illegal and/or undesirable establishments.

A proposed annual levy to be paid by House Shop/Spaza Shop/Tuck Shop owners.

5. OBJECTIVES OF THE HOUSE SHOP SPAZA SHOP/TUCK SHOP POLICY

This House Shop policy aims to achieve the following:

- (a) To provide a set of criteria that will assist Urban Control section in the assessment of all applications for House Shops/ Spaza Shops/Tuck Shops;
- (b) Outline the process which should be followed in order to obtain land use rights to operate House Shop/ Spaza Shop/Tuck Shop;
- (c) Specify the criteria against which a House Shop/ Spaza Shop/Tuck Shop application is measured in order for the Municipality to consider and reach a decision with respect to the application;
- (d) Provide conditions which should be adhered to once approval is granted for a houseshop; and
- (e) Provide law enforcement measures which could be taken against the House Shop owner should he/she be in contravention of these conditions.

6. SCOPE AND APPLICATION

This policy is applicable to all existing house shops (both approved and unapproved) and new applications for house shops relevant to residential neighbourhoods within the urban areas of Sol Plaatje Municipality.

6.1 THE APPLICATION

6.1.1 Application details to be submitted

A person wanting to operate any existing or new tuck shop in Sol Plaatje jurisdiction, needs to apply.

The following documents and information must be submitted before an application to rectify an illegal/a new tuck shop can be considered:

- Application fees
- Completed application forms
- Power of attorney or Owner consent (if owner is not the applicant)
- Copy of owner's identity document
- Valid asylum/passport
- Water and lights account
- Local plan
- Site Development Plan
- Surrounding land use (100meter radius)
- Certified copy of title deed
- Internal photos of existing tuck shop clearly showing each room used by the shop, furnishings, décor, fittings, sound proofing, floor coverings, ablution facilities, interna storage areas, etc. (if applicable)
- External photos clearly indicating the external finishes of the structure which is used, its relationship to the existing dwelling unit on the erf, externa storage area, parking area, signage (if applicable)
- Photos must also be provided indicating the locality of the tuck shop in relation to the surrounding properties.
- The owner of the existing or proposed tuck shop must provide a full motivation stating the type of shop being applied for and as to why he regards the establishment to be compatible with the surrounding land uses
- The owner must indicate how nuisance factors such as noise disturbance and the adjoining neighbors' rights of privacy is respected.
- The owner must indicate how health and safety requirements are addressed
- The owner must indicate how the industrial effluent generated by the business, if any, will be dispose of (grease traps etc.)

7. LEGISLATIVE FRAMEWORK

The recent law reform within the spatial planning and land use management sector, with the national implementation of SPLUMA signals the start of a completely new era in terms of spatial planning and land use management decision-making. Decisions on municipal spatial planning and land use management matters now sit firmly at the municipal sphere.

The Sol Plaatje Municipality adopted a new Land Use Scheme (2022) for the whole municipal jurisdiction.

7.1 Spatial Planning and Land Use Management Act 16 of 2013

7.2 Sol Plaatje Spatial Planning & Land Use Management Bylaw(2015)

7.3 Residential Business Bylaw 2011

7.4 Sol Plaatje Land Use Scheme 2022

7.5 Sol Plaatje Spatial Development Framework 2022

8. CRITERIA AND CONDITIONS FOR ASSESSMENT OF LANDUSE RIGHTS TO OPERATE A HOUSE SHOP

8.1 House Shop Extent and Position

The extent and position of the House Shop/ Spaza Shop/Tuck Shop should be clearly indicated on a plan and shall not exceed 50m², (including any ablution facilities); and

The trading area of the House Shop/ Spaza Shop/Tuck Shop shall be restricted to within the boundaries of the property.

8.2 Locality

House shops /Spaza Shop/Tuck Shop should ideally be located along existing and proposed activity spines and activity nodes as indicated in the draft Sol Plaatje Spatial Development Framework as well as on land already designated for business purposes. These areas are usually highly accessible to the general public and are areas where business facilities should be established.

