

**LEGISLATIVE PROCESS GUIDELINES FOR THE ISSUING, REFUSAL,
WITHDRAWAL AND SUSPENSION OF BUSINESS LICENCES AND AMENDMENT
OR REVOKING OF CONDITIONS PERTAINING THERETO**

Implementation and Enforcement:	It is a Regional Responsibility.
Responsible Unit:	Environmental Health Services
Responsible Official:	Business Licence Officer
Duties and Responsibilities:	<p>Business Licence Officer</p> <ul style="list-style-type: none">(i) Routine visits to businesses requiring licensing (schedule 1 of the Businesses Act, 1991 (Act No. 71 of 1991).(ii) Licence application management and control and processes and systems administration.(iii) Fines and income management.(iv) Law enforcement (including notices to appear in court). <p>Environmental Health Officers (in normal course of duty)</p> <ul style="list-style-type: none">(i) Identify and report new businesses to the Business Licence Officer.(ii) Report change of ownership of businesses to the Business Licence Officer.(iii) Report any change of conditions or change of circumstances to the Business Licence Officer.(iv) Inform owners of businesses of their obligations to apply for an apposite licence.(v) Report closure of businesses to the Business Licence Officer.

1. Licence Application Process

- 1.1 The applicant has to lodge an application for an apposite licence at the Regional office. The Business Licence Officer, designated staff member or Business Licence Assistant has to advise the applicant on the following:
- (i) Legislative provisions and processes that are to be followed.
 - (ii) The Council’s policy.
 - (iii) The applicable application fees as determined by the Council annually, and where to pay his/her application fee.

(iv) That the proof of payment is to be returned without delay.

1.2 The licence application is processed by the Business Licence Officer 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 Businesses Licences Application Register of which a copy is attached hereto as Annexure “B1”. The details of the application for a hawker’s licence shall be entered into the register specifically designed for this purpose (Refer to Annexure “B1”).

1.3 The Business Licence Officer or designated staff member has to, within 7 days from receipt of the duly completed licence application and proof of payment, request the responsible departments/units in writing, to submit their written requirements to him/her in the format of the notice attached hereto as Annexure “B2”.

1.4 The following departments/units are then requested in writing to:

1.4.1 In the case of business referred to in item 1(1) or 2 of Schedule 1, submit within twenty one (21) days, their requirements relating to town planning or the safety or health of the public of any law which applies to the premises (section 2(4)(a)):

- Regional District Environmental Health Services - Requirement of any law which relates to health and safety.
- Land Use Management Sub- directorate -Requirement of any law and/or Town Planning Scheme which relates to land use rights and remedial action if any.
- Building Control Sub- directorate -Requirement of any law applicable to building control. Building Control has to report whether the premises is in compliance with the National Building Regulations and

Building Standards Act, 1977 or not **(stating the requirements that have to be complied with).**

- Noise and Air Pollution Control Divisions at the Environmental Health Units - Requirement of any law applicable to noise and air pollution.
- Johannesburg Emergency Management Services - Requirement of any law applicable to public safety.
- Johannesburg Metropolitan Police Department (Hawkers only) - Requirement of any law applicable to hawkers.

1.4.2 The responsible or designated Environmental Health Officer of the Regional District Environmental Health Unit has to, in the case of business referred to in item 1(1) or 3(1) of Schedule 1 submit his/her requirements in terms of the requirement of any law (all applicable legislation as enforced by Environmental Health) relating to the health of the public, if any apparatus, equipment, storage space, working surface, structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs does not comply with a requirement of a law relating to the health of the public (Section 2(4)(aA), for compliance.

1.4.3 In the case of the businesses referred to in item 2 of Schedule 1, where the Business Licence Officer is to be satisfied that a person is not a suitable person to carry on the business, whether by reason of his/her character, having regard to any conviction recorded against him, his/her previous conduct or for any other reason (section 2(4)(b) read with section 2(5)), the Local South African Police Services Station has to submit a report stating particulars of all convictions recorded against an applicant concerned or against any person referred to in section 2(4)(b)(ii) (Section 2(5)(a)(b)).

