



THE ROLE OF THE LAW IN ADDRESSING THE CHALLENGES FACING STREET VENDORS IN DURBAN

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DECLARATION

I, Noluthando Perceviarance Ndaba, hereby declare that this dissertation, except where indicated otherwise, is the result of my own research and investigation and that it has not previously been submitted in part or in full for any degree or to any other university. I also declare that all sources cited or quoted are properly acknowledged in the reference list.

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ABSTRACT

Street vendors are a significant part of the economy, and their income supports several families and sustains their livelihoods. However, they are faced with severe problems which interfere with their daily operations. In addition to the general challenges that they face, such as the lack of start-up funds, entrepreneurial skills, and infrastructure, as well as operational challenges, they are also faced with challenges relating to the law or regulatory issues. Such challenges are detrimental to the street vending businesses and, as a result, street vendors lose profits and income, for instance, when they are harassed by police, arrested, or have their goods impounded.

The challenges faced by vendors include the fact that, because of low literacy levels, vendors have an inadequate understanding of the laws and bylaws that regulate street vending, and the bylaws require permits for trading. In addition, there are restrictions in place regarding trading in public space where trading is not permitted, in terms of bylaws, and vendors are relocated although they have identified their target markets. Harassment by police officials, and the impounding and confiscation of goods, are also major setbacks for street vendors. Further, there is a lack of access to permits and with municipal authorities in charge of the processes for allocating licences and permits, opportunities for bribery and corruption are increased.

Section 22 of the Constitution of the Republic of South Africa (Act 108 of 1996) guarantees equal rights and protection, as well as the freedom to choose one's own occupation, trade, or profession. However, street vendors are not adequately protected, and the state places little emphasis on the informal sector. Since street vendors are self-employed, they do not have the same protection and rights as employees in the formal sector. The Businesses Act 71 of 1991 recognizes street vendors as entrepreneurs, and only traders with a trading license are permitted to trade. However, amendments were made in 1993 that gave local municipal authorities more authority to govern and limit street vending. Different bylaws and regulations govern street vendors, which are written in legal terms that are too technical for the traders to understand. The purpose of this study is to investigate the challenges faced by street vendors in the Durban area and to examine the role of the law with respect to addressing such challenges.

For the purposes of the empirical study, a quantitative approach was chosen. The data for this study was collected through a survey using questionnaires from street vendors trading in Durban, who were over the age of 18 years.

The findings from the study show that street vendor challenges, particularly with respect to the law, include the fact that the laws are not understandable, and vendors are not familiar with them; their goods are confiscated; they are harassed by municipality officials and given unnecessary fines. They also face certain general challenges, such as the lack infrastructure and amenities which impacts on their health.

The recommendations drawn from the study include the fact that, since street vending plays a significant role in assisting the alleviation of poverty, the constitutional right to equality should be applied to the vendors' right to trade and the limitations to such right should not be unreasonable. In keeping with the social justice concept, the municipality should review the restrictions in place which present challenges for street vending as a sector; the relevant legislation/regulations need to be amended to accommodate all persons; and in the event of violations by vendors, the municipal officials should follow due processes. A fundamental standard of the rule of law is that government authorities and their officials should only do what is legally acceptable under an enabling law.

This study is critical because street vending plays an important role in improving the livelihoods of vendors and their families and it also contributes to the economy and socio-economic development. By raising awareness of their challenges, particularly with respect to the law, the study will benefit street vendors. Further, the findings and recommendations will also be useful to government at various levels, including municipal authorities and their law enforcement officials, as well as future researchers.

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LIST OF ACRONYMS

WIEGO:	Women in Informal Employment: Globalizing and Organizing
SERI:	Socio-Economic Rights Institute of South Africa
SALGA:	South African Local Government Association
ILO:	International Labour Office
COVID:	Coronavirus
SPSS:	Statistical Package for Social Sciences
KMO:	Keiser-Meyer-Olkin
IREC:	Institutional Research Ethics Committee
SJ:	Social Justice

CHAPTER ONE: INTRODUCTION TO THE STUDY

1.1 Introduction

This research study seeks to investigate the role of the law in addressing the challenges facing street vendors in Durban. Street vendors have been operating for decades with the aim of alleviating poverty and creating employment for themselves. The informal sector is recognized even by the state, but little attention is given to them. Most individuals engaged in street vending have primary education levels; they do not possess entrepreneurship skills; have not been mentored on how to run a successful business; and have received no guidance from the state informing them about the laws and regulations governing the street vendors. They do not understand the legal terms in the regulatory measures implemented for the informal sector and therefore face hardships and work in harsh working environment. Many families rely on the informal sector of the economy to make the income necessary to meet their basic needs. They face numerous challenges daily; therefore, it is imperative to investigate such challenges and the means to address them needs to urgently be identified for transformation to take place and for prospective strategies to be implemented.

The informal economy in South Africa employs more than 17% of the population (Ngcobo, du Plessis and Fuo, 2022). In a country where the unemployment rate is over 32%, the informal economy provides a lifeline for countless families who are unable to find employment in the formal sector (Edey van Wyk and van Gaalen, 2021: para.1). Street vending is the largest occupation in the informal economy (Ngcobo, du Plessis and Fuo, 2022). Furthermore, despite the important role that street vendors play in economic and social development, municipality officials continue to harass street vendors. Moreover, they are subjected to repeated evictions, confiscation of goods and bribery by police officials. These actions are typical of South Africa's oppressive relationship between street vendors and the local Metro Police. Street vending is a huge source of contention in cities all over the world (WIEGO, 2022). Additionally, in developing countries, street vendors account for a sizeable proportion of the urban labour force. The majority of street vendors are from low-income or lower-middle-class families who use trading to

supplement their earning from another, more central occupation (Moosvi, 2021:1). Globally, street vendors are facing increasing hostility (Skinner and Balbuena, 2019). Street vending bylaws can be confusing, and permits can be difficult to obtain from the municipality, leaving the majority of street vendors exposed to evictions, harassment, and confiscations (WIEGO, 2022).

This chapter begins with the background to the study (which includes a brief overview of the challenges facing street vendors and the role of the law with respect to street vending), the problem statement, aims and objectives. The last part of the chapter provides a brief overview of the significance of this study, delimitations and the conclusion.

1.2 Background to the study

Bromley (2000:45) recalls that in the 1950s and 1960s, urban development in cities made people in demarcated areas accept that the traditional forms of work and fabrication would depart as a result of economic progress in developing countries. Furthermore, the author states that the informal economy has been in existence for hundreds of years and has now been given recognition worldwide as one of the alternatives for poverty reduction. It is common globally, not only in South Africa, that street vendors are faced with challenges of legal status. Bhowmik (2005:2247) iterates that this is the case in almost all Asian countries as well. The author also mentions that street vendors have no legal place to conduct their business and they are harassed by authorities that misuse their power.

According to Hernado (2000:21), barriers to entry to the formal sector are preventing most traders in the informal economy from trading legally and having registered businesses, especially due to excessive costs and government regulations and policies that they must adhere to. Roever (2014:9) comments that the lack of state commitment in supporting informal sector businesses prohibit growth because no proper skills and education about the bylaws for street vendors is accessible to the informal sector.

Street vending contributes vastly to the economic development of South Africa by creating job opportunities, catering for low-cost products to the lower- and middle-class groups in the city of Durban, as well as providing a source of income (Mazhambe 2017:1).

According to Tshuma and Jari (2013) cited in Mazhambe (2017:93), street vending is a good economic approach and a source of livelihood for people who are unskilled and those with a poor educational background. As informal businesses, street vendors pay a variety of taxes, including levies and fees that contribute to government revenue, as well as payments for permits, licences, and admission fees to public spaces (Roever, 2014:53). Moreover, Rogan and Cichello (2017:3) mention that street vending plays a significant role in the informal economy by its contribution both to household income at the individual level, and the alleviation of poverty at the national level. In addition to providing jobs for themselves, street vendors also create jobs for other people such as security personnel, transporters, porters, and storage companies WIEGO (2020). According to Ray and Mishra (2011:7), the informal economy has become an important source of employment for many people coming from poor or disadvantaged backgrounds. Street vending also strengthens communities as a means of providing the main source of income for their households, which pays for their basic needs such as water, electricity, and food, in addition to school fees for their children (Roever 2016:2).

Roever (2014) states that street vendors offer easy access to products on the street at an affordable price and they offer a viable livelihood. However, their earnings are low, and the risks are high for many street vendors. (Gamieldien, 2017:24 – 26) states that the number of street vendors has increased as a result of urbanisation, migration and economic growth, which means there will be increased product competition, police conflict, and a decline in their profit margin. Because of air pollutants and physically demanding tasks like daily loading and unloading of goods, street vendors are exposed to physical and psychosocial risks that can have a negative impact on their health. Further, the lack of shelter and exposure to the weather elements make street vendors vulnerable, which also has an impact on their profitability. Moreover, many of the vendors are faced with hardships in their place of work, which is a significant problem, and also encounter many other common issues, such as lack of storage facilities, theft or damage to stock. Charman, Petersen and Govender (2020:65) mention that street vending makes up the highest fraction of small enterprises. According to Mjoka, Selepe and du Preez (2016:2, citing Parker 1996), small enterprises have become the core fringe benefit in the

country's economy for creating job opportunities and income. Muzaffar, Huq and Mallik (2009:1) state that the informal economy has an exceptional prospect for generating income and employment for the increasing urban population.

Roever (2014:5) mentions that in the 1970s, street vendors were appreciated and accepted as innovative people with a means of creating an income to survive. Later, with the Neoliberal reform operation in the 1980s and 1990s, there was a change, which started off as concerns regarding public order and complaints from formal businesses about unfair competition. This led to public spaces being cleared and the neoliberal urban governance implementing and supporting evictions of street vendors because aspiring modern cities did not see street vendors as part of the modern landscape. Graaff and Noa Ha and Graaff (2015:3) state that regulations implemented by the state minimize street vendors' income and the vendors are seen as an indicator of a backward economy that will be labelled underdeveloped in the future once the nations fully adapt to the economic standards of urban cities.

According to Uwitijie (2016:1), many developing countries are encountering inequitable urban growth and due to economic factors, the poverty incidences are increasing together with the number of people trying to make a living under such economic conditions. The author adds that the informal sector is increasing rapidly since the formal sector is unable to provide permanent jobs to all persons with requisite skills. Street vending provides employment to many people rejected by the formal sector because they have low education level, immigration policy issues, or are unskilled or lack experience (Gamielidien and Niekerk, 2017:25).

Roever and Skinner (2016:3-4) observe that street vendors make a significant contribution to the urban life; they create demand for a variety of services and products of which they provide to the public. Further, they have made shopping easier and convenient for the urban poor who cannot afford to shop at retail stores or supermarket. Moreover, street vending contributes to local and national government revenue by paying fees, levies, and variety of taxes. Street vendors pay for licenses, permits, rental fees and admission fees to public spaces (WIEGO, 2014:15). The delicate macro-economic infirmity of many

African state has forced most people to become street vendors; as a result, recession is reduced (Saunyama, 2013:2 citing Lombard, 2003:12). In spite of the contributions that street vendors have made, they face many economic challenges, hence the study is underpinned by the Social Justice theory which is mentioned below.

According to Allen (2017:41), Social Justice (SJ) refers to several things, including the equality of being just; the ability to treat everyone in the same way that one would like to be treated; respecting human rights and freedom in relation to opportunities; and not being discriminated against because of ethnicity, gender, or sexual orientation. Coghlan and Miller (2014:31) express the view that social justice implies the supreme condition of a society where individuals have equal access to economic, political, and social rights and opportunities. In terms of the Bill of Rights in the South African Constitution (South Africa 1996), “every citizen has the right to choose their trade, occupation or profession freely” (Section 22). However, such a right may be regulated by law. This would include the regulation or restriction of street vendors’ rights to trade freely.

1.2.1 Challenges affecting street vendors

According to Panwar (2015:74), street vendors are faced with several challenges, which include working long hours without sufficient rest, harassment by police officials, lack of urban amenities and uncertainty in generating income. Further, weather conditions are detrimental to the majority of vendors who lack proper shelter and those without transportation have difficulties with storage space. Kumari (2015:1) states that street vending is frequently looked down as an undesirable occupation or business that is undertaken by criminals and which interferes with public space. Moreover, street vendors are often persecuted, work in poor conditions due to lack of infrastructure. Kumari (2015:1) also iterates that street vendors lack necessities such as water, toilets, and electricity, they lack social security, endure paying bribes to police officials and they have no access to various government facilities.

According to the Social Law Project (2014:5), the Business Act 71 of 1991 recognizes street vendors formally as entrepreneurs. Furthermore, prior to this Act, traders were allowed to trade if they possessed a trading licence. However, in 1993, the Business Act

amendments were made which gave the local municipal authorities more powers to govern and limit street vending by the Business Amendment Act 186 of 1993 (the Business Amendment Act). The Social Project Law (2014:9) states that street vendors are often controlled by different regulations and bylaws that they need to comply with, which adds to be the burden of street vendors. The fact that technical language is used seem to cause further difficulty as most of them are not educated. Furthermore, understanding these regulations and bylaws can be difficult since these documents are highly technical and are written using legal terms.

1.2.2 The role of the law in relation to street vending

The Social Law Project (2014:5) notes that the Business Act 71 of 1991 makes provision for street vending as a form of business. The Act legally recognizes street vendors as entrepreneurs. Furthermore, the state, at that time, believed that street vendors were essential to the economy and should be protected. However, this has not been the case as street vendors have suffered severely at the hands of the law. This in turn has affected their businesses negatively. Too much power has been given to municipalities and, as a result, government officials misuse the power to pursue their own agendas. Street vending is the least desirable sector, but it plays a big part in the informal sector and contributes vastly to the economy of South Africa. There are too many restrictions and laws implemented which present challenges for street vending businesses.

1.3 Problem statement

There is limited political support for informal trading as the government has paid little attention to making sure that the right infrastructure is in place, such as electricity, water and other ablution facilities to accommodate the needs of street vendors (WIEGO, 2014:9). In addition, access to basic infrastructure, such as shelter, toilets, water and storage are some of the major factors hindering the economic growth of street vendors (Skinner, 2013:20). In addition to these general challenges, the implementation of laws and regulations has harsh consequences for them. Street vendors are faced with operational challenges daily as they encounter difficulties with the police in relation to the

confiscation of goods, xenophobic attacks, threats by criminals and permit fees to trade in certain areas (WIEGO 2014:8). Officials misuse their power of impounding goods as they do not issue receipts reflecting all the trader's goods so that they can pay a fine (as stipulated by Clause 35 on impounding or confiscation of goods) and have the goods returned to them (Skinner 2008:229). The confiscation of goods by authorities has a major impact on the livelihoods of street vendors because, not only does it violate the traders' right to trade, but it also causes loss of income as some of the products are not returned because the procedure relating to the confiscation of goods was not followed (Hodgson and Clark (2018:6). Street traders also face numerous challenges with the police, including harassment and evictions, which cause uncertainty as the laws are not clearly communicated to them (Roever, 2016:47). Pamhidzai (2019:4) notes that some of the restrictions enforced against street vendors are not fair and are often inconsiderate. In addition, when such vendors fail to comply with the restrictions, it is a serious criminal offence which can lead to a penalty of imprisonment. They are also excluded from urban spaces as they are not recognized as part of the modern urban landscape (Roever 2014 and Skinner 2016). Furthermore, in some cases, the laws and policies implemented by local authorities do not correspond with the constitutional rights and national policies that support and protect street vendors. Access to permits and the payment of rent are major challenges that the informal sector is facing (Mkhize, Dube and Skinner 2013:23). Policies and municipal bylaws result in excessive penalty fees or payments for permits, etc., which becomes unaffordable for street vendors, resulting in reducing the trading participation by informal traders. Certain regulatory provisions (for instance, Clause 8 of the Zoning Scheme Regulations) also restrict the areas (place of worship, public building, or national monument) in which vending is allowed.

Street vending is governed by the Business Act of 1991, which recognizes street vendors as entrepreneurs (WIEGO, 2014: 5-6). The by-laws which enable street vending to access entrepreneurial opportunities within the informal sector (WIEGO, 2014: 5-6). Street vendors (protection of livelihood and Regulation of street vending) regulated to protect the right of street vendors.

It is clear that street vendors are faced with numerous challenges. Hence, this study seeks to investigate challenges of street vendors and the related role of the law in addressing such challenges.

1.4 Aims and objectives

The purpose of this study is to investigate the challenges faced by street vendors in the Durban area and to examine the role of the law with respect to addressing such challenges.

1.4.1 Objectives of the study

- To examine the significance of street vendors as a means of providing livelihoods and contributing to socio-economic development;
- To investigate the general challenges, as well as the challenges relating to the law, that are faced by street vendors in Durban; and
- To examine the role of the law in addressing such challenges faced by such vendors.

1.4.2 Research Questions

1. What is the significance of street vendors as a means of providing livelihoods and contributing to socio-economic development?
2. What are the general challenges, as well as challenges relating to the law, facing street vendors in Durban?
3. What is the role of the law in addressing such challenges?

1.4.3 Research hypotheses

Based on the aims, objectives and the literature reviewed, the following research hypotheses were formulated:

Ho1: Legislative recognition of street vendors' right to trade does not play a significant role in contributing to them generating income to help them improve their standard of living;

Ho2: Municipalities being given the power to control and restrict trade zones and thereby control street trading does not play a significant role in street vending contributing to uplifting the community;

Ho3: The confiscation or impounding of street vendors' goods does not play a significant role in contributing to whether street vending provides employment for people who are unemployed; and

Ho4: Street vendors being harassed by the police and given unnecessary fines does not play a significant role in contributing to whether street vendors are able to support their spouses and children.

1.5 Overview of research methodology

A quantitative approach is used for this study. According to Daniel (2016:94), the use of statistical data for research descriptions saves time, resources and the effort the researcher would have to use in describing the result. The study adopted a quantitative approach using the descriptive survey method. The literature reviewed investigated the general challenges, as well as the challenges in respect of the law faced by street vendors. The researcher selected the Durban area as the geographical area in which to conduct the empirical study.