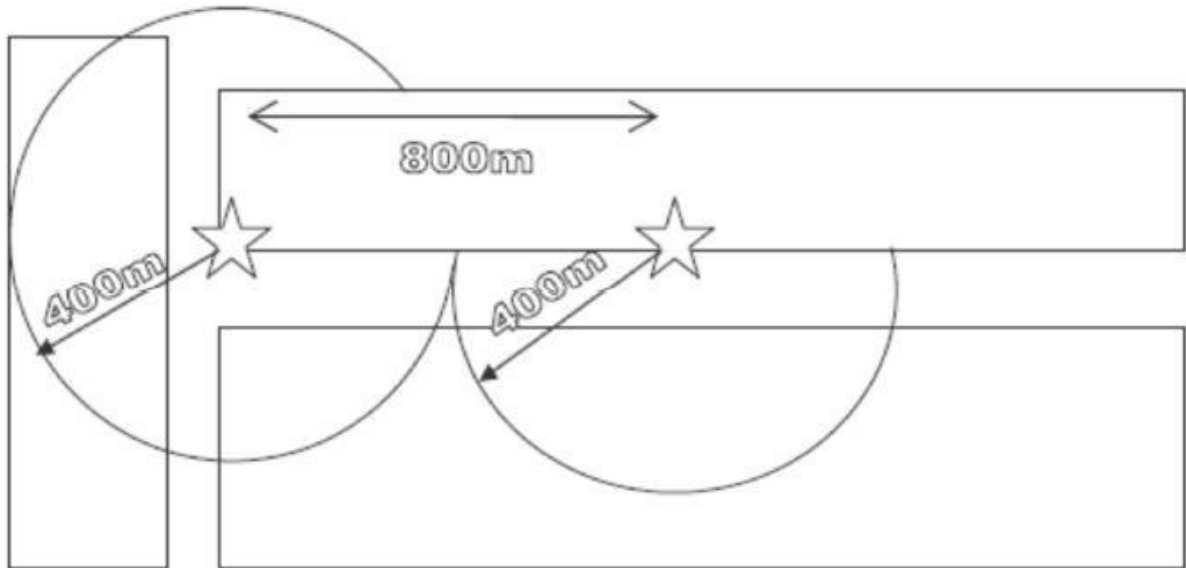
If a House Shop/Spaza Shop/Tuck Shop is to be located within a residential area it should preferably be restricted to corner stands where it might eventually develop into the traditional corner shop. The locality of the corner site must further be of such a nature that it serves a fairly wide surrounding area and the shop has a reasonable chance of developing into a feasible corner shop.

No House Shop/ Spaza Shop/Tuck Shop located midblock within a residential area should be allowed. This type of locality does only serve a very small portion of the population and has no potential to grow into a feasible business. A House Shop located mid-block will only be considered if it is more than 800m from any street intersection. (see figure 1 for explanation)

8.3 Number of House shops/ Spaza Shop/Tuck Shop per area

The number of house shops within a predominantly residential area should be restricted in order to protect and enhance the character of the residential environment, protect the residents' rights and amenity to a quality human friendly living environment, to protect the vulnerable members of the community and to ensure that any adverse social impacts and unlawful activities can be controlled. Only house shops that are located in positions which can grow into fully fledged corner shops should be allowed. The number of shops will thus depend on the number of localities available where the House Shop can grow into fully fledged corner shops. These shops should however not be closer than 400 meters from another as determined in terms of the radius of area it serves. (see figure 1 for explanation)

Figure 1: Permitted Position of House Shops



8.4 Minimum Distance from Formal Businesses

8.4.1 A tuck-shop shall be located at least two hundred (200) metres from any formally registered business, measured along street access routes.

8.4.2 The 200-metre distance shall be determined based on the shortest navigable route accessible by the public and verified using municipal spatial planning tools.

8.4.3 Where disputes arise regarding distance measurements, the municipality shall have the final authority in determining compliance based on official mapping and measurement systems.

8.4.4 Any tuck-shop found to be operating within 200 metres of a formal business without prior municipal approval shall be subject to enforcement action, penalties, or closure as prescribed in the by-law.