- 1.5 The reports as required in terms of paragraph 1.4.1, 1.4.2 and 1.4.3 above have to be submitted to the Business Licence Officer within 21 days from the date of his/her written request.
- 1.6 The referral dates of notices to the departments/units concerned, as well as the date on which their responses were received, shall be entered into the register designed for this purpose, of which a copy is attached hereto as Annexure “B3”.
- 1.7 The licence is issued when all the departments/units have reported in writing that the application is in compliance with the requirements of applicable legislation and if no condition(s) prohibiting the issuing of the licence has(have) been received. The licence is, when required by any department, also issued subject to any condition that such department may impose by means of endorsement. (Section 2(6)(b) read with section 2(8) of the Act and Regulations).
- 1.8 An application is refused when a requirement is stipulated by any department/unit or in the case of a negative report from the SAPS. The Business Licence Officer shall within 7 days of receipt of all the reports from departments/units or the report required from the SAPS (section 2(10)):
- In the format of the notice attached hereto as Annexure “B4” notify the applicant concerned in writing that the application has been refused.
 - Furnish the applicant concerned in writing with the reasons for refusing the application – that being that the premises or business premises does not comply with the requirement of a law or a condition. The requirement or condition of any department has to be stipulated in the notice.
 - Notify the applicant concerned in writing of his/her right to be heard and that he/she has to lodge an application to be heard within 21 days of the date of the notice, or of his/her right of appeal to the Premier of Gauteng and that he/she has to lodge an appeal within twenty eight (28) days of the date of the notice of the Business Licence Officer.
- The applicant shall lodge an application to be heard, within 21 days from the date of the written notification of the Business Licence Officer with the City Manager in writing.
- The application will be deemed as refused if no application to be heard and/or appeal is lodged by the applicant within the prescribed periods.
- 1.9 The following process shall be followed if an application to be heard is lodged by the applicant within the prescribed time limit (21 days).
- The application shall be addressed to the City Manager by the applicant.

- The City Manager may hear the applicant personally or delegate such responsibility to any official as designated by him/her.
 - The City Manager or his/her designated official shall make all arrangements deemed necessary to hear the applicant within 14 days of the date of the application requesting a hearing.
 - The Business Licence Officer and responsible official(s) from the department(s)/unit(s) who has (have) been instrumental to the refusal shall be present at the hearing.
 - The City Manager or his/her designated official shall, when both parties have been heard, decide on the merits for refusing or not refusing the application.
 - Inform the applicant, within 14 days from the date of the hearing, in writing of his/her decision and that he/she has the right of appeal to the Premier of Gauteng in terms of section 3 of the Act if the application has been refused by him/her.
- 1.10 A copy of the written notification that has been addressed to the applicant has to be made available to the Business Licence Officer without delay.
- 1.11 The applicant shall be prosecuted for carrying on business without an apposite licence as required in terms of item 1(1) or 2 of Schedule 1 or item 3(1) of Schedule 1 of the Act if no application to be heard by the City Manager and/or appeal to the Premier had been lodged by the applicant in terms of the provisions of the Act and if written proof cannot be furnished by the applicant. The outcome of the appeal shall determine as to what further action will be taken by the Council.
- 1.12 The applicant shall re-apply for a licence in terms of the licence application process outlined previously in this document **once he/she is satisfied** that the requirements of the Council have been complied with. The same principle will apply if the decision of the Business Licence Officer is upheld by the City Manager or his/her designated official and/or the Appeals Committee as appointed by the Premier of Gauteng. The application shall be placed on the original file and requests for reports from departments / units shall only be referred to these departments / units whose requirements had not been complied with initially.
- 1.13 The re-application for a licence will not be accepted in the case of:
- a negative SAPS report;

- the Council not being able to grant the necessary land use rights unless the City Manager or his/her designated official and/or the Appeals Committee decides otherwise.
- The Business Licence Officer shall advise all the other Business Licence Officers based at the other Regional offices of a refusal that has been made on the ground of a negative SAPS report.

2. **Persons Carrying On Businesses And Who Cannot Submit Proof Of Being Issued With A Valid Licence.**

2.1 The Business Licence Officer shall carry out at least one routine visit per year at those business premises, inclusive of hawkers businesses, which requires licensing in terms of Schedule 1 of the Businesses Act in order to determine change of ownership, any changed circumstances in relation to a business or the relevant business premises, or whether the business is licenced or not.