Questionnaires were distributed to street vendors over the age of 18 who were willing to participate in the study. The questionnaires were then analysed using SPSS Version 27.0. The study used non-probability sampling techniques, namely, convenience and purposive sampling. It was better to use convenience sampling because the research technique is affordable, participants are readily and easily accessible (Etikan, Musa, Alkassim, 2016: 2), whereas purposive sampling provides the researcher with the justification to generalize the study (Sharma, 2017:751).

1.6 Significance of the study

The study attempts to investigate the challenges facing street vendors and to explore the laws and other regulatory provisions impacting on them. The study provides a better understanding and awareness of these challenges, which will in turn contribute to finding

suitable intervention strategies. The study also highlights the important role of street vendors in the economy and review the role of the law with respect to the protection of traders. The study will be beneficial to the informal economy as it will address the various challenges they face. It will also contribute to the discourse on social justice with respect to street vendors and the role they could play in socio-economic development, creating job opportunities to change the livelihoods of people from disadvantaged backgrounds. The challenges faced by street vendors are social justice issues and the law has a role to play in attempting to create and maintain an environment that is supportive of street vendors. Social justice issues speak mostly about the unfairness towards individuals and groups who should be protected and assisted in their attempt to find a means to generate an income and uplift themselves as well as others socio-economically.

The study also highlights the role that street vending plays in socio-economic development. People coming from poor areas, with a lower level of education, will be able to make a living through street vending as it is an area of the economy that does not require qualifications. Street vending also plays a role in uplifting the community as even people who have criminal records or grew up on the streets have an opportunity to transform their lives through the occupation of trading in the informal economy. Hence, a study that contributes to resolving the challenges they face is significant.

1.7 Delimitations

The study is limited to street vendors operating in Durban, who are over 18 years of age. To assist the researcher in collecting data, questionnaires will be distributed to respondents in the Durban CBD area.

1.8 Structure of the dissertation

The research report is organized into the following five chapters:

1.8.1 Chapter One: Introduction and background to the study

Chapter One introduce and gives the background of the study. It presents the problem statement, the aims and objectives if this study, research questions, research methodology and delimitations of the study.

1.8.2 Chapter Two: Literature Review

Chapter Two presents a literature review on the challenges faced by the street vendors and the role of the law. This chapter also explores the significance of street vending as a means of providing a livelihood for people and contributing to socio-economic development, discusses the regulatory framework for street vendors, challenges faced by street vendors as well as the challenges in respect of the law faced by street vendors. In addition, social justice, and the need to protect street vendors, the theoretical underpinning of the study and characteristics of street traders, are explored.

1.8.3 Chapter Three: Research Methodology

Chapter Three presents a discussion of the research methodology. It also outlines the objectives of the study, research design, target population, sample selection method and sample size, inclusion and exclusion criteria, data collection, research instrument, data analysis, pilot study, validity and reliability, delimitations, as well as ethical consideration.

1.8.4 Chapter Four: Interpretation and discussion of the results and statement of findings

Chapter Four presents the analysis and interpretation of the results and discussion of the findings derived from the quantitative data on the role of the law in addressing the challenges facing street vendors in Durban. Tables and bar graphs are used to display the results. Inferential statistics, such as the Pearson's chi square test, are used to describe relationships between selected variables.

1.8.5 Chapter Five: Conclusions and recommendations

In Chapter Five, a summary of finding is set out, conclusions are drawn, and recommendations are made based on the study's findings.

1.9 Refencing technique

The Harvard referencing technique is used in this study as prescribed by the Durban University of Technology postgraduate guidelines.

10 Conclusion

This chapter provided an introduction to the study, described the background to the study, detailed the research problem, aims and objectives, as well as the research questions pertaining to the study. It also set out the significance of the study and delimitations. The next chapter, Chapter Two, sets out the literature review pertaining to the study.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

Shuttleworth (2015:26) maintains that a literature review is important when conducting a research study as it provides a theoretical framework for the study; familiarizes the researcher with the current issues and contemporary knowledge regarding the topic; and compares the different research investigations and results from previous researchers. Furthermore, the author states that there are several reasons why a literature review is important when conducting a research study, namely to provide a theoretical framework for the study, to familiarize the researcher with the current issues and contemporary knowledge regarding the topic, and to compare the different research investigations and results from previous studies.

The previous chapter provided the background to the study and problem statement relating to the challenges facing street vendors. Entry into the informal economy is considered a choice for those who are unemployed, have no qualifications or are having a difficult time finding a job in the formal economy. It is therefore vital that the informal sector be acknowledged and recognized for its contribution to the economy through government revenue, permits, licence registration and taxation. Street vending is one of the important occupations in the informal sector of South Africa as it is maintained easily and the start-up capital is affordable (Begari, 2017:445). Karthikeyan and Mangaleswaran (2014:199-215) state that most people from this sector often have a low level of skills and lack the level of education essential for them to be able to change their lives for the better, which then reduces their chances of getting a well-paying job in the formal sector. The authors add that with the high employment rate in South Africa and the increased percentage of graduates, opportunities in the formal sector are lessening, which makes it even more difficult for people with a low level of education to participate in the formal economy. Bhowmik and Saha (2012:1-174) state that the informal economy is quite large if one takes into consideration the fact that it sustains several industries by selling their goods. In addition, such industries and manufacturers have employed several employees and they primarily target street vendors to consume their goods and sell to the public.

Furthermore, street vendors provide valuable services (such as creating jobs, selling affordable food to employees) in the economy and help these industries and manufacturers to sustain employment.

This study focuses on the role of the law in addressing the challenges facing street vendors in Durban. Street vendors make a sizeable contribution to the economy of the country. Not only does the informal economy provide livelihoods, with work and a source of income for the unemployed, but it contributes 7% to the national gross domestic product (GDP) in South Africa, which makes a significant contribution to reducing poverty. It also generates 22% of the total employment in the country (Davie and Thurlow 2010:78). Even though street vendors have received some attention from the government, they are still faced with several challenges that affect their businesses daily. Such challenges include socio-economic challenges, operational challenges, and challenges in respect of the law. It is imperative that such challenges be investigated and the means to address them be identified for change to take place for such vendors.

The literature reviewed in this section opens with a discussion on the significance of street vending as a means of providing a livelihood for people and contributing to socioeconomic development. This chapter will also discuss the regulatory framework for street vendors in Durban, and the use of public spaces and how it affects street vendors. Furthermore, it will explore the challenges affecting street vendors, firstly looking at the general challenges affecting street vendors and thereafter, the challenges relating to the law. In addition, the chapter will elaborate on the social justice perspective and the need to protect street vendors.

2.2 The contribution of the informal sector to the economy and to socio-economic development

Etim and Daramola (2020:1-26) state that the informal economy is defined as informal enterprises with or without employees that are not incorporated or regulated with the government and are not registered for taxation. The contribution of the informal sector includes the following key area:

- **Providing employment for the informal traders:** Etim and Daramola (2020:1-26) mention that the informal sector provides employment with low-level income just for the employees to be able to survive by alleviating poverty. In addition, these low-level jobs merely cover the employee's needs, but they can make ends meet with what they get. Furthermore, while it has been difficult to find employment in the formal economy because of the entry requirements, which most street vendors do not possess, informal trading has proven to be much simpler for market entry into the informal economy.
- **Providing a source of income:** Rogerson (2019:730-731) mentions that the informal sector is a substantial segment of the economy that provides employment opportunities, better livelihoods, and a source of income to millions of people. The author adds that more than 2.3 million people worked in the non-agricultural informal sector alone, and that the informal sector continues to grow rapidly.
- **Providing employment for others:** The International Labour Organization (2018:6) indicates that the informal economy has employed more than 60% of the world's population, allowing them to have an income and better their livelihood. The ILO (2015:1-56) indicates that the informal economy allows people from all walks of life to enter the market. In addition, it does not require a certain level of education, skills or start-up capital. Gamielien and Van Niekerk (2017:1) mention that where street vendors are busy, this opens an opportunity for 3 or more people who are unemployed to come and assist them on a part-time basis. The authors add that street vendors should be considered as entrepreneurs because of the significant role they play in the informal economy by contributing to the country's revenue and the support they give to society.
- **Contribution to GDP:** Even though employees in the informal sector generate low incomes, they still contribute to the gross domestic product (GDP). The informal sector is estimated to have contributed 6% of the GDP in South Africa (Stats SA, 2014). Etim and Damola (2020:1-26) state that the contribution of the informal economy needs to be better understood in order to be able to value the extent of the impact it has had on economic growth in the country (Skinner 2016:1-22). Moreover, in the year 2016,

the informal economy provided more than 2 641 000 jobs, which amounts to 16.7% of total employment in South Africa.

- **Provision of low-cost goods and labour to the public:** The informal economy makes indirect contributions by providing the public with low-cost goods, low-cost labour, inputs and goods and services to both informal as well as formal enterprises (WIEGO, 2018:1-5).
- **Contribution to environmental sustainability:** According to WIEGO (2012:1-5), the informal sector contributes to sustainable development and environmental preservation. Furthermore, most informal workers play a crucial role in mitigating climate change as these workers are engaged in recycling projects, which are estimated to provide millions of jobs worldwide. In addition, WIEGO indicates that more than 15 million persons generate an income from recycling waste. WIEGO further states that more support is needed for recycling projects to expand. The expansion of these projects could result in reduced greenhouse gas emissions, more productivity, resource recovery and better working conditions. However, some of the street vendors do not comply with environmental cleanliness and can cause environmental problems. Moreover, since policymakers often promote or encourage biodiversity, WIEGO (2012:1-5) advise that economic diversity should also be encouraged. In this way, small enterprises can co-exist beside SMEs and large enterprises for promotional purposes whereby all sizes of businesses can compete on fair and equal terms.
- **Reduction of poverty levels:** Rogan and Cichello (2017:5) indicate that the income received by workers in the informal economy provides daily to numerous households in need of the money. The authors add that the income received by these workers makes a significant difference in their families' lives as, through this source of income, their health needs are met, children get the opportunity to go to school and food is put on the table, thereby reducing poverty in the country.

Tsuma and Jari, (2013:6) state that the high unemployment rate in South Africa is the major cause of poverty. The current unemployment rate is over 32% in South Africa (Edey van Wyk and van Gaalen, 2021: para.1). The informal economy has been and

continues to fill in the gap by providing employment opportunities for persons coming from all walks of life, with or without an educational background (Tsuma and Jari, 2013:6). Furthermore, it gives an opportunity for the unemployed to participate in the sector and generate a source of income for themselves. Informal economy multiplication is an integral strategy for the reduction of poverty (Tsuma and Jari, 2013:6). In addition, the sector can enhance, motivate, promote and empower people who are struggling financially so that they can escape hunger by working in this economy.

- **Contribution to socio-economic development:** Fourie (2018:1–512) states that even though not much recognition is given to the informal sector, it does play a crucial role in economic development as it provides livelihoods, employment and income for about 2.5 million workers. The author further mentions that the yearly entry of traders into this sector is quite high. Rakabe (2020:1) mentions that the informal economy is more linked to the economy than people comprehend, and this sector should therefore be supported. In addition, when the formal economy is having trouble in creating jobs, more people turn to the informal economy. Rachmawati (2014:27-28) indicates that the informal economy is one of the sectors that contribute to the national output. In addition, in most African countries, the informal sector plays an important role in the domestic economy by producing a variety of goods and services. Furthermore, it not only contributes significantly to GDP, but it has the potential to help with the following: increase financial resources, create markets and enhance entrepreneurship. Saunyama (2013:23–30) points out that informal trade also contributes significantly to poverty reduction amongst poorer households.
- **Other areas of contribution:** Tsuma and Jari (2013) state that, apart from generating income for illiterate or unskilled people, the informal sector plays various other roles, such as the power to influence market demand and supply by making a considerable contribution to exports and trade, providing raw materials to local producers, and assisting to diversify economic activity. Ferragut and Gomet (2013:16) mentions that street vendors receive help from family members, especially on holidays such as Christmas. Mokabe and Tshifularo (2018) state that as much as the informal economy

is unsustainable, it still plays a vital role in improving the spirit of entrepreneurship in the country, creating job opportunities and helping citizens to become more financially self-reliant. Furthermore, the informal economy has a direct as well as an indirect ability to attract different categories of tourists from all over the world, which in turn assists in tourism development. According to Ross (2016, cited in Mokabe and Tshifularo 2018:1752), tourism only forms a small portion of the street vendors' livelihood, but the influence on tourism is immense.

2.3 The concept of and background to street vending

According to Akintimehin, Eniola, Eluyela, Okere and Ogbechie (2019:2), the informal sector consists of business units that implement the production of goods and services with the objective of creating revenue and job opportunities. Furthermore, the informal sector includes workers from all walks of life who have the intention of making extra income. The informal sector is mainly understood from the aspect of revenue and employment, improving the lives of entrepreneurs with the capability to contribute to national economic growth (Akintimehin, Eniola, Eluyela, Okere and Ogbechie 2019:2). Gamieldeen and Niekerk (2017:1) points out that street vending is recognized for its prospective entrepreneurial skills for people facing disabling conditions. The authors add that the vocational occupation is influenced by numerous cultural, economic, personal and social factors. The informal sector comprises a large scale of production or services. Hence it can be sub-divided into 3 sectors, namely the production, service and financial sectors (Henshaw 2017:2). According to the ILO (2002) cited in Uwitije (2016:12), the formal labour market in Africa has been able to absorb a small portion of workers into the market, which is less than 25%, whilst the informal economy has the capacity to absorb half of the active population in developing countries.

2.3.1 The need for supporting street vending

Street vending is regarded as a constantly expanding phenomenon, affecting both developed and developing countries (Recchi, 2020:10). The sector represents a vital source of income for the poor and marginalized people (Recchi, 2020:10). As a result, street vendors have transformed into contentious workers in the informal sector (Bromley,

2000 cited in Hlengwa 2016:20). The informal economy consists of different kinds of jobs, and street vending is one segment of informal trading (Martinez, Short and Estrada, 2018:18–25). The informal sector involves economic activities such as the production and distribution of goods and services which are not taxed or regulated by the government (Uwitije: 2016:13). According to the International Labour Organization (2002) cited in Uwitije (2016:3), the employment opportunities created in the informal sector are estimated to be above 85% compared to the formal sector, which is 60%. In addition, it has been a struggle for many developing countries to provide employment in a thriving urban population. Street vendors are stationed in busy places where they are easily accessible to people and motorists, while others walk to designated places selling their products (Bromely, 2000:1-28). The formal sector cannot provide enough jobs for the growing labour force. Therefore, the informal sector has been recognized as an alternate solution to providing employment to the poor and the youth of South Africa (Ndabeni and Maharajh, 2013:12).

People have different perceptions when it comes to street vending- some feel that the sector is uncivilized, brings forth criminal activities in the area and is a danger and threat to the public (Bhowmik, 2012:80). Although the occupation of street vending is seen as the option of the poor, the business views shared by the vendors differ domestically and regionally (Kusakabe, 2006:7). However, according to WIEGO (2021:7), urban governance has an alternative approach when it comes to street vending and regards the sector as an integral, permanent feature. Moreover, street vending contributes to the social, cultural and economic life of a city by offering a wide range of affordable goods and services. Furthermore, street vendors represent an important role outside big cities in relation to the retail distribution network and the ability to contribute to macroeconomic goals in the market and in the control of inflation. Ndabeni and Maharajh (2013:2–14) iterate that after two decades since the ending of apartheid colonialism in South Africa, problems such as unemployment and poverty remain persistent. The authors add that to change the livelihood of people in South Africa at national and provincial levels, policy development should enhance inclusive development. Furthermore, the Gross Domestic Product of South Africa should also focus on the informal sector because the formal sector

alone cannot provide adequate jobs for the expanding labour force. Such development and innovation can contribute to the advancement of the informal sector by reducing poverty and creating more job opportunities. Cichello (2017:2) mentions that a job in the informal sector is approximately as compelling as one in the formal sector job in reducing poverty. Therefore, growth in the number of jobs in the informal sector should be an essential segment of the government's approach to alleviating poverty.

2.3.2 Characteristics of street traders

Street vending attracts mostly persons with limited opportunities for obtaining employment in the formal sector (Mitullah, 2003:4). The informal sector is rapidly becoming an option for many citizens and is no longer limited only to underprivileged persons (Mitullah, 2003:4). The activity of street vending is integrated with a lack of skills and low levels of education, which hinders employment in the formal sector (Uwitije, 2016: 14). Many street vendors have only completed primary education, which makes it difficult to enter the formal sector (Ogunkan, 2019:62). Zarida (2016:31) mentions findings that suggest a positive correlation between income and education, meaning that street vendors with higher levels of education attain better income than those with less education. Street trade is an essential segment of the economy because it employs many less-educated people (Mramba, 2015:123). Street vending is dominated but not limited by women due to economic opportunities presented to women in both the rural and urban areas (Uwitije, 2016:14). Ogunkan (2019:60) confirms that the informal sector is dominated by women due to the gender disparity amongst street vendors. Yankson (2007:41) cited in Bota (2013:29) mentions that the basic characteristics of street vending incorporates gender participation, type of street vendors, type of goods sold, the location of street traders and if they operate in a permanent structure or walk from one place to another. Bota (2013:28) points out that street trading is an essential source of livelihood and an escape from poverty. According to Mramba (2015:123), women can collate street vending with their household duties and the flexibility of the street vending industry is more appealing to them. Moreover, Zarida (2016:30) states that statistics show that in both developed and developing countries, the main reason that people choose to participate in informal trading is a lack of capital. Ogunkan (2019:62) iterates that a high unemployment rate is also a

vital reason for street vending. As a result, most people have come to embrace street vending as a means of livelihood (Ogunkan, 2019:62). Informal trading business activity helps those engaging in it to meet their daily economic needs with the source of income they receive (Zarida 2016:30). Other traders did not have a choice, the circumstances of life forced them because there were no opportunities for them in the formal sector (Hermawati and Runiawati, 2017:96). According to Skinner (2007) cited in Hlengwa (2016:23), street vendors usually provide goods rather than services because they are always in demand which makes it quick to always sell to generate returns regularly.