8.5 Minimum Household Service Requirement

- A tuck-shop shall serve a minimum of at least sixty (60) households within the immediate residential vicinity in which it operates.
- The applicant must provide a detailed household service coverage plan demonstrating the number of households the tuck-shop intends to serve, subject to verification by the municipality

8.6 The structure on the property

- The property shall have a main residential dwelling unit on it;
- The dominant use of the property shall remain residential;
- Any new or additional structures (built or temporary) erected with the purpose of accommodating the operation of a House Shop/ Spaza Shop/Tuck Shop shall be done with due cognizance of the residential character of the area; and
- All additional (built) structures, including renovations to build structures with the intention of accommodating the house shop, shall be subject to the building plan's approval of the Municipality;

8.7 Operating hours

House shops should have limited operating times so as to respect the residential character of the area where it is located. Trading hours in the residential areas should thus be restricted to protect residents' rights. It is recommended that trading hours be limited to: 06h00 to 22h00 in the residential areas and 06h00 to 23h00 for properties located in recognised business areas, and on activity nodes and activity spines. Trading times may be further restricted depending on comments received from the public.

8.8 Ablution Facilities

The House Shop/ Spaza Shop/Tuck Shop operator must have access to ablution and hand-washing facilities.

The connection must align with the building plans.

8.9 Citizenship

All applicants must submit a certified copy of South African ID and in the case of foreign nationals, legal documents for residing in South Africa i.e. work permit/ business permit etc. and proof of residence must be submitted.

8.10 Other Regulations

House shops/Spaza Shop/Tuck Shop operated from Municipal owned land should have a lease agreement in place;

The House Shop/ Spaza Shop/Tuck Shop must comply with the following health regulations if food is to be sold or prepared in the house shop's premises, namely:

- (a) that the owner obtains a business license for the preparation of meals as required in terms of the Business Act, 1991 (Act 71 of 1991);
- (b) that the premises comply with the general hygiene requirements for food premises and the transport of food Regulation 918 of 1999 as promulgated under the Health Act, 1977, (Act 63 of 1977).
- (c) that a Certificate of Acceptability be obtained as required by the Health Act, 1977 (Act 63 of 1977).
- (d) The premises comply with government notice R975 of 2000 regarding the smoking of tobacco products in public places as amended in terms of Section 2 of the Tobacco Products Control Act, 1999 (Act 12 of 1999) as amended.

8.11 General conditions of approval

The following general conditions shall apply to all houseshops/spazashop/tuckshop:

- The rights to operate a House Shop are NOT TRANSFERRABLE;
- No person(s) may sleep/overnight within the shop if it is in another structure on the erf.
- The manager to sleep within the structure, however the bedroom must be separated by a wall and a door
- A House Shop is restricted to the selling of daily household goods, no selling of hardware goods.
- The sale of liquor or alcoholic beverages, storage or sale of gas and gas containers, paraffin and other hazardous substances as well as the operation of vending machines, video games, gambling machines or pool tables is prohibited;
- The extent and position of the retail component shall be clearly defined on a plan and shall not exceed 20 m². In cases of outbuildings or containers; an additional area of 15m² can be applied for to accommodate any water closet, change room, and/or storeroom;
- Any new structure, or alteration to the existing dwelling unit or outbuilding, must conform to the residential sense of place of the area concerned;
- Trading must be restricted to the property and the dwelling unit and not take place on the sidewalks;
- If stock is to be delivered the deliveries must be restricted to normal business hours, which is 8:00 to 17:00;
- Jukeboxes will not be allowed within a house shop. Should music be played in a house shop, it must be limited to listening to music set at a low volume and speakers may not be placed outside the house shop;
- Not more than 3 (three) people, including the occupant of the dwelling unit, are permitted to be engaged in retail activities on the property. There must be 1 manager
- Only one non-illuminated sign shall be permitted and shall not exceed 5000cm² in area. Such signs indicate only the name of the owner, the name of the business and the nature of the retail trade.
- Disposal of refuse must be addressed to the satisfaction of Sol Plaatje Municipality.
- All owners of unauthorized house shops must be informed to apply to legalize their house shops within 30 days after receiving written notice.
- The applications will not be advertised in newspapers, but only written notices be served on the surrounding property owners, Ward Councilor, Ward Committee and if applicable government departments and any registered commenting bodies.
- The display of certificates obtained from Municipality in respect of health regulations and in respect of the business licenses, where food is to be sold or prepared and fire certificate
- The erf will be limited to one electrical service connection which may not be split into two electrical supplies and will be metered by only one meter (shared supply). The erf is also limited to its existing electrical supply.