2.2 The following process shall be followed if any person who carry on business which requires a licence in terms of the provisions and requirements of the Businesses Act fails to produce his/her licence to the Business Licence Officer:

- The Business Licence Officer shall request the person in writing to produce his/her licence at his/her office within 14 days of the date of his/her notice.
- The notice shall be in the format of the notice attached hereto as Annexure “B5”.
- The person shall be prosecuted, without delay, for carrying on business without a licence if he/she fails to respond to the requirements as stipulated in the written notice.

3. **Existing Licenced Business** (Withdrawal or suspension of a licence)

3.1 An existing licence is withdrawn by the Business Licence Officer (section 2(9) read with section 2(10)):

3.1.1 If the licence holder causes or allows his/her business to be carried on in contravention of:

- A requirement relating to town planning or the safety or health of the public of any law which applies to his/her premises in the case of a business referred to in item 1(1) or 2 of Schedule 1 of the Act.
- A requirement in the case of a business referred to in item 1(1) or 3(1) of Schedule 1 on the ground that –

- (i) Any foodstuff sold by the licence holder does not comply with a requirement of a law relating to the health of the public.
 - (ii) Any apparatus, equipment, storage space, working surface, structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuff, does not comply with a requirement of a law relating to the health of the public.
- 3.1.1.1 The Business Licence Officer shall, if he/she is convinced that the licence could be withdrawn, request the responsible departments/units in writing, to submit their written requirements to him/her in the format of the notice attached hereto as Annexure “B6”.
- 3.1.1.2 The following departments/units shall, from time to time, ensure that business premises comply with the requirements and provisions of those laws which are enforced by them:
- District Environmental Health Services Units
 - Land Use Management Sub- directorate
 - Building Control Sub- directorate
 - Regional Noise and Air Pollution Control Units
 - Johannesburg Emergency Management Services
 - Johannesburg Metropolitan Police Department (Hawkers only)
- 3.1.1.3 Any Department/Unit who has identified a need for a licence to be withdrawn, has to request the Business Licence Officer in writing to do so, and by giving reasons for such request.
- 3.1.2 Or, on the following grounds;
- 3.1.2.1 If the licence holder failed to produce his/her licence to the Business Licence Officer within 14 days after the receipt of a written request referred to in Section 2(8)(b) of the Act.
- 3.1.2.2 If the Business Licence Officer is satisfied that, if application had been made at the time of the licence concerned, in the case of a business referred to in item 2 of Schedule 1 of the Act, the application could have been refused by virtue of section 2(4)(b) of the Act.

- 3.2 The Business Licence Officer shall, as soon as possible, inform the licence holder when he/she has any reason on the aforementioned grounds or within 7 days from the date of a written request received from any department/unit, advise the licence holder that his/her licence is withdrawn.
- 3.3 The licence holder shall be informed in writing, in the format of the notice attached hereto as Annexure “B7”, of the reasons for the withdrawal and his/her right to be heard and that he/she has to lodge an application to be heard within twenty one (21) days of the date of the notice. The applicant shall be informed in the same notice of his/her right of appeal to the Premier of Gauteng and that he/she has to lodge an appeal within twenty eight (28) days of the notice of the Business Licence Officer.
- 3.4 The licence holder shall lodge an application to be heard within 21 days from the date of the written notification of the Business Licence Officer with the City Manager in writing.
- 3.5 The licence will be deemed as withdrawn if no application to be heard and/or appeal is lodged by the licence holder within the prescribed periods.
- 3.6 The holder of the withdrawn licence shall be prosecuted for continuing with the carrying on of business without an apposite licence as required in terms of section 2(3) of the Act, if no written proof of applying for a hearing within the prescribed period of twenty one (21) days with the City Manager, or for an appeal within the prescribed period of twenty eight (28) days with the Premier of Gauteng, of the date of the Business Licence Officer’s notice, can be furnished by the licence holder.
- 3.7 The holder of the withdrawn licence shall reapply for a licence in terms of the licence application process outlined previously in this document **once he/she is satisfied that the requirements of the Council have been complied with.** The same principle will apply if the decision of the Business Licence Officer is upheld by the City Manager or his/her designated official and/or the Appeals Committee appointed by the Premier of Gauteng.
- 3.8 The re-application for a licence will not be accepted in the case of a negative SAPS report whereby it is reported that the holder of a withdrawn licence is not suitable to carry on business, unless the City Manager or his/her designated official and/or the Appeals Committee decides otherwise.
- 3.9 The Business Licence Officer shall advise all the other Business Licence Officers based at the other Regional offices of a refusal that has been made on the ground of a negative SAPS report.
- 3.10 The following process shall be followed if an application to be heard is lodged by the licence holder within the prescribed time limit (21 days):