2.3.3 The nature of street trading in the Durban area

Uwitije (2016:15) states that street vendors comprise various sectors, namely fixed-stall vendors and mobile sellers. Mobile sellers refer to any person engaging in moving from one location to another, selling goods as a transient vendor (Ord, 2019:1625). Fixed-stall vendors have a permanent structure where they sell their goods (Batreau and Bonnet, 2016:29–43). In addition, mobile sellers sell from motorcycles, pushcarts, stopping on the way to serve different customers, while fixed-stall vendors operate from pavements, outside their houses or in containers. Roever (2014:14-41) observes that street vendors sell everything from cigarettes, crafts, fresh vegetables to prepared foods etc. Mkhize, Dube and Skinner (2013:7-9) explain that the informal sector in the Durban area has increased over the years due to the decline of pivotal manufacturing industries, especially the textile and clothing industry. Rogan (2012:6) iterates that in the late 1990s, a third of economically active adults entered the informal sector and the expansion in this sector was exceeding that of the formal sector by a huge margin.

Rogan (2012:12) further mentions that the Street Net survey shows that Durban's street vendors have lower levels of education compared to the overall population in South Africa. In addition, women are more predominant than men at the lower levels of education, and of those with no schooling were women. Mkhize, Dube and Skinner (2013:7-9) states that street vendors at large contribute to the economy as they purchase and re-sell goods to the public at a cheaper price than retail stores. Moreover, street vendors contribute to the revenue of the city and the development of the economy. Furthermore, the presence of street vendors on roads results in crime prevention as they protect the community from

thieves, and they create jobs in the city of Durban. Rogan (2012:6) states that eThekweni Municipality is one of the busiest ports in Africa, thus it is a transport and commercial hub. As a result, informal employment has increased in Durban, which is attributed to the decline of manufacturing industries, most notably the textile and clothing industries. The author further states that Durban's city government evaluates that one-third of economically active adults worked in the informal sector in the late 1990s, and its growth has far outpaced that of the formal sector (Rogan, 2012:6). The municipal government recognizes the informal economy as a significant contributor in the city of Durban, and also realizes the importance of working directly with street vendors' organization (Mkhize, Dube and Skinner, 2013:10). Street Vending contributes to the city of Durban as well as the economy (Mkhize, Dube and Skinner, 2013:37). Further, they provide valuable goods and services closer to customers at a reasonable price, reduce unemployment and attract tourists. Moreover, having street vendors on the road, protects pedestrians from crime, keeps the city clean, helps people who are lost, pay taxes to the government and provides temporary storage to customers. Streetnet (2022:1) mentions that street vending plays a crucial role in reaching sustainable development goals and are impacting their communities positively while fostering sustainable change.

2.4 The significance of street vending in contributing to socio-economic development

The ILO (2015:1-56) defines socio-economic development as the progressive change that is forever ongoing in the economic life of a country. Its purpose is to improve the living standards of the citizens as well as the structures of the organization. Furthermore, socio-economic development is understood to have become a commonly adopted approach worldwide that pays attention to the issues such as economic development, poverty alleviation, social progression, and job creation with the objective of improving the livelihoods of the people who are deprived socially and economically.

Gamielien and van Niekerk (2017:24-29) maintain that street vending is an urban livelihood that occurs in public spaces of the urban area, outside malls, pavements, schools and mostly at taxi ranks. Street vendors, better known as "hawkers", are an essential part of urban economies around the world. According to Nevin (2004:42-43)

cited in Gamieldien (2017:24-29), street vending plays a crucial and significant role in development by contributing to the country's economy. Furthermore, the author states that there are various positive effects of such activities on the economy of the country, including relieving economic pressure; promoting self-employment; assisting in the reduction of criminal activities; and the alleviation of poverty. This section focuses on the significance of street vending and sets out the various areas in which it makes a contribution.

- **Providing livelihoods and a source of income:** According to Willemse (2011:7-17), most street traders opt for street vending because of economic pressures, rather than choice, which include but are not limited to factors such as, unemployment, retrenchment, poverty, a lack of skills and a low education level. Hammell and Lwama (2012:390) confirm that street vending is a livelihood that not many desired, but due to the circumstances of life, they are able to obtain a source of income and provide for their families through such activities. Gamieldien and Niekerk (2017:24-29) mention that whilst the option of street vending was not a desired choice for many, it is a way of making the means to provide for necessities such as food, shelter, electricity, water, etc.
- **Contribution to the economy:** Street vending is one part of the informal sector that contributes tremendously to the economy of the country (Davie and Thurlow 2010:78). Skinner (2008:32) maintains that statistics also prove the importance of such businesses in the economy and their contribution to the revenue of the country. Hence, the informal sector is one of the important sectors in South Africa as it is a source of employment and street vendors, as one part of this sector, also contribute to job creation and economic growth (Nevin, 2004:42-43). According to Ligthelm (2006:43), the street vending sector was “treated with disdain” at first but as its impact became visible and the statistics began proving otherwise, it become more recognized. According to WIEGO (2012), street vending creates jobs for several people who buy from the formal sector and charged for VAT, which is a direct contribution to the economy. In addition, the municipalities have put fees in place which street vendors are charged, and they buy their products in bulk from suppliers in the formal sector.

- **Providing employment opportunities for women:** The majority of street vendors in the Durban area are women who were forced by the circumstances of life to opt for such an occupation (Chen, 2004:56-67). In most developing countries, the informal sector has become the primary source of income for women, and they are more active or seen mostly in the informal sector (Chen 2004:56-67). Women still find it difficult to obtain employment in the formal sector as opportunities for them have barely improved since 1990 (Saade, 2019). Moreover, women are still under-represented even though they are better educated, but the dividends given to men when it comes to education are not received by women. Therefore, they resort to getting jobs in the informal sector and low-skilled occupations, most likely with harsh working conditions where women are employed (Saade 2019).
- **A source of employment:** Woodward, Rolfe and Ligthelm (2011:65) confirm that it has provided street vendors the opportunity of being self-employed and has also created opportunities for others who could not enter the formal sector for various reasons to be employed as well. The common reasons for people being seen unfit to be employed in the formal sector include limited opportunities and low education levels. However, there are also other reasons such as health reasons, mental illness and intellectual disability. These people also use the informal sector as an option to make money and provide for themselves (Van Niekerk 2008:12). Roever (2016:28) mentions that since the businesses of street vendors get busy from time to time, many have employed at least one person to assist with customers daily.
- **Contributes to reducing the crime rate:** According to Steinberg (2011:349-364), not only does street vending contribute vastly to the economy, but it also helps to reduce the crime rate. The author also confirms that many people who have lost hope fell into drugs or were involved in any kind of crime but have now found a way as street vendors to better their lives, make a difference and make a living for themselves, just to get by.
- **Poverty alleviation:** Lund, Breen, Flisher, Kakuma and Corrigall (2010:520) state that street vending also plays a crucial and significant role in economic development by alleviating poverty and combating other socio-economic issues. Truong (2017:33-50) points out that street vending improves the lives and conditions of many people

coming from all walks of life. Roever (2016:28) maintains that hawkers can generate money for their household needs through street vending. Cloete (2015:13) points out that unemployment is higher amongst the poor and is mentioned to be one of the poverty traps in the socio-economic struggle since 1994. In addition, employment for the youth has fallen due to the demand for skilled labour, which is the cause of unemployment for young people as they lack the skills necessary.

Hence, from the benefits and areas of significance presented, it would be expected that policymakers and the law would do what is necessary to encourage and support such activities. The next section provides a social justice perspective to protecting street vendors.

2.5 Social justice and the need to protect street vendors

A concept that has relevance when considering the challenges facing street vending, is social justice. The San Diego Foundation (2016:1) mentions that social justice means equal rights for all citizens, and opportunities and fair treatment for all. Collins (2011:152) indicates that social justice is concerned with accommodating the needs of the society, as opposed to what the society wants. According to Hammell (2012:12), occupational injustice is one of the critical challenges hindering people from different backgrounds having the opportunity to participate fully in society. Furthermore, the author stipulates that people living in poverty suffer the most due to having a lower education level and limited work opportunities. Karumbidza (2011:3) indicates that the lack of resources and skills are also common constraints preventing them from entering the formal sector. In addition, people engaged in street vending lack the training and entrepreneurial education and skill to facilitate their businesses making the transition from the informal sector to the formal sector (Skinner, 2009:6). Clearly, the concept of Social Justice demands that although the regulation of street vending activities is necessary, there is a definite need to identify and address the challenges that may obstruct such activities. This study is based on the Social Justice Theory, which implies that the law has to ensure that there are fair and equal opportunities in the lives of people, as well as uplifting them to an appropriate level (Freiman, 2012:26).

According to Cresswell (2016:7), street vendors have to master the skill of attracting customers every day to sustain an income by using different marketing strategies and selling quality products at much lower prices, just to eliminate the competitor. Furthermore, conducting their livelihoods in public spaces comes with difficult challenges (Roever, 2016:23). The inadequate infrastructure that they are working under is not conducive enough, hence they suffer from illnesses caused by polluted air, lack of water and toilets not in an appropriate condition to be used by people (Carr, 2019:1).

The reality is that street vendors face challenges with respect to their experiences with the law: impounding or confiscation of goods; registration and permits; and challenges with location (Roever 2016:27-46). The workplace for street vendors is not in the right condition and this could create illness and uncertainty (Alfers, Laura, Aban and Ruth 2011:6). Moreover, such obstacles could harm their daily operations due to a loss of income because of a polluted environment (Hasan and Alam 2015:129). In addition, despite making significant socio-economic contributions, street vendors encounter several challenges that still need to be addressed, and the informal economy needs to be recognized as a legitimate economic activity. Hence the need for a study to investigate the selected challenges of street vendors and the role played by the law in addressing such challenges. Even though street vending provides an opportunity for the socioeconomically disadvantaged to empower themselves and provide for their families, there is a paucity of studies that have linked the challenges they face with the Social Justice Theory and its application in the Durban area.

2.6 Theoretical underpinning of the study

In addition to the Social Justice Theory, this study is based on the Sustainable Livelihood approach. According to Serrat (2017:21), the Sustainable Livelihood approach is a way to reflect on the activities that are undertaken in an attempt to survive these harsh and adverse challenges. This approach is suitable to this study of street vendors due to its focus on the significance and understanding of the economic factors (low barriers to entry, limited start-up costs, flexible hours, low level of education etc.) in seeking to improve the livelihoods of the poor and enhance their livelihood opportunities (Serrat 2017:21).

According to a study by Randhir (2012:7), the various challenges faced by street vendors include operational challenges, socio-economic challenges, economic pressures, and adverse political challenges. Saunyama (2013:12) points out that the livelihood perspective is aimed at reducing poverty, creating skills, job opportunities and survival means for the poor. Informal trade in South Africa has evolved at a startling rate because of the lack of employment opportunities in both the public and private sectors (Legodi and Kanjere, 2015:1). Furthermore, the majority of people in the informal sector do not possess the necessary skills required in the formal employment sector and they have a low level of education or are illiterate. The sites of operation and rights to trading space form part of the exceptional challenges faced by street vendors and added to that, they are subject to many other challenges, including health issues and law-related challenges, which hinder their operational activities and their contribution to the economy (Khumalo, 2015:14). As a result, law enforcement impacts the lives of street traders and their households negatively (Mlotshwa, 2018:1-36). Conser, Paynich and Gingerich (2013) define law enforcement in this context as a system monitor to ensure that humans adhere to the rules and regulations of authorities and to ensure that the land is not violated in any way. Mlotshwa (2018:1-36) states that, unfortunately, some authorities are using such power for personal gain and the law enforcement rules are being violated in the process. Such behaviour from the authorities causes a loss of profit to street vendors. Furthermore, in keeping with the sustainable livelihood approach, informal trading is a way of fighting food insecurity and unemployment as a means of providing for their households.

Hidalgo (2019:9–13) points out the human capital which are considered important to the livelihood perspective, namely human, social, financial, physical and natural capital. The author further elaborates on each capital asset and its significance. Human capital is a measure of the knowledge, education, skills, abilities, competencies and other attributes incorporated in individuals, acquired during their life, and is then used to produce goods or services in the market (Pettinger 2019:8). Dar and Mishra (2020:3) state that human capital factors determine and illustrate the ideas that initiate entrepreneurial ventures and operations. With reference to such factors, Etim and Daramola (2020:12 -13) mention that street vendors lack the entrepreneurial skills, education and qualifications to grow their

businesses. Hidalgo (2019:9–13) defines social assets as a way for people to make a living, from building relationships to the resources used. Akintimehin, Eniola, Eluyela, Okere and Ogbechie (2019:2) point out that social capital has a positive effect on the informal sector. The authors add that when an entrepreneur has a strong social network, it is easy for his/her business to utilize the various resources by his social networks. Financial assets refer to economic resources measured in terms of money, credit or any form of funding used by entrepreneurs to purchase what they need to make their products or provide services (Ngek. 2016:354–362). Ngomane (2020:381–382) mentions that street vendors do not qualify for funding or credit access to help expand their businesses. Serrat (2017:21) refers to the physical assets created by humans, which incorporate buildings, machinery, equipment, vehicles, etc. Moreover, it represents the inputs used to advocate the production of goods and services. Ngomane (2020:381) states that it is crucial for street vendors to have access to infrastructure and storage space. However, due to high pricing, such physical assets are not accessible to everyone.

Finally, natural capital can be defined as the stocks of natural assets, which make human life possible, namely water, air, soil, etc. (Missemer, 2018:90-96). In this respect, Carr (2019:1) states that the informal sector does not have adequate access to water, hygiene and sanitation. As a result, street vendors' lives have been affected. The author adds that economic, health and environment burdens can have negative outcomes for the lives of street vendors because such consequences may result in market exclusion or further entrench poverty, (Carr, 2019:1). Furthermore, limited access to these amenities is a financial strain on the street vendors and affects their mental and physical health. Kriege, Jooste and Vlok (2016:5) emphasize managing physical and human assets. Moreover, successful asset management is therefore as crucial in the informal sector as it is in the formal sector as it ensures that there are strategic plans for the goal and mission to be achieved. In addition, if such strategic plans are in place to ensure success, the livelihood of the street vendors can improve.

According to a study by Chiumira (2019:7), the Sustainable Livelihood approach has a positive effect on the informal sector as its objective is to focus on their development and growth, which includes, but is not limited to, poverty reduction, income, and a stable living

condition. The study explored the role of the law in addressing the challenges facing street vendors in Durban. Crush et al. (2017:1–21) point out that informal trading is one of the primary sustainable livelihood strategies because its main goal is to create employment and skills in the informal sector. The informal sector plays a crucial role in decreasing unemployment in South Africa through self-employment of people from the age of 18 to 60. In addition, the informal sector is one consistent market which aims to improve the skills of street vendors (Adams, Da Silva and Razmara, 2013). Generally, the education levels in the informal sector are lower, which is why most illiterate people opt for such an occupation (Adams, Da Silva and Razmara, 2013). In South Africa, education and skills play a key role in economic growth and people with a poor background face adverse economic struggles because they do not meet the requirements that can possibly secure a job for them in the formal sector (Adams, Da Silva and Razmara, 2013).

Social justice is mainly fair and encourages a personal obligation to act with others; the equitable distribution of power; resources; and to continually improve social and personal development regardless of ethnicity, gender and age. For individuals, the inadequacy of social justice results in amplified emotional and physical suffering, as well as greater exposure to illness (Hage, Ring and Lantz, 2011:2795). Clearly there is a need for social justice as far as street vendors in Durban are concerned. Hence, both the Social Justice theory and the Sustainable Livelihood approach underpin this study. The next section examines the challenges affecting street vendors.

2.7 Challenges affecting street vendors

Dobson, Richard and Skinner (2009:32) contend that, in addition to certain general challenges, street vendors face many challenges relating to the law. This section firstly sets out some of the general challenges affecting street vendors and then gives an overview of the challenges relating to the law.

2.7.1 General challenges affecting street vendors

Randhir (2012:7) is of the view that hawkers faced various challenges relating to economic pressures, socio-cultural challenges, operational challenges, and adverse political challenges.

- **Challenges with start-up funds:** Roever (2016:12) points out that although street trade can sustain street vendors and their families, the profit is low, and the risks are high. In addition, hawkers have a difficult time raising start-up funds, with no support system from the government or the private sector. Due to the informal working environment with no physical paperwork to prove the source of income received weekly or monthly, they cannot borrow money from any institution or organization (Mishra, 2013:22-640). In addition, they have to settle for what they can get from family and close friends to start the operations of the business. Crossa (2009:43-63) states that competition amongst street vendors requires them to have a certain amount of skill in order to sustain their businesses. Uwitije (2016:24) explained that the lack of capital access for street vendors hinders their progress in the business and forces them to work below capacity because they do not have access to collateral security. Debnath (2020:6236) mentions that the lack of availability of credit from accredited institutions creates uncertainty and difficulties for street vendors. As a result, some street vendors are forced to take loans from moneylenders, and they are charged high interest rates. Debnath (2020:6236) iterates that the interest rate is only reduced by money lenders if security such as property, land, etc. is provided, as collateral.
- **Challenges of street vendors who are working together:** Crossa (2009:43-63) indicates that another challenge is the inability of street vendors to acknowledge the potential of working together to grow the business due to a lack of financial literacy and entrepreneurial skills. This in turn reduces their financial and trading strength.
- **The lack of entrepreneurial skills:** Itakawa (2014:121–126) iterates that the lack of skills also hinders growth for street vendors because they cannot identify the opportunities presented. Willemse (2011:9) mentions that street vendors lack the basic principles that could potentially turn the business to succeed, namely technical, business and entrepreneurial skills, which deter street vendors from transforming the opportunities of the informal sector to financiers. In addition, the lack of appropriate social and market knowledge is also one of the underlying

factors because it is either they are self-taught, or they learn from someone who is unqualified. Furthermore, when such vital skills are not improved or the street vendors are not well trained, they cannot take advantage of opportunities to expand their business, which hinders the growth of the business.