9. ECONOMIC DEVELOPMENT

9.1 Business Registration and Legal Compliance

- All tuck-shops operating within the Sol Plaatje Municipality must be registered

as a Private Company (PTY LTD) in terms of the Companies Act of South Africa (Act 71 of 2008)

- Business owners must provide proof of registration with the Companies and Intellectual Property Commission (CIPC) before obtaining a business license
- Tuck-shop owned or managed by foreign nationals must have a valid South African bank account linked to the registered business entity
- All tuck-shops, including those owned by foreign nationals, must be registered with the South African Revenue Service (SARS) and comply with tax obligations, including Value Added Tax (VAT) registration where applicable.

9.2 Trading Permit and License Fees

- All truck shops must obtain a business trading permit from the Municipality's Local Economic Development (LED) Office before commencing operations.
- Foreign-owned tuck-shops shall be subject to a higher business license fee structure, considering their non-citizen business operation status, to ensure equitable participation of local entrepreneurs in the township and urban informal trade sector.

9.3 Preferential Support for Local Entrepreneurs

- The Municipality shall implement preferential licensing and support measures for South African-owned tuck-shops, including business development training, financial literacy workshops, and access to local enterprise development programs.
- A minimum 60% of all tuck-shop licenses issued annually must be allocated to South African citizens or permanent residents.

9.4 Spatial and Economic Considerations for Business Operations

- The Municipality shall regulate the density of tuck-shops within residential areas to prevent business clustering that disadvantages local entrepreneurs.
- No new tuck-shops shall be permitted within 500 meters of an existing tuck-shop unless approved by the Local Economic Development Unit.
- Priority shall be given to tuck-shop applicants who are local residents of the respective ward or township where the business is to be established.

9.5 Rental and Operational Costs for Foreign-Owned Tuck-shops

- Foreign nationals who operate tuck-shops while residing within local communities through boarding or lodging arrangements shall be subject to a higher municipal trading levy to operate.
- Tuck-shops owned by foreign nationals must demonstrate a valid lease agreement with a local landlord and be formally declared for municipal business rates assessment.

9.6 Employment and Local Workforce Development

- A minimum of 70% of all employees hired by foreign-owned tuck-shops must be South African citizens or permanent residents.
- Proof of local employment contracts must be submitted to the Municipality as a condition for license renewal

9.7 Prohibition of Unregistered Informal Business Practices

- No tuck-shop shall operate within the Municipality without a valid business registration certificate, trading permit, and tax compliance status.
- Sub-letting of tuck-shop businesses by foreign nationals under local proxies is strictly prohibited, and any business found violating this clause shall be subject to immediate closure.

9.8 Prohibition of Fronting

- No Fronting Allowed
- No person shall engage in fronting practices in the operation, management, or ownership of a tuck-shop within the Sol Plaatje Municipality.

9.8.1 Definition of Fronting

Fronting refers to any arrangement, scheme, or practice where a business entity misrepresents, disguises, or manipulates ownership, control, or management structures to circumvent legal, financial, or regulatory requirements. This includes, but is not limited to:

- a) The false representation of ownership by a person who does not have substantial operational control over the tuck-shop.
- b) The use of individuals as nominal owners while the actual control and benefits reside with an undisclosed party.
- c) Any other act intended to mislead or deceive municipal authorities regarding the rightful ownership and management of a tuck-shop.

9.8.2 Proof of Ownership and Control

- Every tuck-shop operator provide proof of ownership and operational control when applying for or renewing a trading permit.
- The municipality reserves the right to request additional documentation, conduct inspections, or interview registered owners to verify compliance.

9.8.3 Penalties for Fronting

Any person or entity found guilty of the fronting shall be subject to:

- Immediate suspension or revocation of their tuck-shop trading permit.
- A fine as determined by municipal regulations.
- Disqualification from applying for a new tuck-shop permit for a period of up to five (5) years.
- Possible legal action in accordance with applicable municipal and national laws.

9.8.4 Reporting and Investigation

- Any person with reasonable suspicion or evidence of fronting shall report such practices to the municipality.
- The municipality shall investigate all allegations of fronting and take appropriate enforcement action.