- The application shall be addressed to the City Manager by the applicant.
 - The City Manager may hear the licence holder personally or delegate such responsibility to any official as designated by him/her.
 - The City Manager or his/her designated official shall make all arrangements deemed necessary to hear the applicant within 14 days of the date of the application requesting a hearing.
 - The Business Licence Officer and responsible official(s) from the department(s)/unit(s) who had requested the withdrawal shall be present at the hearing.
 - The City Manager or his/her designated official shall, when both parties have been heard, decide whether the licence is withdrawn. The City Manager or his/her designated official may also decide that the licence be suspended.
- 3.11 The City Manager or his/her designated official may, depending on the reasons given or on the seriousness of the case or for any town planning reason, or safety risk/hazard reason, or health risk/hazard reason, decide that the licence **be withdrawn permanently**.
- 3.12 The City Manager or his/her designated official may decide, depending on the reasons given, that the licence **be withdrawn, subject to reapplication and compliance with the requirement(s) of law**.
- 3.13 The City Manager or his/her designated official may decide, depending on the reasons given, that the licence **be suspended for a reasonable period in order to allow the holder of the licence sufficient time to comply with the requirement(s) of law**.
- 3.14 It will not be necessary for the holder of the suspended licence to re-apply for an apposite licence.
- 3.15 The licence holder shall be prosecuted for continuing with the carrying on of business without an apposite licence, if no written proof of applying for an appeal within the prescribed period of twenty eight (28) days with the Premier of Gauteng, of the date of the City Manager's or his/her designated official's notice, can be furnished by the applicant.
- 3.16 In the case of the City Manager or his/her designated official deciding that the licence be withdrawn or suspended he/she shall as soon as practicable:
- Notify the applicant concerned in writing of his/her decision;

- Furnish the applicant concerned in writing with the reasons for his/her decision to withdraw or suspend the licence.
 - Inform the applicant, within 14 days from the date of the hearing, in writing of his/her decision and that he/she has the right of appeal to the Premier of Gauteng in terms of section 3 of the Act, read with section 2(10) of the Act, and that the appeal has to be lodged within twenty eight (28) days of the date of this notice.
- 3.17 A copy of the written notification that has been addressed to the applicant has to be made available to the Business Licence Officer without delay.
- 3.18 The decision to withdraw a licence permanently, to withdraw a licence subject to re-application and compliance with the requirement(s) of law or to suspend the licence for a reasonable period in order to allow the licence holder sufficient time to comply with the requirement(s) of law, as decided on by the City Manager or his/her designated official, comes into effect on the date of the aforementioned notification if no appeal has been lodged with the Premier of Gauteng within the prescribe period of 28 days.
- 3.19 The decision as decided on by the City Manager or his/her designated official will come into effect if his/her decision is upheld by the Premier of Gauteng. Same will not come into effect if it is turned down by the Premier. Any other decision taken by the Premier shall be effected by the Business Licence Officer concerned.

4. **Changed Circumstances In Relation To a Business Or The Relevant Business Premises**

- 4.1 The Business Licence Officer may, in terms of section 2(8) read with section 2(10) of the Act, if he/she considers it necessary on the ground of changed circumstances in relation to a business or the relevant business premises, by way of endorsement of the licence concerned amend a condition or impose a condition referred to in section 2(6)(b) of the Act.
- 4.2 Section 2(6)(b)(i) provides for the licence to be issued subject to any condition therein specified as required/stipulated by the relevant department/unit or the Business Licence Officer in terms of which the licence holder shall in connection with the business premises or any such apparatus, equipment, storage space, working surface, structure, vehicle, conveyance, article or place comply with a specific requirement as contemplated in section 2(4)(a) or 2(4)(aA) of the Act, as the case may be.
- 4.3 Any department/unit who observes or detects a changed circumstance in relation to a business or the relevant business premises has to report such changed circumstance to the Business Licence Officer in writing without delay. The

department/unit has to define the amendment to an existing condition or define the condition that is to be imposed by giving valid explanations and reasons for such request.