- **Socio-cultural challenges/gender-based challenges:** Women are also faced with the constraints of socio-cultural challenges in an unpleasant manner, according to Chen (2004:56-67). Even though the government has given more attention to the informal sector in relation to economic development and have introduced laws to benefit street vendors, the situation has not improved significantly since 1994 (Xue and Huang, 2015:156-165). Women experience gender-specific barriers which result in exclusion from the labour market from having a means to earn an income; from acquiring resources or education; from being involved in decision-making; from acquiring social services, and being able to network (Willemse, 2011:9). Legodi and Kanjere (2020:66–67) observe that in South Africa, the informal sector consists mainly of women who come from poor backgrounds. The authors add that women find it difficult to operate without oppression from the municipal bylaws, which is not favourable or just to their business. They mention further that women are easy targets for such injustices as they are soft, which makes it easy for law enforcement officials to overpower them and have their goods forcibly taken from them. They are also scared to operate after hours because of theft and criminal activities. Furthermore, they also fear for their health as there is exposure to the elements and hazardous work environments.
- **Operational challenges:** Street vendors are faced with operational challenges on a daily basis, which include threats of criminal activities such as robbery and theft and lack of storage space (Hussmans, 2014:48). According to Tawodzera (2019:443-459), several challenges have been experienced by street vendors in Cape Town, such as the lack of access to finance from the government, insufficient sales, and rising stock prices, amongst others. According to Willemse (2011, cited in Hansanne, 1991:6), street vendors operate on the fringes of the law. The author

(Willemse, 2011:9) also notes that street vendors suffer severe challenges in relation to the law, such as fear of violence, theft of stock and crime. They are often subjected to harassment. Furthermore, the lack of storage space is a challenge for informal traders that live far from their operating sites.

- **Xenophobia effects on street vendors:** According to Nkosi (2015:10), xenophobic violence, like other forms of bias violence, is an act of motivated violence intended to send a message to immigrants that they are not welcome in an area or country. Furthermore, Gamielien (2017:25–26) mentions that street vendors feel that there is enough competition amongst themselves as South Africans. This perceived threat has driven nationals to resort to violence and exclusion from the informal sector, with the aim of protecting their jobs. Furthermore, because of the high unemployment rate in the formal sector, the increasing rate of globalization and a lack of available capital, immigrants living in South Africa are being denied the right to trade by other South African street vendors.
- **Lack of infrastructure:** Basic infrastructure is one of the key factors hindering street vendors' work, according to Mkhize, Dube and Skinner (2013:19–21). Moreover, inadequate access to toilets and waste removal is another significant problem faced by them. Mkhize, Dube and Skinner (2013:19–21) point out that there is also inadequate access when it comes to support and training facilities for small businesses. The authors add that the impact of poor infrastructure interferes with the operations of such businesses. When there is rain or exposure to the sun, their stock gets wet, the sun burns their stock and drains are blocked. As a result, street vendors lose customers, and they starve. Furthermore, running water and toilets are some of the vital components for any working environment. Hence, the lack of running water and toilets poses health risks not only to street vendors, but also to the customers. In addition, access to safe and affordable storage is an important component for any street vendor's business. When such essential components are lacking, it can hinder business growth. WIEGO (2014:9) mentions that street vendors in Cape Town, Johannesburg, Durban, and Tshwane have challenges with the unavailability of transport, equipment, insufficient services and

infrastructure, such as water and waste bins. Furthermore, street vendors do not have support from the authorities to improve the informal sector and as a result, most street vendors do not belong to any trade organization (WIEGO 2014:10).

- **Health issues and financial loss caused by weather conditions:** Street vendors operate in harsh working conditions where hygiene and sanitary practices are not applied thoroughly, which could lead to various health issues (Abdulkareem, Garba and Abubakar 2014:8). Street vendors are prone to illnesses such as asthma, tuberculosis, chronic bronchitis and many other sicknesses, due to a lack of shelter (Roever 2014; 22). Exposure to the weather and the elements makes it difficult for hawkers to trade on days with inclement weather, which leads to a loss of income (Gamieldien, 2017:26). Skinner (2013:20) indicates that weather conditions also have an impact on street vendors in other ways, as their stock becomes wet when it rains, or the sun burns the stock, which lead to a loss of customers. They may also have to close the business for the interim or sustain a loss of income as they must throw away damaged goods if they fail to sell them at a lower price. Rogan (2012:24) also confirms that street vendors are affected by various health challenges, which are detrimental to their health, and adds that the common street vendor challenges that contribute to health challenges include the lack of infrastructure, water, toilets, and storage.
- **Lack of access to basic amenities:** Roever (2016:10) notes that toilets and clean water are a vital basic need for any operational working environment, not only as a requirement for street vendors, but the environment needs to be conducive for customers as well. Hence, the lack of such amenities presents serious challenges for them. Uwitije (2016:26) points out that in many developing countries, street vending is still despised in the informal sector as an unsavoury or inadmissible activity which affects the public negatively. In addition, street vendors must work in poor working conditions because of limited access to infrastructure such as storage facilities, water, electricity, waste removal, etc.
- **Competition and jealousy amongst traders:** Willemse (2011:9) comments that street vendors are short-sighted due to competition and jealousy amongst them.

Furthermore, they lack the entrepreneurial skills to acknowledge that working together would create endless possibilities and they could potentially increase their profit or maintain their income if they work collectively. In addition, the lower quantity demanded by consumers is a loss to street vendors and as more vendors enter the informal sector, there is more competition, leading to an overall drop in consumers, which affects their profit margin.

Evidently, the challenges facing street vendors are quite significant and they would inhibit people from succeeding at attempts to generate income and build sustainable livelihoods. Therefore, there is a need to investigate such challenges and find strategies to address them.

2.7.2 The challenges of street vendors as a result of the lockdown

Balbuena and Skinner (2020) state that street vendors provide essential products and services across the globe. They contribute vastly to the informal food system that keeps people from going hungry. However, in 2019, a disease well known as COVID-19 affected South Africa and since then it has changed the lives of street vendors in a destructive way. When the country went into lockdown in March 2020, it had inharmonious and expeditious effects on street vendors, as it did for many other businesses. A city with no people due to the lockdown meant that the street vendors imminently lost their source of income and were faced with hunger and deprivation. Most street vendors depend on the salary accumulated daily, but during the lockdown, street vendors were forced to use their saved capital to take care of their families.

Meher, Ranjan, Tamgire and Shukla (2021:4–7) point out that after the country was declared to be in lockdown by the President, street vendors were actuated to turn into vegetable vendors. Furthermore, this change affected their regular work because, as per the government restrictions, they had to roam around the street and not be stationary. As a result, they incurred losses since their regular customers were used to their fixed tables. In addition, since competition was high, street vendors were compelled to sell their products at a cheaper price, leading to losses. Meher, Ranjan, Tamgire and Shukla (2021:4–7) indicate that the majority of food vendors in the city were not allowed to

operate as fruit and vegetable were mainly allowed to be sold. As a result, they were faced with financial difficulties and had no other option but to take loans to cover their expenses when the business was at a standstill. Clearly, the challenges they faced during the lockdown were quite significant.

2.7.3 Street vendor challenges relating to the law/regulatory issues

Tangworamongkon (2014:8) states that the failure to consult street vendors and include them in the decision-making of the jurisdictions that govern them is a result of many conflicts with respect to the legal challenges that street vendors are facing. Although the role of the law is to regulate businesses, such regulation may result in challenges for street vendors. Such challenges are examined in the next section.

- **Too many regulations:** In the occupation of street vending, there are a number of laws and regulations that hawkers are supposed to know of, which is confusing and causes conflict with authorities as they all stipulate different bylaws that vendors need to comply with (WIEGO, 2014:11). The laws applicable to street vendors include the Constitution of South Africa, Municipal bylaws, Zoning Scheme Regulations, as well as health regulations. It is difficult for street vendors to understand all the laws in place and the impact it has on their operation as they do not possess the technical and legal language skills to master such documents (WIEGO, 2014:9–10). In addition, trading is prohibited in some places, unless the trader has a valid permit from the city. According to Informal Trading Bylaw (2014:8), informal traders are subject to compliance with the following provisions: Bylaws, any other applicable law and any applicable informal trading permit. Informal Trading Amendment Bylaw (2017:4) states that an authorized official may remove and impound goods in terms of the Criminal Procedure Act, 1997 (Act No 51 of 1997). Furthermore, the officer may impound or remove goods where informal trading is prohibited, as per section 18(5); where goods are prohibited or restricted by the eThekweni Municipality, as per section 31(1); trading without a valid informal permit issued by the Municipality; or trading in illegal goods. The street trader must keep the site there are trading at clean and in a sanitary condition. On completion of trading for the day, the trader should ensure that the

site is free of litter (Street Trading Bylaws, 2014). Furthermore, trading is prohibited in certain gardens and parks, except with written approval and rules relating to the display of goods. Any person who fails to comply with the law or rule conveyed by either a sign, marking or device shall be guilty of an offence in the manner prescribed in Section 15(b) (Street Trading Bylaws: 2014). In addition, any person who is found guilty of an offence shall on conviction be liable to a fine, or to imprisonment of not more than three months.

- **Traders are not conversant with all rules and regulations:** The impact of low literacy and numeracy levels of trader's results in a lack of understanding of laws, low skills and capabilities, which affect the ability of traders to choose the trading location easily as they do not know the legal terms used in the various bylaws (Begari 2017:436-449). The author further states that low levels of education are an indication of a lack of awareness of their benefits and social securities. In addition, street vendors are not cognizant of the formal facilities as well as the rules and regulations that protect street vendors.
- **Registration and permits (and qualifying criteria):** In the City of Cape Town, the Informal Trading bylaw prohibits trading without a valid permit from the City (WIEGO, 2014:11). However, the proposed eThekwinini bylaw states that traders have the freedom to engage in informal trading if it is carried out within the law. Furthermore, Jackson (2017:1) mentions that trading without a valid licence to trade is prohibited by the Business Act 71 of 1991. WIEGO (2014:11) expresses that a City can charge a trading fee, a fee for the application and the fees for the services provided. The authors adds that the eThekwinini bylaw mentions that for a trader to get a permit, they must be a South African citizen, have refugee permit or must be in possession of valid work; must not employ more than 10 persons; must belong only to one entity or partnership; and be unemployed.
- **Zoning scheme regulations:** WIEGO (2014:12-13) states that the zoning scheme is a legal document that keeps track of all the land rights in relation to properties and areas of jurisdiction. Furthermore, it maintains that the purpose of the zoning rules varies by province, but it is to separate residential property from property

used for commercial purposes. In addition, the Zoning Scheme Regulations state that street vending is permitted in the City of Cape Town. In terms of such regulations, firstly, informal trading is not permitted in certain areas that have been indicated by the zoning scheme as it could pose threats to public safety. However, clause 8 of the Zoning Scheme Regulations indicates that trading will be restricted in areas where city developments will take place or if the area has been allocated to the government. Secondly, the business must not interfere with the movement of cars, pedestrians or with any government utility.

- **Challenges with location:** Legislation and bylaws indicate that there are restrictions in place relating to the occupation of public space where trading may not be carried out. Reyes and Juarez (2013:370-386) iterate that such restrictions may be due to safety concerns. Uwitije (2016:26) states that the lack of planned business locations and premises often result in contention of land use and further exposes street vendors to harassment or conviction by the local authorities.
- **Impounding/confiscation of goods, etc.:** The impounding and confiscation of goods is one of the major setbacks for hawkers (Bernard, 2015:13-14). Municipalities are granted excessive powers in terms of the bylaws to impound and confiscate the goods of hawkers if, in their opinion, they have violated the rules in place. Clause 35 empowers an authorized official to impound any goods if the official suspects that the trader is violating the regulation of the bylaws. Bamhu (2019:4-5) states that local laws provide authorities with too much power to confiscate the goods of traders without giving them a chance to defend themselves against the allegations made. Roever (2016:36) expresses the view that a police officer can impound the goods of the street trader even if they hold a permit, if they are not at their stall when the official authorities arrive. Evidentially, such was the case of John Makwickana, a 65-year-old trader in Durban who had an assistant. They both paid for their licences, but a receipt was issued by the police officer to impound their goods, which did not stipulate what was taken or where it was taken, and they were liable for a fine of R300. Roever (2016:38–39) states that the Durban High Court's ruling on the case reflected a pro-poor orientation regarding the use

of public space as a livelihood resource. Moreover, the court noted that it was rather unusual for a street vendor to get legal representation as in most cases, the right of access to courts for street vendors is theoretical and illusionary. In addition, the scanty income they generate mostly goes into sustaining their families. The author adds that in this case, John Makwickana did not have an opportunity to recover his goods before they were disposed of, nor was he compensated for the loss of his goods. Furthermore, the court ruled on the impoundment provisions as they pertain to section 25 (1) of the Constitution, which states that no law may permit arbitrary deprivation of property. Hence, deprivation impacts the identity and dignity of street vendors, and the court is distinctly distinguishing the conditions of poverty in which informal workers are operating under and explicitly articulating the effective denial of rights that takes place when the powers of a local authority are not constrained.

- **Negative experiences with police:** Hussmans (2014:48) states that harassment by the police and the confiscation of goods is another challenge. Street vendors encounter many challenges with the police in relation to harassment and evictions in running their operations (Pandey 2010:107). Furthermore, the author states that the lack of warning during evictions was one of the major challenges, as well as the lack of support from the government. Morang (2015:1-23) explains that street vendors feel that they are given unnecessary fines by the police, and that their stock is taken without their consent and not given back. As a result, police action leaves them with no stock to sell and they have to start all over again, which is a loss to them financially.
- **Access to permits and rent:** Mkhize, Dube and Skinner (2013:23) indicate that most street vendors complain with respect to access to permits and the payment of rent, which is expensive as it increased with no valid reason. According to Horn (2018:6-7), over the years, the system changed and the authorities from different locations were given charge to issue permits to trade in particular areas. In addition, with the authorities in charge of processes for allocating licences and

permits, it increased the opportunities for bribery and corruption, which makes it difficult for the street vendors to be compliant.

- **Adverse political challenges:** The Social Law Project (2014:6-10) states that the adverse political situation and policies pose a greater challenge to street vendors. The political situation in 1994 affected the operations of street vending badly and since then, the situation has not improved even though the government has given a bit more attention to informal trading. Bamhu (2019:4-5) states that the local laws blame street vending for the lack of cleanliness in the city, dirt, crime and traffic fluidity, which is why there appears to be a lack of recognition or ignorance towards street vendors as a legitimate business. As a result, the required infrastructure to support them is not in place, creating serious challenges for them.
- **Street vending regulation and policy:** Uwitije (2016:25) iterates that street vending is one of the informal sectors mainly affected by the practice and policy of local and national governments. The actions of local governments have the power to prevent the development of a rooted environment for street traders (Uwitije 2016: 25). In addition, most street vendors have been made to understand that street vending activity comes with dealing with the threat of eviction, fines, jail and harassment because there is no legal and regulatory framework recognition. Furthermore, in most African countries, street vendors operate under conditions consisting of restrictive policies and regulations, which highlights the unlawfulness of street trading.

Even though there are many street vendors in the Durban area, apart from the review of certain legal provisions that affect street vendors, such as the studies by WIEGO (2014); Reyes and Juarez (2013); and Mkhize, Dube and Skinner and Rogan (2012), there have been very few studies to investigate how the law contributes to the challenges faced by such vendors. Although the study by Roever (2016) did make a comparative study of how regulatory frameworks affect street vendors in five countries, it focused on establishing limits on municipal power and creating channels for street vendors' representation. The law plays a significant role with respect to the livelihoods of street vendors, and it is

therefore important that a study is conducted of how the law affects street vendors and what measures can be used to address the challenges that they face.

2.8 The regulation of street vending in South Africa

Bamhu (2019:2) states that in South Africa, the government and provincial legislation and policies administer an intermediate layer of regulation between national and local regulation. Furthermore, most countries have adopted policies to guide the regulation of street vending. Moreover, the policies are not legally binding, but they indicate governments' commitment to supporting street vendors and provides a background to analyze the laws regulating street vending. Bamhu (2019:3) expresses the view that in South Africa, the traders have the right to choose their profession, occupation and trade without restraint. The author adds that local authorities are given excessive power to legislate street vending. In addition, the provincial and local authorities in South Africa have endorsed the law and policies of informal trading. Furthermore, the aim of these laws and policies are implemented to benefit the informal sector by outlining the government's aspirations in relation to street vending and to ensure that the principles that should give direction to the development of informal trading bylaws are outlined.

Socio-Economic Rights of South Africa (2018:8) states that a number of laws and policies have been set up to accomplish a legal framework governing informal trade, which includes the Constitution, the Business Act 71 of 1991 and municipal bylaws and policies. In addition, regardless of these bylaws and policies regulating street vending, informal traders remain vulnerable. Furthermore, informal trade is regulated comprehensively by bylaws or policies that apply within a designated municipality. Furthermore, municipalities are given power by the Business Act to adopt these bylaws subject to certain limitations. Although the municipal bylaws and policies governing informal trade are dependent on the rights administered in the Constitution and Business Act, municipalities have extensive scope to regulate informal trade within the margin of their municipal areas (Socio-Economic Rights Institute of South Africa, 2018:8).

Singh (2021:1) explains that in order to protect street vendors from the hardships they get from the local authorities, the Street Vendors Act was passed in 2014 by Protection of

Livelihood and Regulation of Street Vendors Act, 2014. The author adds that the Act was implemented with the aim of recognizing and protecting the rights of street vendors. Furthermore, in terms of the Act, there are TVCs (Town Vending Committees) which are one of the essential authorities under the Act. In addition, the Act has sub-divided street vendors into three sections: stationary, street and mobile vendors. There are several sources of regulatory measures for street vending in South Africa, which includes the Constitution, the Promotion of Equality Act 4 of 2000, the Businesses Act 71 of 1991 as amended by the Business Amendment Act 186 of 1993, and street trading bylaws regulating street vending in the Durban area. These are discussed below.