9.8.5 Preferential Business Ownership Clause

- Tuck-shop operating licenses shall be granted with priority to South African citizens residing within the jurisdiction of Sol Plaatje Municipality.
- Foreign nationals may operate tuck-shops only under a registered business entity in partnership with at least one South African citizen holding a minimum of 51% ownership.
- Proof of compliance with South African business registration, tax clearance, and municipal regulations shall be required before any license is issued.

9.8.6 Boarding and Lodging Cost for Foreign Business Operators Clause

- Foreign nationals residing within Sol Plaatje Municipality for the purpose of operating a tuck-shop shall pay a maximum municipal levy for business operation as determined by the Municipality from time to time.
- Foreign nationals engaging in the tuck-shop business must present proof of valid business permits and legal residence permits before acquiring or renewing an operating license.
- Failure to comply with local residency requirements will result in revocation of business licenses and closure of the tuck-shop.

9.8.7 Local Sourcing and Procurement Clause

- All tuck-shop operators must source at least 60% of their products from local suppliers, farmers, or wholesalers based within the Sol Plaatje Municipality.
- A local supplier registration database shall be maintained by the Municipality to facilitate compliance with this provision.
- Failure to meet local procurement requirements will result in fines, suspension, or non-renewal of operating licenses.

9.8.8 Employment of Local Labour

- A minimum of 70% of employees working in any tuck-shop must be South African citizens, with preference given to residents of Sol Plaatje Municipality.
- Business owners must submit an employment report annually to the Municipality, detailing compliance with local employment requirements.
- Non-compliance with local employment regulations shall attract progressive penalties, including fines and possible revocation of the business license.

9.8.9 Infrastructure and Business Premises

- Tuck-shops must operate from formal structures that meet municipal building and safety standards.
- The Municipality shall provide designated trading zones for tuck-shop operators and support local traders in acquiring formal business premises.
- Temporary and informal structures shall only be permitted under strictly regulated conditions, with an emphasis on promoting business formalization.

9.8.10 License Fees and Compliance

- The Municipality shall establish a tiered licensing fee system where South African-owned tuck-shops pay a reduced fee, while foreign-owned tuck-shops are charged at the maximum applicable rate.
- All tuck-shops must comply with municipal health, safety, and zoning laws, failing which their operating license may be revoked or suspended.
- Routine compliance inspections shall be conducted to ensure adherence to these bylaws, with non-compliant operators facing escalating penalties.

9.8.11 Business development and Support

- The Municipality shall provide business development programs for local tuck-shop operators, including financial literacy training, mentorship, and cooperative development support.
- Preference for municipal business support incentives shall be given to tuck-shops owned and operated by local South Africans.
- A municipal tuck-shop association shall be established to facilitate networking, advocacy, and access to municipal resources for local traders.

9.8.12 Foreign-Owned Tuck-shops – Operational Requirements

- Foreign nationals operating tuck-shops within the municipality must pay a maximum operating fee as determined by the municipality.
- Foreign nationals seeking to operate tuck-shops must provide proof of legal residence, valid business permits, and compliance with local tax laws.
- Tuck-shops operated by foreign nationals must not be used for boarding and lodging purposes under any circumstances.

9.8.13 General Operating Conditions and Prohibitions

- No sleeping or residential use is permitted within tuck-shops. Violation of this provision shall result in immediate revocation of the business permit.
- Tuck-shop operators must ensure that business premises comply with municipal zoning and building regulations.
- Operating hours should be regulated and enforced by the municipality to prevent undue public nuisance.
- Business premises must comply with health, safety, and hygiene standards as prescribed by municipal regulations.

9.8.14 Utility Services and Billing Requirements

- Each truck shop must have a separately registered electricity account in the name of the business operator.
- A separate water meter must be installed, and all water consumption shall be billed directly from the business operator.
- Failure to pay municipal service accounts shall result in the termination of services and suspension of the tuck-shop's operating license.