- 4.4 The licence holder shall be notified in writing, in the format of the notice attached hereto as Annexure “B8” of such amendment or new condition, by the Business Licence Officer:
- of the reasons for such amendment or new condition.
 - of his/her right to be heard and that he/she has to lodge an application to be heard within 21 days of the date of the notice or of his/her right to appeal to the Premier of Gauteng and that he/she has to lodge an appeal within twenty eight (28) days of the notice of the Business Licence Officer.
- 4.5 The licence holder shall lodge an application to be heard within 21 days from the date of the written notification of the Business Licence Officer, with the City Manager in writing.
- 4.6 The amendment to an existing condition or the new condition comes into effect if no written application to be heard and/or appeal is lodged by the licence holder within the specified period.
- 4.7 The following process shall be followed if an application to be heard is lodged:
- The application shall be addressed to the City Manager by the applicant.
 - The City Manager may hear the licence holder personally or delegate such responsibility to any official as designated by him/her.
 - The City Manager or his/her designated official shall make all arrangements deemed necessary to hear the licence holder within 14 days of the date of the application requesting a hearing.
 - The Business Licence Officer and responsible official from the department/unit who has requested the amendment to the existing condition or the new condition shall be present at the hearing.
 - The City Manager or his/her designated official shall, when both parties have been heard, decide whether the amendment to the existing condition or the new condition shall be upheld, rejected or be further amended.
 - The City Manager or his/her designated official shall, within 14 days from the date of the application to be heard:

- Notify the licence holder concerned in writing of his/her decision;
 - Furnish the licence holder concerned in writing with the reasons for his/her decision.
 - Inform the licence holder concerned in writing of his/her right of appeal to the Premier of Gauteng in terms of section 3 of the Act and that the appeal has to be lodged within twenty eight (28) days of the date of this notice.
- 4.8 A copy of the written notification that has been addressed to the licence holder has to be made available to the Business Licence Officer without delay.
- 4.9 The amendment to an existing condition or the new condition or any further amendment thereto as decided on by the City Manager or his/her designated official comes into effect on the date of the aforementioned notification if no appeal has been lodged with the Premier of Gauteng within the prescribed period of 28 days.
- 4.10 The amendment to an existing condition or the new condition or any further amendments thereto by the City Manager or his/her designated official will come into effect if his/her decision is upheld by the Premier of Gauteng. Same will not come into effect if it is turned down by the Premier. Any other decision taken by the Premier shall be effected by the Business Licence Officer concerned.
- 4.11 The Business Licence Officer shall effect the necessary changes to the licence and furnish the licence holder with a copy thereof.

5. **Amendment Or Revoking Of A Condition**

- 5.1 The Business Licence Officer may in terms of section 2(7) of the Act read with Regulation 6(1)(a), on application by a licence holder in writing, in a form similar to the form in Annexure “B” of the Regulations, by way of endorsement on the licence –
- amend a condition.
 - extend the period referred to in section 2(6)(b)(ii) (Not to be applied in terms of the Council’s Policy).
 - revoke a condition.
 - indicate that a condition specified in the licence has been complied with.
- 5.2 The application form shall only be accepted if the fee as prescribed in terms of the Council’s tariff structure has been paid by the applicant, and if the original receipt of payment has been made available to the Business Licence Officer or the designated official for this purpose.