In terms of the Bill of Rights in the South African Constitution (South Africa 1996), “every citizen has the right to choose their trade, occupation or profession freely” (Section 22). Likewise, the hawkers have the right to choose their own trade or occupation freely. However, the practice of a trade, occupation or profession may be governed by the law (South Africa, Bill of Rights 1996: Section 22). Furthermore, such right is subject to regulation and may be limited only in terms of the law in accordance with the “limitations clause” set out in Section 36. WIEGO (2014:11) states that, even though the constitution grants everyone the right to choose occupations there are limitations to ensure that it can be balanced with competing rights. Further, these limitations are subjected to, firstly, trading where it is allowed because the city allows trading in certain places and not in others, which is part of the Zoning Regulation Scheme, secondly, street vendors are allowed to trade if they have a permit or a licence. The constitution provides the right to trade but at the same time it takes away certain right for the purpose of balancing it with competing rights and to manage the city, therefore the street vending regulations have to comply with the provisions set out in the constitution (WIEGO, 2014:11). Furthermore, there are restrictions pertaining to health standards put in place by the Department of Health, mostly regarding tables where vendors are selling food. However, this provision goes on to state that the reasons for the limitations of the law must be reasonable and justifiable in an open and democratic society which is based on human dignity, equality, and freedom (South Africa, Bill of Rights 1996: Section 36).

The Constitution (South Africa, 1996) sets out the objectives, developmental duties and powers and functions of local government, as well as providing the authority for local government to develop bylaws in order to administer street trading. Section 152 of the Constitution sets out the objectives of local government, which include providing democratic and accountable government for local communities; promoting social and economic development; and encouraging the involvement of communities and community organizations in the matters of local government. Section 156 relates to the powers and functions of municipalities and states that a municipality has executive authority in respect of, and the right to administer, certain local government matters, including street trading (South Africa, 1996). In terms of Section 162 of the Constitution, municipalities thus have the mandate to draw up street trading bylaws, which may be enforced only after publishing them in the official gazette of the relevant province, and which must be accessible to the public as per Section 162 of the Constitution. These sections are given effect by the Municipal Systems Act 32 of 2000, which expands on, amongst other issues: municipal duties, powers and functions, the municipal drafting of bylaws, and the importance of community participation (Constitution, South Africa 1996).

2.8.1 The Constitutional provisions that have implications for street vendors in South Africa

In South Africa, a number of laws and regulations pertaining to informal trading have been enacted. These include various rights and safeguards enshrined in the Constitution, the Businesses Act, and municipal bylaws and policies. Despite the safeguards and protection in place, informal traders remain vulnerable (SERI-SALGA, 2018:8). Furthermore, the Bill of Rights in the Constitution includes several fundamental rights and protections associated with informal trade, such as the right to equality; human dignity; the right to choose one's trade, occupation or profession; and the right to just administrative action.

2.8.1.1 The right to equality and street vending

According to Section 9 of the Constitution (South Africa 1996), everyone is equal before the law, and everyone is entitled to equal protection and benefit of the law. The equality clause set out in Section 9 includes the right not to be treated unfairly on the basis of race,

gender, sex, ethnic or social origin, or any other factor, such as nationality. This section therefore protects foreign nationals by prohibiting discrimination on the basis of nationality and grants them the right to engage in informal trading in South Africa.

In the case of *Somali Association of South Africa v Limpopo Department of Economic Development, Environment and Tourism* (South Africa 2015), Ethiopians and Somali nationals who were lawfully in the country and legally selling commercial goods in Limpopo were prevented by the Department of Economic Development, Environment and Tourism from carrying on with their businesses. There was an operation, “Operation Hardstick”, where the South African Police Services shut down over 600 businesses on the basis that they did not have trading licences. Their stock and equipment were confiscated, and traders as well as their employees were arrested. The police made such arrests even though many of the Somali and Ethiopians had valid trading licenses. The traders who did not have trading licenses indicated that the Department refused to allow them to obtain such licenses because the Department claimed that only South African citizens were entitled to get the licenses. The Supreme Court of Appeal (SCA) decided that informal traders who are foreign nationals are protected by the constitutional rights granted to everyone. The Somali and Ethiopians are entitled to section 9 of the constitution which states that “everyone is equal before the law. They have the right to choose their own trade or occupation freely, in terms of the Bill of Rights in the South African Constitution.

2.8.1.2 The right to human dignity and street vending

Section 10 states that everyone has the right to human dignity, and the provision also states that everyone has the inherent right to dignity as well as the right to have their dignity respected and protected. South African courts have determined that the right to human dignity is closely linked to the ability of informal traders to engage in and administer or regulate informal trade (SERI-SALGA, 2018:8). According to the Constitutional Court, everyone in South Africa has the right to human dignity, including foreign nationals (SERISALGA, 2018:19).

In the *Somali Association* case (South Africa 2015), the SCA decided that informal traders who are foreign national are protected by the Constitution. The court acknowledged that it is their constitutional right to human dignity for traders to earn a living. Earning a living provides traders with the ability to live without humiliation or degradation. The court agreed with the fact that traders need to earn a living, regardless of whether the employment is wage-earning or self-employment. In this case, the foreign traders were repeatedly told that they are not allowed to trade in South Africa, and that asylum-seeker and refugee permits did not give them permission to trade in South Africa. As a result, the court ruled that the closure of Somalian and Ethiopian traders under “Operation Hardstick” was illegal. Therefore, the order was issued for asylum-seekers and refugees to be entitled to apply and renew their business licenses under the Businesses Act or relevant municipalities.

Roever (2016:35-39) mentions that the City’s 1995 street vending bylaws, as well as the Businesses Act of 1991, has led to local state practice that has promoted or encouraged the impounding of street vendors’ goods, even when such street vendor is in possession of a permit. In the case of *Makwickana v eThekweni Municipality and Others* (South Africa 2015), John Makwickana was a 65-year-old street vendor who was trading in Durban, supporting a family of eight by selling plastic and rubber sandals. He obtained a permit in 1996 and in subsequent years he hired an assistant who also paid for a license. On 6 August 2013, a police officer arrived at his stall while he was away, and his assistant had gone to the near market to buy food. The officer impounded 25 pairs of new sandals on the grounds that they were trading illegally, despite the fact that both Makwickana and his assistant were away when the police officer arrived. The police officer did not specify what she took or where the goods would be stored on the receipt issued for the impounded goods. The fine was set at R300 (Roever 2016: 35-39).

Roever (2016:35-39) mentions that support was provided by the South African Legal Resources Centre to Makwickana in challenging a provision of the relevant norm that enforced no limit on fines applicatory to street vendors, giving police officers unrestricted discretion in deciding the fine amount, regardless of whether it is proportionate to the violation. The case also challenged the norm by failing to provide guidelines for how

confiscated goods should be handled, allowing police officers unlimited discretion. They claimed that because there were no clear guidelines, the Act violates Section 1(c) of the South African Constitution, which established the supremacy of the rule of law. The presiding judge ruled that the municipality exceeded its authority by impounding the applicant's goods. The municipality was not authorized to impound the goods by the empowering provision, according to the ruling. As a result, the policer officer violated the principle of legality enshrined in Section 1(c) of the Constitution. Furthermore, the court ruled that the impoundment provisions in terms of a 2014 revised bylaw were unconstitutional.

2.8.1.3 The right to choose their trade, profession or occupation

According to Arias (2019:9), Section 22 of the South African Constitution guarantees equal benefits and legal protection, as well as the right to choose one's own occupation, trade or profession. Furthermore, depending on their immigration status, non-citizens may not have the same legal protection as citizens, but the state may not violate these fundamental rights. SERI-SALGA (2018:9) points out that this provision is qualified by another provision which states that "the practice of trade, occupation or profession may be regulated by the law". Moreover, although the freedom to trade applies to informal traders, the Constitution states that the state may administer informal trade through legislation or policy documents. SERI-SALGA (2018:9) mentions that the Businesses Act directly grants municipalities the authority to regulate or administer informal trade through the adoption of municipal bylaws governing such trade.

In the case of *South African Informal Traders Forum and Others v City of Johannesburg and Others*; *South African National Traders Retail Association v City of Johannesburg and Others* (South Africa 2014), the Mayor of the City of Johannesburg sent instructions to the Metro Police to evict and confiscate the goods of traders around October 2013. The operation was named "Operation Clean Sweep" and the objective was to remove disorderly trading areas in the city. This act disregarded the rights of traders and did not recognize traders who were legally trading. The traders claim that it became clear to them that "Operation Clean Sweep" did not intend to verify and re-register traders to operate lawfully. Instead, it was an effort to permanently remove them from their trading stalls and

either relocate some or all of them to an alternative designated area, while prohibiting them from trading in the interim. The applicants initiated proceedings for an urgent interim order on 15 November 2013 as they believed they had a right to trade, but since eviction, they were unable to trade. Furthermore, they contested that the City's evictions threatened their livelihood; that they were faced with severe harm that jeopardized their fundamental right to trade and dignity; and they were favoured by the balance of convenience. Applicants of the case also mentioned that the City's new scheme of relocating the traders was not legal because the steps required by Section 6A of the Businesses Act were not followed.

2.8.1.4 The right not to be arbitrarily deprived of one's property and the impounding of street vendors' goods

Section 25 of the Constitution (South Africa 1996) prohibits the arbitrary deprivation of property by stating that no one should be deprived of their property unless it is specifically authorized by a general law. Furthermore, because municipal bylaws often empower local state officials to impound or confiscate the goods of street vendors (which may not be constitutional in all cases) as a means of assuring bylaw compliance, in the context of informal trade, the right not to be arbitrarily deprived of property is rather significant.

Municipalities have the authority to pass laws to regulate informal trade in terms of Section 6 of the Businesses Act (Mudau and Kona, 2021:22-27). SERI-SALGA (2018:22) states that if the bylaws passed by municipalities are not consistent with the Constitution, they may be declared invalid by a court. Furthermore, the government has a duty to protect and promote all the rights of street vendors in terms of the Constitution. In addition, the goal of municipal bylaws is to continue to improve and organize traders' rights, and not to eliminate them.

In the case of *Makwickana v Ethekwini Municipality* (South Africa 2015), in his absence, police officers impounded John Makwickana's goods even though he had a legal permit to trade. The court ruled that the officers who confiscated the goods were obligated to compensate Makwickana. Furthermore, the court also ruled that the city's immunity from liability for lost goods under the bylaw was unconstitutional, invalid and unlawful (Benjamin 2015:2).

According to SERI-SALGA (2018:25), in the enforcement of law by municipality officials, they must follow the provisions of the Businesses Act, the Constitution, as well as the bylaws governing street vendors. Moreover, the High Court of South Africa also decided that the eThekweni bylaw did not differentiate between compliance and non-compliance with regard to the prohibition against trading. In this case, it was determined by the court that both the bylaw and eThekweni officials' actions in accordance with the bylaw were illegal. Furthermore, the court stated that the municipality exceeded its legal authority under the Businesses Act by enacting a bylaw that failed to differentiate between more and less serious violations of the bylaw.

2.8.1.5 The right to just administrative action that is lawful, reasonable and fair

According to SERI-SALGA (2018:9), Section 33 of the Constitution provides that everyone has the right to just administrative action that is lawful (for example receipts should be given to street vendors when confiscating their goods), reasonable and procedurally fair, which is a significant component of the legal framework governing informal trade. Administrative action (section 33 of the constitution) states that everyone has a right to fair procedure or standard, street vendors should not be deprived of this right because of their level of education and administrative action (receipts issued or fines) should be lawful and fair. In addition, when making an administrative decision, the state is obliged to act lawfully, be reasonable and with a fair procedurally manner. Furthermore, if the decision taken by the state is not lawful, reasonable and procedurally fair, the affected informal traders have the right to approach the court for the decision to be either reviewed or set aside. Moreover, Section 33 (2) of the Constitution of South Africa states that anyone whose rights are violated by an administrative action has the right to be given written reasons for the decision taken.

2.8.1.6 Street vendors' right to access the courts

Section 34 of the Constitution (South Africa 1996) guarantees access to the courts and the right to have any dispute resolved by law. It states: "Everyone has the right to have any legal dispute resolved in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum". In addition, the right of access to the courts has to do with the significance of a fair resolution of a social conflict and such

right is violated in cases where the legislation or law prevents the social dispute from reaching the court of law. In the *Makwickana* case (South Africa 2015), the judge added that by impounding their goods, it prevented the vendors from having the dispute reach the courts (SERI-SALGA 2018: 28).

2.8.2 Municipal Bylaws

The Businesses Act grants municipalities the power to make bylaws and to restrict informal trading in their areas or prohibit informal trade in certain areas where limitations are applicable (Section 6). Like all laws, such bylaws must comply with the Constitution, otherwise they could be declared as invalid, and in enforcing bylaws, “all actions and decisions” of officials must comply with the Constitution.

2.8.3 The Promotion of Equality Act 4 of 2000

McConnachie (2017:95-96) maintains that the Promotion of Equality (Chapter 2) prohibits unfair discrimination by the government, by private organisations and all citizens of South Africa. The author further states that the Act also prohibits hate speech, harassment, to promote equality and eliminate unfair discrimination. Roever and Skinner (2016:5) mentions that street vendor laws and policies relating to outright evictions, ongoing harassment and relocations, are based on the assumptions that the state has with respect to this sector, that is, street vendor activities/trade are unattractive to the tourist and international investors because they “harbour dirt”, promote symptomatic backwardness and are viewed as undesirable for the urban landscape. The authors mention further that the property developers and private companies are also a part of the cause of the exclusion of street vendors, whereas the constitution clearly states that they have a right to trade, and choose their own profession or occupation (WIEGO, 2014:11). Furthermore, everyone has the right to equality before the law and to equal protection of the law section 9 of the Constitution, (McConnachie, 2017:95-96).

2.8.4 The Businesses Act 71 of 1991 as amended by the Business Amendment Act 186 of 1993

In South Africa, street trading is extensively administered and structured by municipal bylaws and policy at the local government level. The Businesses Act 71 of 1991 (South Africa, 1991) in conjunction with the Businesses Amendment Act 186 of 1993 (South Africa, 1993) grants municipalities the authority to draw up and implement such bylaws (Section 6A). The Businesses Act (South Africa, 1991) transformed the legal framework for street trading and conceded that it was an imperative sector which plays an important role in the economy and contributes to individual incomes and should therefore be sustained. The Act was amended by the Businesses Amendment Act 186 of 1993 and some powers to restrict trading were given back to municipalities. This Act allowed local jurisdictions to evolve street trading bylaws and outlined what they could and could not enable in their municipalities, giving them the power to publicize controlled and inhibited trade zones. In effect, the amendments gave local authorities much greater freedom over how they contend with street trading and different local authorities have subsequently adopted very distinct approaches. In areas where trading was controlled, spaces could be demarcated and hired out. Jackson (2017:1) indicates that street vendors should have licences permitting trading which is regulated by the Businesses Act 71 of 1991. In addition, the author mentions that the Business Act 71 of 1991 empowers local authorities to issue licences to permit such trading. Trading without a valid licence will result in prosecution and hawkers may be charged a penalty of up to R2 000.

The Act “deregulated business activities” and removed barriers for street vendors to trade (SERI-SALGA, 2018: 11-12). The Act also regulates several other issues affecting street vendors’ rights, including the power of municipal authorities to restrict informal trading in their areas and in certain areas prohibited by the State. Moreover, Section 6 of the Business Amendment Act was added to the Act, which grants municipalities the power or authority to restrict or prohibit informal trading in certain areas.

According to SERI-SALGA (2018: 11-12), Section 6 (1)(c) of the Act allows municipalities to issue licences to informal traders or trading permits to be conducted at a specific location and also provides for “mechanisms through which municipalities can enforce their

informal trade bylaws”. Furthermore, Section 6A (2) of the Businesses Act outlines the steps that municipalities must follow if they want to legally restrict/prohibit vendors from trading in certain areas or they want to relocate them to other areas. If the municipality does not follow the legal process, then the restriction or prohibition of informal trade is illegal and can be overturned by a court.

In the case of *South African Informal Traders Forum and Others v City of Johannesburg and Others* (South Africa 2014), the City intended to relocate street vendors to an alternative trading area. However, the steps taken by the City to relocate street vendors did not meet the requirements outlined in Section 6A (3) of the Businesses Act. The City admitted to the court that they did not meet the statutory provisions of the requirements.

2.8.5 Street trading bylaws regulating street vending in the Durban area

The eThekweni Municipality (2001:3) mentions that the role of bylaws is to enable access to employment and business-related opportunities, such as entrepreneurial development within the informal economy, as well as to close the gap between the informal and formal sectors. In the City of Durban, vendors have the right to engage in informal trade in public spaces, which are regulated and permitted by the eThekweni bylaws. Jackson (2017:1) mentions that, in order to qualify for a business licence, the applicant has to comply with requirements in terms of zoning and health and safety. The eThekweni Municipality (2011) further states that in the City of Durban, anyone who wishes to open a business in the district must register with the Business Licensing Department. Although the role of the law is to regulate businesses, such regulation may result in challenges for street vendors. Such challenges are examined in the next section.

WIEGO (2014:12–3) states that street vendors are faced with legal challenges in their daily operations, such as challenges relating to registration, permits, location and confiscation of goods. The authors also mention that the irregularities in the application of these bylaws makes it difficult for street vendors of Durban to run their business. Furthermore, it is questionable whether the municipal bylaws applicable to street vendors, are defective in that they permit or fail to prevent such irregularities. Roever and Skinner (2016:4) mention that there are extreme large-scale violent evictions where street vendors are removed from public spaces. The authors mention further that the

relocation of street vendors, which are forced by authorities, in most cases to more marginal locations where there is low pedestrian traffic or incommensurate facilities.

Although there have been several studies conducted relating to the legal provisions that have to be complied with when engaging in street vending, little work has been done with respect to how such laws affect such vendors.