9.8.15 Licenses to Foreigners

- The Municipality shall provide trading licenses to legally registered and documented foreigners with the Dept of Home Affairs.
- The foreigner applicant must be in possession of a valid Asylum seeker permit, Refugee status, work or business permit as stipulated by the Immigration Act 2002, No 13 of 2002 and Refugees Act 1998 No 130 of 1998.
- The total allocation of trading licenses to foreigners shall not exceed the allocation of licenses to South Africans.

9.8.16 The Municipality is entitled to charge a license-holder

- a trading fee;
- an additional fee or tariff, which is to be determined by the Municipality in its sole discretion, in respect of additional costs incurred or services provided by the Municipality, (e.g.) Costs associated with electricity, water and sewer. including but not limited to circumstances where the permit-holder trades within a market

9.8.17 Validity of trading license

- An application for the renewal of a permit must be submitted to the Municipality at least three (3) months before the expiry date of the permit.
- Once the trading permit has expired, the holder must re-apply for a new permit. The municipality, in the administration of the new trading permit, cannot guarantee that a permit will be re-issued to an applicant who previously held a trading permit.
- Permits will only be renewed once the account is settled for a particular trading year.
- A permit shall remain valid for a period of one (1) year from the date of issuance, subject to compliance with the Municipality conditions, regulations and by-laws.
- For as long as an informal trade enterprise is registered with SPM in a particular year the business is liable for monthly payments regardless of its operation status.
- The municipality reserves the right to conduct site inspections to verify compliance with the minimum household service requirement before issuing or renewing a trading permit.

10 COMPLIANCE WITH HEALTH REGULATIONS

10.1 All tuck-shops operating within the jurisdiction of Sol Plaatje Municipality shall comply with all applicable health and hygiene regulations as prescribed by the National Health Act, 2003 (Act No. 61 of 2003) and any other relevant legislation.

10.1.1 The premises shall be always maintained in a clean and sanitary condition, ensuring the proper storage, handling, and disposal of food products.

10.1.2 All food handlers must observe proper hygiene practices, including the use of

protective clothing and adherence to food safety protocols

10.2 Prohibition of Expired Food Sales

- 10.2.1 No tuck-shop shall sell, distribute, or offer for sale any expired food products or perishable goods that are unfit for human consumption.
- 10.2.2 Any expired goods found on the premises shall be confiscated and disposed of in accordance with municipal waste management regulations.
- 10.2.3 Offenders found selling expired food will be subject to penalties, including fines and possible suspension of their trading license.

10.3 Ban on Counterfeit Goods

- 10.3.1 No tuck-shop shall sell, distribute, or offer for sale any counterfeit, illicit, or unregistered goods, including but not limited to food items, tobacco products, pharmaceuticals, and personal care products.
- 10.3.2 Any tuck-shop found in possession of counterfeit goods shall face penalties in accordance with the Counterfeit Goods Act, 1997 (Act No. 37 of 1997) and other applicable laws.
- 10.3.3 Law enforcement officials are empowered to inspect and seize counterfeit goods found on any tuck-shop premises.

10.4 Fair Pricing and Consumer Protection

- 10.4.1 Tuck-shop operators shall not engage in unfair pricing practices, including price gouging on regulated essential goods such as electricity, airtime, bread, and other controlled items as per the guidelines set by the Competition Commission of South Africa and the Consumer Protection Act, 2008 (Act No. 68 of 2008).
- 10.4.2 Prices of essential goods must be displayed clearly and transparently to customers
- 10.4.3 Any tuck-shop found overcharging customers on essential goods shall be subject to regulatory action, including fines, suspension of trading permits, and possible legal proceedings.

10.5 Certificate of Acceptability for Food Trading

- 10.5.1 No tuck-shop shall operate or sell food products without obtaining a valid Certificate of Acceptability in accordance with Regulation 638 of the Foodstuffs, Cosmetics, and Disinfectants Act, 1972 (Act No. 54 of 1972).
- 10.5.2 The certificate must be displayed visibly on the premises for inspection by municipal health officers
- 10.5.3 Any tuck-shop found operating without a Certificate of Acceptability shall be subject to immediate closure until compliance is achieved.