- 5.3 The departments/units concerned shall be requested in writing, in the format of the notice attached hereto as Annexure “B9”, to respond whether they do have any objection to the amendment or revoking of a condition as applied for by the licence holder or are in agreement that the condition as specified in the licence has been complied with.
- 5.4 The amendment of a condition or the revoking of a condition may only be done with the written consent of the department/unit concerned.
- 5.5 The licence is endorsed accordingly if the department/unit concerned has consented to an application for an amendment of a condition or to the revoking of a condition or are in agreement that the condition as specified on the licence has been complied with.
- 5.6 The licence holder shall be informed in writing by the Business Licence Officer that an amendment of a condition or revoking of a condition as applied for cannot be effected due to the department/unit concerned not giving consent thereto.
- 5.7 The Business Licence Officer has to notify the applicant concerned in writing, in the format of the notice attached hereto as Annexure “B10”, of his/her right to be heard and that he/she has to lodge an application to be heard within 21 days of the date of the notice. The applicant concerned shall also be notified in the same notice of his/her right to appeal to the Premier of Gauteng and that he/she has to lodge an appeal within twenty eight (28) days of the date of this notice.
- 5.8 The applicant shall lodge an application to be heard within 21 days from the date of the written notification of the Business Licence Officer, with the City Manager in writing.
- 5.9 The decision of the Business Licence Officer not to amend a condition or not to revoke a condition comes into effect if no application to be heard is lodged and/or appeal is made by the applicant within the prescribed periods.
- 5.10 The following process shall be followed if an application to be heard is lodged by the applicant within the prescribed time limit (21 days):
- The application shall be addressed to the City Manager by the applicant.
 - The City Manager may hear the applicant personally or delegate such responsibility to any official as designated by him/her.
 - The City Manager or his/her designated official shall make all arrangements deemed necessary to hear the applicant within 14 days of the date of the application requesting a hearing.

- The Business Licence Officer and responsible official(s) from the department(s)/unit(s) who has (have) been instrumental to the refusal of the application shall be present at the hearing.
- The City Manager or his/her designated official shall, when both parties have been heard, decide on the merits for refusing or not refusing the application.
- The City Manager or his/her designated official shall inform the applicant, within 14 days from the date of the hearing, in writing of his decision and of his/her right of appeal to the Premier of Gauteng in terms of section 3 of the Act if the application has been refused by him/her. He/she shall also furnish the applicant with reasons as to why the application was rejected.

5.11 A copy of the written notification that has been addressed to the applicant has to be made available to the Business Licence Officer without delay.

5.12 The application is finally refused if no written proof of applying for an appeal within the prescribed period of twenty eight (28) days with the Premier of Gauteng, of the date of the notice of the City Manager or his/her designated official, can be furnished by the applicant. Any decision taken by the Premier of Gauteng shall be effected by the Business Licence Officer if the applicant has appealed to the Premier.

6. **Assistance By A Legal Representative Or Other Adviser**

6.1 When an applicant concerned exercises his/her right to be heard, whether in terms of regulation 7(1) of the Regulations for the Licensing of Businesses or a provision of the Act, he/she shall be entitled to be assisted by a legal representative or other adviser.

7. **Hawker's Licence**

7.1 No licence is issued to a hawker in the case of an application for a hawker's licence in terms of section 2(4)(c) of the Act, if such a licence of which the applicant concerned was the holder, was withdrawn under section 2(9) of the Act at any time during the preceding 12 months.

7.2 The Business Licence Officers based at the various regions shall keep databases in the format of the specimen attached to the Council's Policy in this regard, as Annexure "A3", of withdrawn hawker's licenses and make such databases available to their counterparts at the other regions for the enforcement of this provision.

8. **Carrying On Business Without An Apposite Licence**

- 8.1 No person shall carry on business within the area of jurisdiction of the City of Johannesburg unless he/she is the holder of an apposite licence for:
- In the case of business referred to in item 1(1) or 2 of Schedule 1 of the Businesses Act, 1991 (Act no. 71 of 1991) in respect of the business premises concerned.
 - In the case of business referred to in item 3(1) of Schedule 1 of the Businesses Act, 1991 (Act no. 71 of 1991) in respect of hawking by selling any foodstuff in the form of meals.
- 8.2 The zero tolerance rule in respect of the issuing of fines/summonses shall apply if a person carry on business without a licence which is required in terms of the Businesses Act, 1991 (Act no. 71 of 1991).
- 8.3 No fines or summonses will be issued/served in those cases where a hearing with the City Manager has been requested and/or an appeal has been lodged with the Premier of Gauteng in terms of the provisions of the Act and Regulations, and decisions are still awaited.
- 8.4 A person shall be fined/summonsed if the decision of the Business Licence Officer is upheld by the City Manager or his/her designated official and/or by the Appeals Committee, and if such person still carry on business in contravention of such decision and the provisions of the Act and its Regulations.
- NB: The contents of this document has to be applied in conjunction with the provisions and requirements of the Businesses Act and the Council's Policy in this regard.