2.9 Discrimination against street vendors

Saavedra (2021:12) mentions that discrimination still exists within the occupation of street vending, and being treated unfairly, is the injustice they (vendors) still receive from the police. Further, it is evident from the treatment that they receive from the police, that the police have no respect for street vendors and street vendors are harassed by the police irrespective of whether they have a permit or not. Ambati (2015:20) states that street vendors are amongst the most impoverished division of the informal sector. Moreover, whereas the formal sector is recognized and acknowledged by banks, government, and the corporate world at large, the informal sector is treated differently. Furthermore, street vendors themselves are not fully aware of their legal rights and the type of legal support they should receive, which is one of the reasons why the harassment from the police has been continuing for decades. Altam (2008:18–10) expresses the view that the informal sector was acknowledged by President Thabo Mbeki in his state of the nation address in 2004 with the aim of mobilizing more government support for the needs of the poor. WIEGO (2014:9) states that the political support given to informal trading is limited. They add that, as much as the government talks about the importance of informal trading, it is their actions and the law which is often the problem. According to WIEGO (2014:1), whereas employees in the formal sector enjoy protection in terms of labour law, street traders who sell goods and services to the public, are excluded from the protection of labour law because they are self-employed. Even though they are making an honest living, they do not enjoy the protection and rights that are afforded to employees in the formal sector.

2.10 The role of the law in addressing the challenges of street vendors

According to Navya (2015), over a decade ago, the Supreme Court ordered that street vendors be given the right to trade. The author adds that since the government has neglected the issue, very few vendors have licences that allow them to trade freely or without any fear from the local authorities. Furthermore, street vendors cannot select the area of street trading on their own account as this might interfere with the right of other citizens to move willingly. The following challenges will explain in detail the role of the law in addressing such challenges.

- **The constitution:** Street vendors have been provided with the right to trade by the constitution but, at the same time, the limitations clause (Section 36) takes away certain rights for the purpose of balancing it with competing rights and to manage the city. In addition, in terms of Section 156, local government is given certain powers and functions, including the right to administer street vending;
- **The Promotion of Equality Act 4 of 2000:** The promotion of Equality Act together with Section 9 of the constitution, provides that everyone has the right to equality, including street vendors. This implies that the rights of property developers and private companies should be balanced with street vendor's rights and interest the latter should not be excluded simply because their activities/trade are "unattractive to the tourist and international investors". Yet this has not happened;
- **The Businesses Act 71 of 1991 as amended by the Business Amendment Act 186 of 1993:** The Businesses Act (1991) gave recognition to street vendors' rights to trade, however, the amendments introduced by the Businesses Amendment Act 186 of 1993 gave municipalities the power "to publicize controlled and inhibited trade zones" giving them freedom to control street vending, including the issuing of licences to permit such trade;
- **Too many regulations:** The South African Constitution, municipal bylaws, Zoning Scheme Regulations, and health regulations laws all apply to street vending. Street vendors must follow the provisions of the bylaws, or any other law applicable to street vending. If they are not in compliance, there could a fine charged, goods can be confiscated or there could be eviction by government officials. Trading is

restricted in some areas and in such cases, the municipality can allocate a trading place if a person has registered for a trading licence or permit;

- **Traders are not conversant with all rules and regulations:** Low levels of education and financial literacy is a major problem as it is difficult for traders to fully understand the implementation of the laws in place because they are written in legal terms. As a result, it causes problems with the law and affects their daily operations. Street vendors are not aware of the laws that benefits and protects street vendors from the police or harsh working environments;
- **Registration and permit (and qualifying criteria):** The informal trading bylaw prevents trading without a valid city permit, which one registers for with the municipality and a fee is applicable for the services provided. In order for permit to be obtained, eThekweni bylaws requires one to be a South African, be in possession of valid work, be unemployed and the business cannot employ more than ten people;
- **Zoning scheme regulations:** Informal trading is not allowed in certain areas designated by the designated zoning scheme because it may endanger public safety. Clause 8 of the Zoning Scheme Regulations stipulate that trading will be restricted in areas in the City where development is taking place, or the area is designated for government use. Secondly, trading should not obstruct traffic, government utility or pedestrian. This law was implemented with the aim of separating residential property or commercial property; and
- **Street trading bylaws regulating street vending in the Durban area:** eThekweni bylaws require street vendors to have permits to trade which contribute to the challenges they face relating to registration, location and confiscation of goods, as well as “large-scale violent evictions” and harassment by government or municipal authorities.

Even though the law has addressed some of the challenges faced by street vendors, but it has also contributed to the majority of problems which in fact affects their daily operations. There’s still a lot of work to be done for the informal sector to be recognized and respected by the government as the sector contributes to the economy of the country.

The government has implemented a few laws to address the challenges but only a few street vendors are aware of such laws. Most of the street vendors are illiterate and the laws are written in English which makes it hard to fully understand the regulations of the law. The regulations of street vending should acknowledge the education level for this occupation, amend and introduce beneficial laws to protect street vendors from the power of authorities.

2.11 Conclusion

The literature reviewed in this chapter examined the significance of street vending as a means of contributing to socio-economic development, the concepts and background of street vending, the need to support such occupation, the characteristics of street vendors, and the nature of the business. This was followed by an analysis of the challenges affecting street vendors and street vendor challenges relating to the law or regulatory issues.

Although there have been several studies conducted relating to the legal provisions that have to be complied with when engaging in street vending, little research has been conducted with respect to how such laws affect such vendors. There is a clear indication that street vendors suffer serious challenges with the law and even general challenges that interfere with the business.

The research methodology and design used to conduct the empirical study will be discussed in the next chapter.

CHAPTER 3 – RESEARCH METHODOLOGY

3.1 Introduction

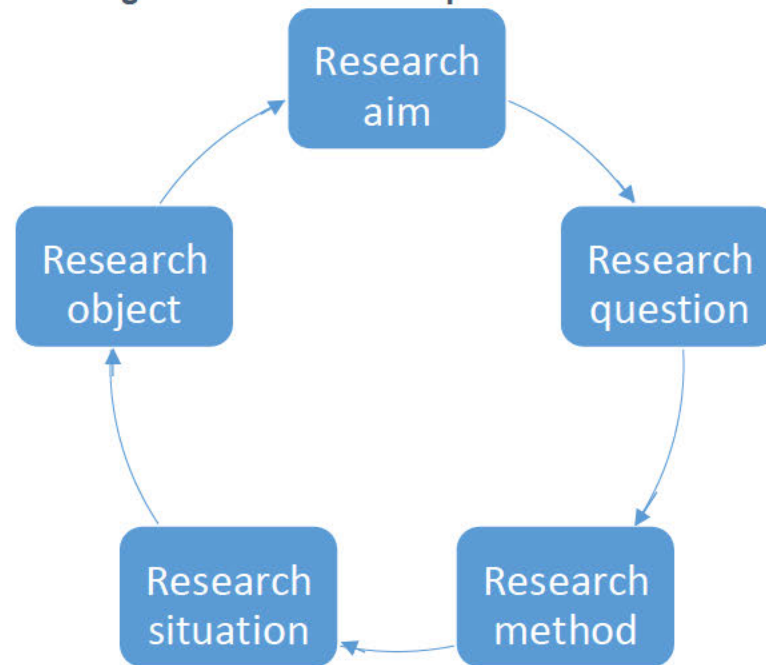
According to Dawson (2019), research methodology is the fundamental conduct that will guide a researcher's study. It becomes easier to follow the general approach in conducting research and helps the researcher decide which research method can be used.

The methodologies selected for this study are based on the need to examine the challenges faced by street vendors and the role that the law should play to protect the rights of the street vendors and better their livelihoods. The informal sector is not getting enough recognition from the government and, as a result, informal businesses suffer from not getting proper infrastructure, no access to water and being harassed by the local authorities in the Durban area. Therefore, it is imperative that such challenges be investigated and the means to address them be identified for change to take place and prospective strategies to be implemented.

The research procedure and design utilised for this research study include an empirical study involving collection of data through a survey using questionnaires to answer questions concerning the objectives of this study. To explain the research methodology in detail, the following key aspects are addressed: firstly, the study type, research design, study population, target population, sample selection method and sample size, and data collection. Thereafter, the research instrument, the questionnaire design and questionnaire administration are described. Finally, the process of data analysis, and the means to ensure reliability and validity in this study, is discussed.

Figure 3.1 below sets out a flow diagram summarizing significant aspects of the research process.

Figure 3.1: Flow diagram of the research process



Source: Bikner-Ahsbahs and Prediger (2010)

3.2 Aim and objectives of the study

The aims of the study are to identify the challenges facing street vendors in the Durban area and to examine the role played by the law with respect to such challenges. The objectives are:

- To examine the significance of street vendors as a means of providing livelihoods and contributing to socio-economic development;
- To investigate the legal challenges faced by street vendors in Durban; and
- To examine the role of the law in addressing challenges faced by such vendors.

The primary research questions are:

- What is the significance of street vendors as a means of providing livelihoods and contributing to socio-economic development?
- What legal provisions regulate street vendors in Durban?
- What are the legal challenges facing street vendors in Durban?

- What strategies can be identified to address such challenges?

3.3 Research Design

According to Yin (2017:26), research design deals with a real problem and not a planned or organized one. Creswell (2013:8-9) states that a research approach is an arrangement and a strategy that entails the action of the precise methods of data collection, analysis, and interpretation. Cohen, Manion and Marrison (2013:14) mention that there are two main types of research approaches, namely the quantitative and qualitative approaches.

According to Goertzen (2017:12), quantitative research methods are involved with collecting and analyzing data that is methodical and can be presented in numbers, figures, or percentages. Apuke (2017:40) posits that quantitative research entails the consumption and analysis of numerical data utilizing specific statistical techniques to answer questions like, how many, how, who, how much, where, and when. Further, quantitative methods can be classified into four sections: survey research, correlation research, experiment research and causal-comparative research. This study collected data analysis using survey research. A survey is a collective sense in any format of systematic data collection initiated with a view to contributing a detailed description and analysis of a specific topic (Kent, 2020:6).

The researcher has selected the quantitative approach for the purpose of this study. The quantitative research method is adopted because it permits the researcher to summarize, generalize and compare results (Goertzen, 2017:13). In addition, Bryman, Bell, Hirschsohn, Dos Santo, Du Toit, Masenge, van Aardt and Wagner (2014:31) mention that the quantitative research approach entails analysing and collecting numerical data and applying statistical tests. Gaille (2019:1) states that the advantage of using quantitative research is that it can conclude the researcher's findings and offers steady prestigious information. This study adopts a quantitative approach using the descriptive survey method. According to Anilkumar (2014:5), a descriptive survey is a method used to describe a situation, population or make comparisons using analysis and facts. A descriptive research design therefore allows a researcher to elicit the participants' views or opinions and attitudes on the subject in a more elaborate way in order to establish the

findings of the study. The data for this study was collected through questionnaires to establish the views of street vendors regarding their challenges and the role of the law in this respect.

3.4 Target population

Casteel and Bridier (2021:344) describes a target population as the specific, theoretical restricted group of prospective participants which the researcher may have access to illustrate the population interest of the study. For this study, the target population was street vendors in the Durban area. According to Mkhize, Dube and Skinner (2013:39), street vending plays a major role in creating employment, alleviating poverty, reducing crime rates in the area, and contributing to the economy of the country. In addition, street vendors generate income that helps to better their livelihoods and take care of their children's needs, such as paying for education. Rogan (2012:6) points out that there has been an increase in the informal economy after the apartheid era in the eThekweni Municipality. According to Arde (2021), the City of Durban has 45 700 street vendors. Durban is the largest city in the South African province of KwaZulu-Natal (Enukidze, 2021). Most street vendors are in the city of Durban as it is one of the busiest ports in South Africa (Sinha, 2021). It is therefore significant to conduct the study in this area as it has a significant informal sector and is the economic hub of Durban. The target population is also accessible to the researcher.

3.5 Sample selection method and sample size

According to Mitchell (2013:41), sampling refers to the system of choosing a sub-group of all the items from a prescribed population for incorporation into the study. It is therefore crucial for a researcher to select the appropriate sampling method of the study because it yields significant research results (Enago Academy, 2019). There are two types of sampling methods, namely, probability and non-probability sampling. According to Hsia (2014:29), probability sampling is a sampling method wherein the samples are collected using a technique where all persons in the population have an equal chance of being chosen. McCombes (2019:12) states that non-probability sampling involves non-random selection based on convenience or some other criteria, enabling the researcher to collect

initial data with ease. The study will use the non-probability sampling study type. This type of sampling will cut the costs of data collection, save time, and allow for descriptive comments about the sample to be analysed (Saunders, Lewis and Thornhill 2012:30).

This type of sampling includes convenience sampling and purposive sampling.

According to Robinson (2014:155), purposive sampling is the intentional selection of informants based on their ability to elucidate a specific theme, concept, or phenomenon. Casteel and Bridier (2021:349) states that convenience sampling is distinguished by selecting participants based on their proximity to the researcher. As such, a researcher can recruit from a convenient sampling frame. For the purposes of this study, convenience sampling was used. The advantage of using convenience sampling is that it is cost effective and there is no requirement for a list containing all the population elements (Acharya, Prakash, Saxena and Nigam, 2021:332). According to Arde (2021: para.1) there are 45 700 street vendors In the City of Durban. For a population of 45 700, the sample size was 381 in terms of the table provided by Sekaran and Bougie (2010:296). The sample size selected is appropriate because it offers better understanding of the challenges faced by street vendors and possible intervention strategies to enhance their daily operations.

3.6 Inclusion and exclusion criteria

The inclusion and exclusion criteria for the study are as follows:

- **Inclusion criteria:** The study is limited to street vendors operating in the Durban area, who are over 18 years of age.
- **Exclusion Criteria:** Street vendors under the age of 18 are excluded. Street vendors outside the Durban are excluded.

3.7 Data collection

According to Salkind (2010:189), “instrumentation” refers to the tools or means by which investigators attempt to measure variables or items of interest in the data collection process. It is related not only to instrument design, selection, construction, and assessment, but also to the conditions under which the designated instruments are

administered. The instrument is the device used by investigators for collecting data. With respect to the research instrument, in this study, the researcher conducted a survey using questionnaires. Salkind (2010:333) maintains that primary data is collected through self-administered surveys, interviews, observation, and experiments. According to Check and Schutt (2012:160), the survey method refers to the collection of information from a sample of individuals through their responses to questions. Jones, Baxter and Khanduja (2013:1) state that the survey method allows the researcher to be able to collect data from a large population and allows for evaluation of such data in an efficient way. Furthermore, the survey method also provides an accurate and cost-effective way to gather targeted data. For this study, street vendors located at Durban, particularly at the Victoria Street and Berea Market, were selected using convenience sampling. Those street vendors who were available and accessible in the above-mentioned areas were selected. The literacy level of street vendors was considered when compiling the survey instrument. A survey using self-administered questionnaires was distributed to 381 respondents who were willing to participate in the study and collected thereafter. Of these, 291 questionnaires were returned, hence the response rate was 76.37%. All questionnaires returned were satisfactorily completed, as a result all questionnaires were included for analysis. There were no incentives given to the respondents to complete the questionnaire.

3.8 Research instrument

Roopa and Rani (2012:273) define a questionnaire as a printed list of questions that is given or distributed to respondents for their perceptions and input regarding a research study. A questionnaire allows quantitative data to be collected in a regulated way so that the data is internally reliable and coherent for analysis. The questionnaire is the most suitable method of data collection for this study for the following reasons: It is very cost effective when compared to face-to face interviews; it is easy to analyse; it reduces bias; the researcher's own opinions do not influence the respondents to answer in a certain manner; and there are no verbal or visual clues to influence the respondent. Moreover, it is less intrusive than telephone or face-to-face surveys (Jones 2013:5-7).

According to Creswell (2012:21), there could be three types of questions in the questionnaire, viz. closed-ended questions, open-ended questions, and semi-closed ended questions. The questionnaire for this study consisted mostly of closed-ended questions. According to Roopa and Rani (2012:274), a closed-ended survey questionnaire is one that provides respondents with a limited fixed set of responses from which to choose an answer. Rowley (2014:9) maintains that closed questions are a quick approach for collecting data; the responses are easy to code and analyse, which is crucial in collecting enormous data.

Questionnaires were distributed to 381 respondents in the Durban area. Bartram (2019:2) states that questionnaires allow researchers to collect enormous amount of data from many respondents within a short space of time. Patten (2016:1) further states that questionnaires provide an expeditious and speedy way to collect data and they are useful for collecting sensitive information. Many of the questions were closed-ended questions and there was a space for additional comments at the end; the researcher intentionally left the space to know more about the challenges that might not have been covered and possible solutions to the current challenges faced by street vendors. The questionnaire consisted of five sections. Section A focused on biographical information, including the ages of participants and gender. From the literature reviewed, women faced more severe challenges than men did, therefore the input of both genders was significant to the study. Section B relates to the significance of street vending as a means of providing livelihood. The awareness as well as understanding of legislation and regulations pertaining to street vending is covered in Section C; Section D relates to the challenges faced by street vendors; and Section E related to possible intervention measures and strategies.

The researcher took into consideration the COVID-19 pandemic at that time. As a result, the researcher distributed questionnaires to street vendors who were willing to participate and ensured that the COVID-19 regulations were followed by sanitizing regularly, wiping the pen before giving it to the participants, ensuring that masks were always worn and observing social distancing. Questionnaires were only given to participants who were willing and interested in assisting with research. The questionnaire in English and the translation in IsiZulu was pre-tested. The draft of the IsiZulu translation questionnaire was

administered to 10 participants who were willing to participate, and minor changes were made to question 7 as suggested in the English questionnaire. To preserve the integrity of the translated surveys, the IsiZulu questionnaire was checked by an IsiZulu Language Teacher. The questionnaire required approximately 10–15 minutes to be completed. The researcher collected data from street vendors located at eThekwin CBD, operating at Victoria Street and Berea Market. Where required by the respondents, a translation of the questionnaire was provided in IsiZulu. All hard copies will be stored in a locked cupboard for 5 years after which it will be shredded. Soft copies will be deleted after 5 years. There were no incentives for the respondents to complete the questionnaire.

3.9 Data Analysis

Coghlan and Miller (2014:102) refer to data analysis as the process associated with developing meaning and understanding from the various data sets that may be collected during the action research project as a basis for further action and theory building.