11 LAW ENFORCEMENT

- 11.1 It is imperative that all applications for house shops are sent to the SEDP Directorate of the Sol Plaatje Municipality and SAPS for their comments to ascertain whether:

- any criminal activities such as illegal gambling, sale or distribution of narcotics, etc. have occurred or are alleged to have occurred on the property;
- incidents such as murders, stabbings, fights, etc. have been reported in the immediate vicinity of the property;
- vehicle and/or pedestrian accidents occurred in the vicinity of the property; and
- any illegal sale of liquor have been reported.

The House Shop/ Spaza Shop/Tuck Shop should be refused if any of the abovementioned poses a problem.

11.2 Non-compliance with approval conditions

- If approval conditions are not complied with the Urban Control Section will issue a written notice to the owner to rectify any irregularities within 14 (fourteen) days.
- If objections are received with regard to the legally approved House Shop Spaza Shop/Tuck Shop the Urban Control Section will evaluate the legality of the objections and if necessary, inform the owner about these objections and will request the owner to comply with the approval conditions.
- If there is failure to comply with the general conditions of approval further legal action will be taken by the Municipality. If necessary, a court interdict will be obtained against the owner of the property forcing him to suspend trade from the property.
- In the case of a criminal offence, the matter is to be referred to the state prosecutor's office for further legal recourse.

11.3 Withdrawal and lapsing of approval

Approval is granted to the owner of the property to run a House Shop/Spaza Shop/Tuck Shop from his dwelling unit and will be withdrawn under the following circumstances:

- In the event of the death of the owner.
- Valid objections have been received, and the owner has not responded to the objections and adequately addressed the problems.
- If the owner of the property is convicted of a crime involving drug abuse, selling of drugs, the illegal sale of liquor, operating a shebeen or tavern from the House shop/ Spaza Shop/Tuck Shop, crimes involving weapons or firearms or assaults.
- Where the owners end the approved activity (cancellation).

11.4 South African Revenue Services

All owner and/or operators of tuck shops must register for tax with SARS.

11.5 Business Bank account

All owner and/or operators of tuck shops must have a business bank account.

12 PROPERTY RATES AND TAXES

At present the approval of house shops does result in a substantial increase in property rates. As the turnover of the house shops is relatively small this has the effect that it is virtually impossible to operate the House Shop/ Spaza Shop/Tuck Shop as an economically feasible establishment. These facts are also not known to the owner of the House Shop/ Spaza Shop/Tuck Shop and usually come as a huge surprise to the owner when he receives his rates and taxes account. These increases are a result of the municipality's rates system which adjusts the rates to business should a House

Shop/Spaza Shop/Tuck Shop be approved

13 RECTIFICATION OF ILLEGAL HOUSE SHOP/ SPAZA SHOP/TUCK SHOP

Following the approval of this policy, an illegal owner and/ or operator of unauthorized House Shop/ Spaza Shop/Tuck Shop (including those who have previously been served a notice) shall be served a notice requiring them to immediately cease House Shop/ Spaza Shop/Tuck Shop activity and rectify any other contraventions within 30 days of date of notice being served.

If the House Shop/ Spaza Shop/Tuck Shop owner and/ or operator do not adhere to the municipality's notice, a final notice may be served by the municipality on this owner and/ or operator allowing him/her a final 14 days in which to cease the unauthorized activities. Should this not be adhered to, the municipality will issue legal action, which can either result in a criminal charge being laid, or civil proceedings being instituted to have the illegal use ceased.

Once the activity is ceased, the House Shop/Spaza Shop/Tuck Shop owner and/ or operator may submit the required land use application for the House Shop/ Spaza Shop/Tuck Shop but should be advised that the submission of such application does not give them the authority to continue operating and does not mean that the application will be approved by Sol Plaatje Municipality.

If a House Shop/ Spaza Shop/Tuck Shop application is approved the property owner will have three months in which to comply with the conditions to comply with the conditions attached to the application approval.

The property owner will be exempted from paying business rates and taxes based on the following:

- a) the extent of the House Shop/Spaza Shop/Tuck Shop in relation to the existing dwelling does not exceed the restrictions in the policy; and/or

If House Shop/ Spaza Shop/Tuck Shop owner construct a new building the Municipality will Demolish.

14 DELEGATION

Approval of applications for house shops/Spaza Shop/Tuck Shop shall be delegated to the Designated Official on condition that no objections have been received, that it complies with this policy and that the applicant is not an employee of the Municipality