For quantitative studies, the common methods of data analysis are descriptive and inferential statistical analysis (Bryman and Duncan, 2011:18-19). Data obtained was analysed by the SPSS Statistics version 28.0.1.0. SPSS statistics is a software package used for interactive or batched statistical analysis (Levesque 2007: 390). Arkkelin (2014:10) states that the advantage of using the SPSS statistics is that the software allows the researcher to attain statistics ranging from different descriptive numbers to an intricate analysis of multivariate matrices. In this study, the data was analysed using inferential statistics and descriptive statistics. Byrne (2017:72) states that descriptive statistics are procedures for describing quantitative data by summarising, organising and graphical techniques. The results of the study were presented using graphical representations in the form of pie charts, bar graphs and tables.

3.9.1 Statistical techniques

According to Ali and Bhaskar (2016:662-669), statistics is a branch of science that deals with the collection, organization, and analysis of data, as well as the drawing of conclusions from samples to the entire population. Statistical techniques used in

conducting research include planning, designing, collecting data, investigating, drawing meaningful explanations, and reporting research results (Ali and Bhaskar, 2016:662). Further, the statistical analyses give meaning to numbers with no meaning as well as give life to lifeless data. Moreover, only when proper statistical tests are utilized will the results and inferences be precise.

3.9.1.1 Descriptive statistics

Descriptive statistics were used as it allows the researcher to break down the large amounts of data presented and enable a simpler interpretation of the entire population of street vendors (William 2020:1). According to McMillan and Schumacher (2014:2), the method of descriptive statistics is used to describe characteristics of a population or a sample. Furthermore, the purpose of descriptive statistics is to describe data by determining whether the scores on various variables are connected to each other. In this study, descriptive statistics were used to provide simple interpretation of data and the measures.

3.9.1.2 Inferential statistics

Inferential statistics are used to make predictions about a population based on information from samples (Andale, 2014:1). Inferential Statistics focuses on two main objectives, namely estimating parameters and hypothesis tests. For estimating parameters, it entails using a statistic from data sample to formulate a conclusion about a population parameter (Adale, 2014:1-3). Further, with regards to hypothesis tests, sample data is utilized to answer research questions.

The following different test were conducted: Cronbach alpha; factor analysis; Keiser-Meyer-Olkin (KMO) and Bartlett's test, Cross tabulations as well as Pearson's Chi Square test:

3.9.1.3 Cronbach alpha

Using SPSS version 27.0, the questionnaire instruments were tested for reliability by means of the Cronbach alpha test. According to Taber (2018:1273), Cronbach's alpha is a statistic that is frequently used to demonstrate that tests and scales designed or adopted

for research projects are fit for purpose. For this research, the Cronbach alpha coefficient was used to test for internal consistency (Sekaran and Bougie, 2016:224).

3.9.1.4 Factor Analysis

The main aim of factor analysis is to summarize and reduce large data so that relationships and patterns can easily be interpreted and understood (Yong and Pearce, 2013:79). Mukherjee, Sinha and Chattopadhyay (2018:103) indicate that factor analysis is a technique for evaluating how the patterns of relationships between several variables are caused by smaller number of latent variables, based on their similar character traits. Factor analysis is commonly used in survey research when the researcher aims to classify a large number of questions with a small number of hypothetical issues (de Vaus, 2015:187). In this case, as part of the questionnaire on the role of the law in addressing the challenges facing street vendors in Durban, respondents indicated their level of agreement on two separate questions regarding challenges faced by street vendors.

Each question by itself, would be an inadequate assessment of attitude towards the challenges faced by street vendors, but together they offer a better measure of attitude. Factor analysis is used to determine whether the two measures are assessing the same thing. Pallant (2010:184) mentions that the factor analysis enables the researcher to choose the factor rotation method to be used for the study. In practice, the factors are commonly understood, given names, and expressed as actual items. For this study, extraction method of principal component analyses was used. Mishra, Sarkar, Taraphder, Datta, Swain and Saikhom (2017:60) explain that the principal component analysis is a multi-component technique that analyses data in a table format in which examinations are described by multiple inter-correlated quantitative dependent variables.

3.9.1.5 Keiser-Meyer-Olkin (KMO) and Barlett's test

Shrestha (2021:6) posits that the KMO test is a metric designed to assess the suitability of data for analysis; it assesses the sample size's adequacy. Further, the test determines sampling adequacy for each variable in the model as well as for the entire model. The KMO test was used in the study to measure the sampling adequacy for each variable in the model.

According to Gordon (2022:1), the Barlett's test is a statistical method for determining whether variances in available samples are similar or equal. The author further states that the Barlett's test statistics examines variance equality across populations. The method is used to determine whether population variances are equal or unequal.

3.9.1.6 Cross-tabulations

Aprameya (2016: 1) refers to cross-tabulations as a quantitative technique for examining the relationship between multiple variables. Further, it is also useful to see where there may be differences in groups or one variable in order to understand the correlation between different variables. The author further states that the technique is commonly used in statistical analysis to discover patterns, trends, and probabilities in raw data. As a result, cross tabulations allow the analysis of explanations for specific groups or individuals on more than one variable. Thereafter, variables are identified by examining frequencies.

3.9.1.7 Pearson's chi-square test

A Pearson correlation matrix conveys the intensity, slant, and significant of bivariate relationships between variables calculated at the interval or ratio level (Sekaran and Bougie, 2016:286). According to McHugh (2013:143), the Chi square as a non-parametric (distribution-free) tool method of evaluating group differences when the dependent variable is measured nominally. The author also mentions that the Chi square statistic provides extensive information about how each of the study groups performed. This level of detail enables the researcher to apprehend the study results and derive more detailed information. The Chi square test statistic can be used to determine whether or not rows and columns in a contingency table are related (Rana and Singhal, 2015:69). The author also states that the Chi square is a non-parametric test that is used for two specific objectives: firstly, testing the hypothesis of no association between two groups or more, criteria or populations (that is checking the independence of two different variables); and secondly, to determine how closely the observed data distribution matches the expected distribution (that is to test the goodness of fit).

3.10 Pre-Test/ pilot study

Dhawan (2010:35) defines a pre-test as the mini version of a full-scale study. A pilot study is also called a 'feasibility study'. Saunders, Lewis and Thornhill (2009:52) add that the purpose of the pre-test is to refine the questions in the questionnaire in order to ensure that there is no ambiguity or bias, and that the questionnaire is fine tuned for data collection. The greatest error in any research is the omission of the pre-test/pilot study, as the researcher is always eager to rush to the main study. Burns and Bush (2010:90) indicate that the aims of a pilot study are also to determine if the proposed data analysis techniques could expose any potential problems and to authenticate if the researcher's procedure was realistic and workable for the study.

The research instrument (questionnaire for street vendors) was pre-tested. Prior to conducting the main study, the draft of the questionnaire was administered to 15 respondents who were willing to participate in the study. Minor changes were made with respect to rewording of questions and Question 7 was clarified as suggested by respondents to the pre-test. No other changes were made to the final instrument. The questions in the final instrument have been guided by the literature reviewed for this study.

3.11 Validity and Reliability

According to Gidron (2013:9), reliability refers to the degree of consistency in measurement and to the lack of error. Drafting and testing interview questionnaires is essential before it is launched for respondents. After questionnaires are developed with careful drafting, subsequent testing is one more guarantee that they will efficiently serve the purpose (Cleave 2013:11). Cronbach's alpha is one way to quantify reliability and represent the proportion of the observed score variance, that is, true score variance.

According to Cho and Kim (2015:93), Cronbach's alpha is used to assess the reliability of a test score. The purpose served by Cronbach's alpha is to tell the researcher whether a respondent would provide the same test score on a variable if that variable were to be administered twice (Lavraskis, 2008:47). In this study, reliability is ensured using Cronbach's alpha. Further, a pre-test of the draft questionnaire was conducted to ensure reliability as indicated above.

Middleton (2019:8) states that validity refers to how accurately a method measures what it is intended to measure. Frey (2018:61) refers to factor analysis as a set of procedures used to simplify a complex set of quantitative data by analysing the correlations between variables in order to uncover a small number of factors which can express what is common to the variables and their associated correlations. In this study, factor analysis was used to ensure validity.

3.12 Delimitations

The study was limited to street vendors operating within Durban, South Africa. Only vendors over the age of eighteen were used for this study and the questionnaire was distributed to 381 respondents. The questionnaire was written in two languages: IsiZulu and English. All respondents were given a choice to choose the language which best suited them with no influence from the researcher.

3.13 Ethical considerations

According to Allen (2017:86), confidentiality and anonymity are ethical practices designed to protect the privacy of human subjects while collecting, analyzing, and reporting data. In this study, participation by all respondents was voluntary. Respondents were made aware that they have the option to withdraw from the study at any stage. The data collected will only be used for the purposes of this study. The participants were assured that their participation in the study will remain anonymous and confidential. Moreover, respondents will not be required to write their names on the questionnaires. The researcher has also ensured that the Durban University of Technology's IREC/FREC Ethics Review requirements were complied with.

3.14 Conclusion

This chapter opened by restating the purpose of this study, its objectives and research questions. It provided the summary of the research methodology and the research methods used. In this study, convenience sampling was used. Data collection methods and the research instrument were discussed in this chapter. The survey questionnaire was administered to street vendors in the Durban area. A pre-test of the questionnaire was conducted. The chapter also discussed data collection strategies and validity and

reliability of the research instrument. The next chapter presents the analysis of results and discussion of the findings that emerged from the quantitative study.

CHAPTER 4: INTERPRETATION AND DISCUSSION OF THE RESULTS AND STATEMENT OF FINDINGS

4.1 INTRODUCTION

This chapter presents the results, analysis, quantitative data collection and the findings obtained from the role of the law in addressing the challenges facing street vendors in Durban. The questionnaire was the research tool used to collect data and it was distributed to 381 street vendors in Durban to respondents over the age of 18. The data collected from the responses was analysed with SPSS version 27.0. The results will present the descriptive statistics in the form of graphs, cross tabulations and other figures for the quantitative data that was collected. Inferential techniques include the use of correlations and chi square test values, which are interpreted using the p-values. The traditional approach to reporting a result requires a statement of statistical significance. A p-value is generated from a test statistic. A significant result is indicated with " $p < 0.05$ ".

4.1.1 The Sample

In total, 381 questionnaires were despatched and 293 were returned which gave a 76.90% response rate.

4.1.2 The Research Instrument

The research instrument consisted of 49 items, with a level of measurement at a nominal or an ordinal level. The questionnaire was divided into 4 sections which measured various themes as illustrated below:

- A Biographical data
- B Significance of street vending as a means of providing livelihoods
Awareness and understanding of laws and regulations pertaining to street
- C vending
- D Challenges faced by street vendors

4.2 Reliability statistics

Cronbach alpha was used to measure the reliability of the questionnaire as shown in Table 4.1 below. The two most important aspects of precision are reliability and validity. Reliability is computed by taking several measurements on the same subjects. Research reliability is the degree to which research technique generates secure and consistent results (Dudovskiy, 2022:1). A reliability coefficient of 0.60 or higher is considered as “acceptable” for a newly developed construct. Reliability coefficient determines the degree of consistency in the study (Zhou, 2016:3). This indicates a degree of acceptability, which is continuous in the study section.

4.2.1 Cronbach’s alpha scoring

Table 4.1 below reflects the Cronbach’s alpha score for all the items that constituted the questionnaire.

Table 4.1: CRONBANCH’S ALPHA SCORES

Section		Number of Items	Cronbach's Alpha
B5	Significance of street vending as a means of providing livelihoods	11	0.692
C7	Awareness and understanding of laws and regulations pertaining to street vending	8	0.673
D8	Challenges faced by street vendors	8	0.606
D9	Challenges in respect of the law that you face as a street vendor	4	0.645
Overall		35	0.667

All scores for reliability for all sections exceed the recommended Cronbach’s alpha value. Items of questions loaded are all over 0.60 which reflects a degree of acceptable, consistent scoring for the sections.

The matrix tables are preceded by a summarised table that reflects the results of KaiserMeyer-Olkin (KMO) and Bartlett's Test. The requirement is that the KMO Measure of Sampling Adequacy should be greater than 0.50 and Bartlett's Test of Sphericity less than

0.05. In all instances, the conditions are satisfied, which allows for the factor analysis procedure. Table 4.2 clearly shows the values of the KMO and Bartlett's test meets all criteria.

4.3 Inferential statistics

Sutanapong and Louangrath (2015:22) refer to inferential statistics as the process of drawing inferences or conclusions from a set of observations or population based on sample data. These observations are described by the descriptive statistics. Further, an inference is drawn from these descriptive statistics subject to a previously established limit, error, or interval.

In this section, the analysis from the following tests is presented: factor analysis and Keiser-Meyer-Olkin (KMO) and Bartlett's test, as well as Cronbach alpha (to determine reliability) and Pearson's Chi-square. This section also presents the cross tabulations, correlation analysis and hypotheses testing.

4.3.1 Factor Analysis

Factor analysis is a statistical method whose objective is to reduce large quantities of data (Alchemer, 2018:1). Factor Analysis is used in a survey or questionnaire by a researcher with the aim of representing several questions with a small number of hypothetical factors. This is done to test the measure of attitude in a topic if three separate questions regarding the same topic are answered by participants. Each question, by itself, would be an insufficient measure of the view but collectively they may contribute improved measure of the angle. In such cases, factor analysis is used to substantiate whether the measures do, in fact, measure the same thing. Therefore, they will then be combined to construct a new variable, an element score variable containing a score for every respondent on the factor. As a result, factor methods are suitable for being applied to multiple of situations. A researcher might also additionally need to recognise if the competencies required to be

decathlete are as the ten events, or if a small number of core skills are required to achieve success in a decathlon. The researcher does not have to believe that factors truly exist in order to do factor analysis but in practice factors are often interpreted, named, and spoken of or labelled as real things.

4.3.2 KMO and Bartlett's Test

The matrix table/s are anticipated by a contextualized table presenting the findings of KMO and Bartlett's Test. The **KMO and Bartlett's Test** Table 4.2 below displays two tests that indicate whether data is acceptable for structure detection. The **Kaiser-MeyerOlkin Measure of Sampling Adequacy** is a statistic that shows the fraction of variance in the variables that can be attributed to underlying factors. High values (close to 1.0) mostly indicate that a factor analysis of the data may be effective. If the value is less than 0.50, the factor analysis is improbable to be useful.

Bartlett's test of sphericity investigates the hypothesis that the correlation matrix is an identity matrix, implying that the variables are unconnected and thus infelicitous for structure detection. Small values of the significance position (less than 0.05) indicate that a factor analysis may be valuable with the data.

Only the Likert scale particulars are subjected to factor analysis. Certain components are further subdivided. The rotated component matrix explains this below.

Table 4.2: KMO and Bartlett's Test

Section		Kaiser-Meyer-Olkin Measure of Sampling Adequacy	Bartlett's Test of Sphericity		
			Approx. Chi-Square	df	Sig.
B5	Significance of street vending as a means of providing livelihoods	0.704	515.951	55	0.000
C7	Awareness and understanding of laws and regulations pertaining to street vending	0.594	710.281	28	0.000
D8	Challenges faced by street vendors	0.581	502.298	28	0.000
D9	Challenges in respect of the law that you face as a street vendor	0.624	375.859	21	0.000

All the conditions for factor analysis are reached, that is, the Kaiser-Meyer-Olkin Measure of Sampling Adequacy value must be greater than 0.500 and the Bartlett's Test of Sphericity sig. value must be less than 0.05.

4.3.2.1 Rotated Component Matrix

Factor analysis is a statistical technique used to reduce influential or strong data and allows the researcher to investigate conception which cannot be measured easily (Alchemer 2018:1). Further, the objective of factor analysis is to reduce large amounts of data into manageable smaller sets of hypothetical factors which are easy to understand. With reference to the tables below, the extraction method used was principal component analysis, and the rotation method was Varimax with Kaiser Normalization. This orthogonal rotation method reduces the number of variables with high loadings on each factor. It makes the interpretation of the factors easier.

Inter-correlations between variables are indicated by factor analysis/loading. Items of questions with similar loading signify measurement along with a parallel factor. An examination of the content of items loading at or above 0.5 (and using the higher or highest loading cases where items cross-loaded at greater than this value) effectively measured along the various components.

Table 4.3: Rotated Component Matrix: Significance of street vending as a means of providing livelihoods

B5	Component		
	1	2	3
Street vending allows for people with a lower level of education to be able to make a living.	-0.066	-0.049	0.813
Street vending provides employment for people who are unemployed.	0.456	0.103	0.690
Street vending plays a role in uplifting the community.	0.389	0.332	0.077
Street vending helps me to make money to provide for myself.	0.373	0.372	-0.175
Street vending helps me to support my spouse and children.	0.668	0.057	0.165
Street vending helps me to support or help other family members.	0.317	0.368	0.133
My street vending business is generally profitable.	0.230	0.618	0.016
The income from street vending has helped to improve my standard of living.	0.102	0.772	-0.080
Street vending has given me the opportunity to employ others on a temporary basis.	0.594	0.508	-0.254
My family members are also involved in the business/assist with customers.	0.699	0.073	-0.023
Street vending provides an opportunity for people who were into drugs to better their livelihood.	-0.286	0.606	0.394

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization. a.

Rotation converged in 7 iterations.

Vendors' family and community are positively affected

Vending raises the standard of living

Vending assists those with lower education and the unemployed

As shown in Table 4.3 above, the variables that founded the section on significance of street vending as a means of providing livelihoods, loaded along 3 components (sub-themes). The splits were colour coded and sub-themes were identified. On Component 1, for the sub-theme, "vendors' family and community are positively affected", the highest score of 0.699 was reflected. On component 2, for the sub-theme "Vending raises the standard of living", the highest score shown was 0.772. On the third component, "Vendors' family and community are positively affected", the highest score was 0.813. This implies that street vending plays a significant role and that respondents discovered different trends within the section constituted in Section (B5).

Table 4.4: Rotated Component Matrix: Awareness and understanding of laws and regulations pertaining to street vending

C7	Component		
	1	2	3
The constitution gives me the right to trade	0.080	-0.070	0.897
This right to trade is subject to limitations – which means that authorities may place restrictions on such trading or require permits.	0.174	0.506	0.624
The constitution gives municipalities the power to administer and regulate street trading.	-0.054	0.791	0.414
The Businesses Act (71 of 1991) recognized street vendors' right to trade.	0.264	0.604	0.049
However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading.	0.769	-0.117	0.391
In terms of municipality regulations and bylaws, street vendors need to have a permit to trade.	-0.140	0.806	-0.238
In terms of Zoning scheme regulations, the municipality has the power to determine where street vending may take place.	0.887	-0.048	-0.028
The municipality has the power to evict traders who do not comply with the regulations or move them to other locations.	0.747	0.296	0.038

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization. a.

Rotation converged in 5 iterations.

Implications of the constitution for street vendors.

Implications of the Business Amendment Act.

Implications of municipal regulations.

It is noted that the variables that constituted Section (C7), “awareness and understanding of laws and regulations pertaining to street vending”, loaded along 3 components (subthemes). The statements indicate what is constituted in the sections and measured what was set in motion to measure. The splits were colour coded and sub-themes were identified. On Component 1, for the sub-theme, “Implications of the constitution for street vendors”, the highest score of 0.887 was reflected. On Component 2, for the sub-theme “Implications of the Business Amendment Act” the highest score of shown was 0.806. On the third component, “Implications of municipal regulations” the highest score of 0.897 was reflected. This implies that the 3 highest components identified are in sync and that respondents discovered different trends within the section constituted in Section (C7).

Table 4.5 Rotated Component Matrix: Challenges faced by street vendors

D8	Component		
	1	2	3
Lack of start-up funds	0.583	0.004	0.552
Lack of entrepreneurial skills,	0.829	-0.021	-0.028
Operational challenges,	-0.057	-0.326	0.756
Socio-cultural challenges	0.032	0.403	0.771
Xenophobia effects on street vendors	-0.255	0.732	-0.103
Lack of infrastructure	0.798	-0.253	0.091
Health issues caused by weather conditions	0.224	0.791	0.094
Financial loss	0.662	0.273	-0.019

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization. a.

Rotation converged in 4 iterations.

Business-related challenges

Health issues and Xenophobia challenges

Operational and socio-cultural challenges

It is noted that the variables that constituted Section (D8) “**challenges faced by street vendors**”, are loaded along 3 components. The statements indicate what is constituted in the sections and measured what was set in motion to measure. The splits were colour coded and sub-themes were identified. On Component 1, for the sub-theme, “Business related challenges” the highest score of 0.829 was shown. On the second component, “Health issues and Xenophobia challenges”, 0.791 was reflected. On the third component, “Operational and socio-cultural challenges” 0.771 was shown. This implies that respondents discovered different trends within the section constituted in Section (D8).

Table 4.6 Rotated Component Matrix: Challenges in respect of the law that you face as a street vendor

D9	Component	
	1	2
There are manageable number of regulations/laws which are easy to understand.	0.717	-0.095
I am familiar with all the laws and regulations relating to street vending.	0.515	-0.291
I am allowed to trade without a permit.	0.702	-0.031
Zoning scheme regulations, allow me to trade in all areas.	0.799	-0.158
There are restrictions on trading in certain public places which are ideal for street vending.	-0.306	0.607
My goods have been confiscated/impounded.	-0.031	0.811
We are harassed by police and given unnecessary fines.	-0.103	0.781

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization.

a. Rotation converged in 3 iterations. #

Positive side to regulatory measures.

Street vendor challenges with the law.

It is noted that the variables that constituted Section (D9) "**challenges in respect of the law that you face as a street vendor**", is loaded along 2 components. The statements indicate what is constituted in the sections and measured what was set in motion to measure. The splits were colour coded and sub-themes were identified. On Component 1, "Positive side to regulatory measures" the highest score of 0.799 was reflected. On the second component, "Street vendor challenges with the law" 0.811 was shown. This implies that respondents discovered different trends within the section constituted in D9.

4.4 ANALYSIS OF RESULTS FROM STREET VENDOR QUESTIONNAIRE

4.4.1 Biographical Data

This section summarises the biographical characteristics of the respondents.

4.4.1.1 Gender distribution by age

Table 4.7 below describes the overall gender distribution by age.

Age (years)		Gender		Total
		Male	Female	
18 – 29	Count	12	21	33
	% within Age	36.4%	63.6%	100.0%
	% within Gender	8.5%	14.1%	11.3%
	% of Total	4.1%	7.2%	11.3%
30 – 39	Count	26	34	60
	% within Age	43.3%	56.7%	100.0%
	% within Gender	18.3%	22.8%	20.6%
	% of Total	8.9%	11.7%	20.6%
40 – 49	Count	59	48	107
	% within Age	55.1%	44.9%	100.0%
	% within Gender	41.5%	32.2%	36.8%
	% of Total	20.3%	16.5%	36.8%
50 – 69	Count	45	46	91
	% within Age	49.5%	50.5%	100.0%
	% within Gender	31.7%	30.9%	31.3%
	% of Total	15.5%	15.8%	31.3%
Total	Count	142	149	291
	% within Age	48.8%	51.2%	100.0%
	% within Gender	100.0%	100.0%	100.0%
	% of Total	48.8%	51.2%	100.0%

Table 4.7 Gender distribution by age

The analysis indicates that more respondents are females (51.2%), followed by males (48.8%). Within the age category of 18 to 29, females were 63.6%, making up 11.3% of the total sample, and 36.4% were male. Within the age category of 30 to 39 years, 43.3% were male and 56.7% were female. This category of males between the ages of 30 to 39 years formed 8.9% of the total sample and females in this category (30-39) made up 11.7%. With the age category between 40-49 years, the percentage of males was

considerably high, sitting on 55.1%, while females were at 44.9%. With the age category between 40-49 years, the percentage of males was also considerably high; sitting on 55.1%, with females at 44.9%. With the age category between 50-69 years, the percentage of males (49.5%) and female (50.5%) were almost the same.

Within the category of males (only), 18.3% were between the ages of 30 to 40 years, and 41.5% were in the age group of 50-59 years, whereas for females (only), 22.8% were in the age group 30-40 and 32.2% were in the 50-59 age group. The age distributions are not similar as there are more respondents older than 40 years ($p < 0.001$).

4.4.1.2 Racial composition of sample

Table 4.8 below indicates the racial composition of the sample.

	Frequency	Percent
African	287	98.6
Indian	2	0.7
Coloured	2	0.7
Total	291	100.0

Table 4.8 Racial composition of sample

As shown in Table 4.8 above, the race categories for the study were divided into three ethnic groups, namely: African, Indian and Coloured. The majority (98.6%) of respondents who participated were African. The results indicate a low percentage in other races participating as street vendors. The Coloureds constituted 0.7% and Indians were also on 0.7%.

4.4.1.3 Number of years that respondents were engaged in street vending

The respondents were asked to indicate the number of years that they were engaged in street vending. Figure 4.1 below shows the results.

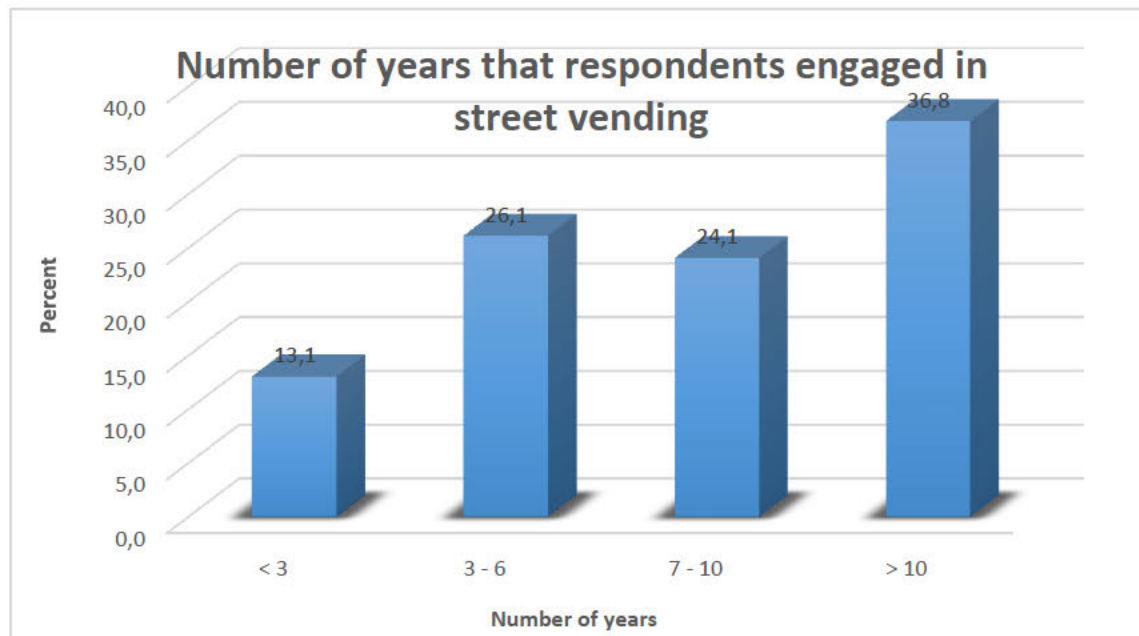


Figure 4.1 Number of years that respondents were engaged in street vending

A little more than 60% of the respondents have been vending for more than 6 years ($p < 0.001$). The results shown in Figure 4.1 above indicate that 13.1% of the respondents were engaged in street vending for less than three years, while 26.1% were engaged for 3-6 years. Further, 24.1% were engaged in street vending for 7-10 years and 36.8% for more than 10 years. Hence, collectively, 61.9% were engaged in street vending for seven years or more. The findings show that the majority of the respondents were engaged as street vendors for more than 7 years. This implies that most respondents have had experience as a vendor for quite some time. This is a useful fact as it indicates that the responses were from experienced vendors.

4.4.2 SECTION ANALYSIS

This section analyses the scoring of the respondents per variable on each section. Firstly, the results are displayed using summarised percentages for the variables that represent each section. The results are then further analysed according to the importance of the statements.

4.4.2.1 Significance of street vending as a means of providing livelihoods

Respondents were asked to indicate their level of agreement with the eleven statements on the questionnaire relating to the significance of street vending as a means of providing livelihoods. Figure 4.2 below shows the results.

Chart Title



Figure 4.2 Significance of street vending as a means of providing livelihoods

From the results shown in Figure 4.2 above, the following patterns are observed:

- All of the statements show (significantly) higher levels of agreement whilst other levels of agreement are lower (but still greater than levels of disagreement).
- There are no statements with higher levels of disagreement. Three statements have moderate levels of disagreement.
- 2 statements have moderate levels of neutral scores.

The results shown in Figure 4.2 above for the various sub-themes for significance of street vending as a means of providing livelihoods reveal that:

- **Statement B5.1 – Street vending allows for people with a lower level of education to be able to make a living:** Collectively, 96.9% of the respondents agreed (54.3%) or strongly agreed (42.6%) that street vending allows for people with a lower level of education to be able to make a living, while 0.3% disagreed and 2.4% were neutral. The findings show that most of the respondents agreed that street vending allows for people with lower level of education to be able to make a living. The findings are in agreement with the views of Legodi and Kanjere (2015:1) who state that illiterate people who do not have the necessary skills required in the formal employment can make a living as street vendors, (Legodi and Kanjere, 2015: 1)
- **Statement 5.2 – Street vending provides employment for people who are unemployed:** Collectively, the level of agreement was 88.6%, where respondents agreed (43.6%) or strongly agreed (44.7%) that street vending provides employment for people who are unemployed. In addition, 8.6% of the respondents disagreed that the sector creates employment and a further 0.7% strongly disagreed while 2.4% were neutral. Therefore, the findings show that the majority of the respondents agreed that street vending provides employment for people who are unemployed. This finding is in agreement with the view of Mramba (2015:121) who mentions that the street vending business is one of the important sectors where people in developing cities can escape poverty because the sector provides employment in the cities.

- **Statement 5.3 – Street vending plays a role in uplifting the community:** Collectively, 74.5% of the respondents agreed (46.7%) or strongly agreed (27.8%) that street vending plays a role in uplifting the community, whereas 18.6% respondents were neutral, 6.5% disagreed with the statement and 0.3% strongly disagreed. The findings show that the majority of the respondents agreed that street vending plays a role in uplifting the community. This is in agreement with the views of Streetnet (2022: 1) who iterates that street vending plays a crucial role in reaching sustainable development goals and are impacting their communities positively while fostering sustainable change.
- **Statement 5.4 – Street vending helps me to make money to provide for myself:** Collectively, 99% of the respondents agreed (57.4%) or strongly agreed (41.6%) that the business of street vending provides money for the respondents to provide for themselves. In addition, 0.3% of the respondents were neutral and 0.6% collectively disagreed (0.3%) or strongly disagreed (0.3%). The findings show that almost all the respondents agreed that street vending helps them to provide for themselves. Crush *et al.* (2017:1) mentions that street vending is one of the primary sectors where people are able to make a sustainable livelihood because the sector's objective is to create employment and skills.
- **Statement 5.5 – Street vending helps me to support my spouse and children:** Collectively, 96.9% respondents agreed to street vending helping them support their spouse and children; 57.4% agreed and 39.5% strongly agreed. Only 3.1% of the respondents disagreed to the statement. The findings show that the majority of the respondents agreed that street vending helps them to support their spouse and children. This finding is in agreement with the views of Rogan and Cichello (2017: 5) who mention that street vending provides daily income to several families and the income makes a significant difference to their families because their health needs are met, and the children get the opportunity to go to school.
- **Statement 5.6 – Street vending helps me to support or help other family members:** Collectively, 91.4% of the respondents agreed (55%) or strongly

agreed (36.4%) that street vending helps them to support or help other family members. Further, 1.0% of the respondents were neutral, 4.5% disagreed and 3.1% strongly disagreed. The findings show that the majority of the respondents agreed that street vending helps them to support or help other family members. This finding is in agreement with the views of Hammell and Lwama (2012: 390) who state that, through street vending, the traders can make a living through the source of income obtained and provide for their families.

- **Statement 5.7 – My street vending business is generally profitable:** Collectively, 74.2% of the respondents agreed (57%) or strongly agreed (17.2%) that the street vending business is generally profitable. In addition, 0.7% of the respondents were neutral, 24.7% disagreed and 0.3% strongly disagreed. The findings show that the majority of the respondents agreed that street vending business is generally profitable. Rogerson (2019: 730) mentions that the informal sector is a substantial segment of the economy that provides income to millions of people.
- **Statement 5.8 – The income from street vending has helped to improve my standard of living:** Collectively, 76.3% of the respondents agreed (48.5%) or strongly agreed (27.8%) that the income from street vending has helped to improve my standard of living, while 20.3% disagreed, 1.7% strongly disagreed and 1.7% were neutral. The findings show that the majority of respondents agreed that the income from street vending has helped improve their standard of living. This is in agreement with the views of The International Labour Organization (2018: 6) which mentions that the informal economy has employed more than 60% of the world's employed population, mostly in emerging and developing countries, helping them to generate an income and improve their livelihoods.
- **Statement 5.9 – Street vending has given me the opportunity to employ others on a temporary basis:** Collectively, 66% of the respondents agreed (49.8%) or strongly agreed (16.2%) that street vending has given them the opportunity to employ others on a temporary basis, while 21.0% strongly disagreed to the statement and 13.1% disagreed. The findings show that the majority of the

respondents agreed that street vending has given them the opportunity to employ others on a temporary basis. This is in agreement with the views of Skinner Bhowmik and Saha (2012:1) who maintain that the informal economy has provided employment for other employees.

- **Statement 5.10 – My family members are also involved in the business/assist with customers:** Collectively, 95.2% respondents agreed (51.9%) or strongly agreed (43.3%) that their family members are involved in the family business or assist them with customers. Further, 3.1% of them disagreed and 1.7% strongly disagreed. The findings show that the majority of the respondents agreed that their family members were also involved in the business or assisted them with customers. This is in agreement with the views of Ferragut and Gomet (2013:16) who indicate that street vendors receive help with the business from family members.
- **Statement 5.11 – Street vending provides an opportunity for people who were into drugs to better their livelihood:** Collectively, 54.6% of the respondents agreed (45.0%) or strongly agreed (9.6%) that street vending provides an opportunity for people who were into drugs to better their livelihood, while 23.7% of them were neutral. Further, 16.5% strongly disagreed and 5.2% disagreed. The findings show that the majority of the respondents agreed that street vending provides an opportunity for people who were into drugs to better their livelihood. This finding is in agreement with the views of Steinberg (2011:349) who mentions that street vending has given hope to people who used to take drugs by giving them an opportunity to make a living through vending and to better their livelihood.

4.4.3 How the income earned from vending assists street vendors

The respondents were asked to indicate how the income earned from street vending assists them. Table 4.9 below shows the results.

		Frequency	Percent	Valid Percent	Cumulative Percent
With the income that I earn from street vending, I can:	Buy food	9	3.1	3.1	3.1
	Buy other essential items	2	0.7	0.7	3.8
	Pay electricity and water bill (utility bills)	2	0.7	0.7	4.5
	Buy food and other essential items	52	17.9	17.9	86.9
	Buy food and pay utility bills	1	0.3	0.3	87.3
	Buy food, other essential items and pay utility bills	225	77.3	77.3	169.1
	Total	291	100.0	100.0	

Table 4.9 How the income earn from street vending assists street vendors

As shown in Table 4.9 above, 3.1% of the respondents buy food, 0.7% indicated they can buy other essential items, while 0.7% are able to pay for water and electricity. Further, 77.3% of them buy food and other essential items, and pay for water and electricity, while 17.9% of the respondents are able to buy food and other essential items. A further 0.3% indicated they can buy food and pay utility bills. The findings show that the majority of the respondents indicated that they can buy food and other essential items and pay for utility bills. It is also significant that all respondents spent the income from vending on food, other essential items or utility bills, or some combination of these items. This is in agreement with the views of Gamielien and Niekerk (2017:24) who state that street vending for many is a way of making the means to provide for necessities such as food, shelter, electricity, water, etc.

4.4.4 Respondents' awareness and understanding of laws and regulations pertaining to street vending

The respondents were asked to indicate their level of awareness and understanding of certain laws and regulations pertaining to street vending. Figure 4.3 below shows the results.

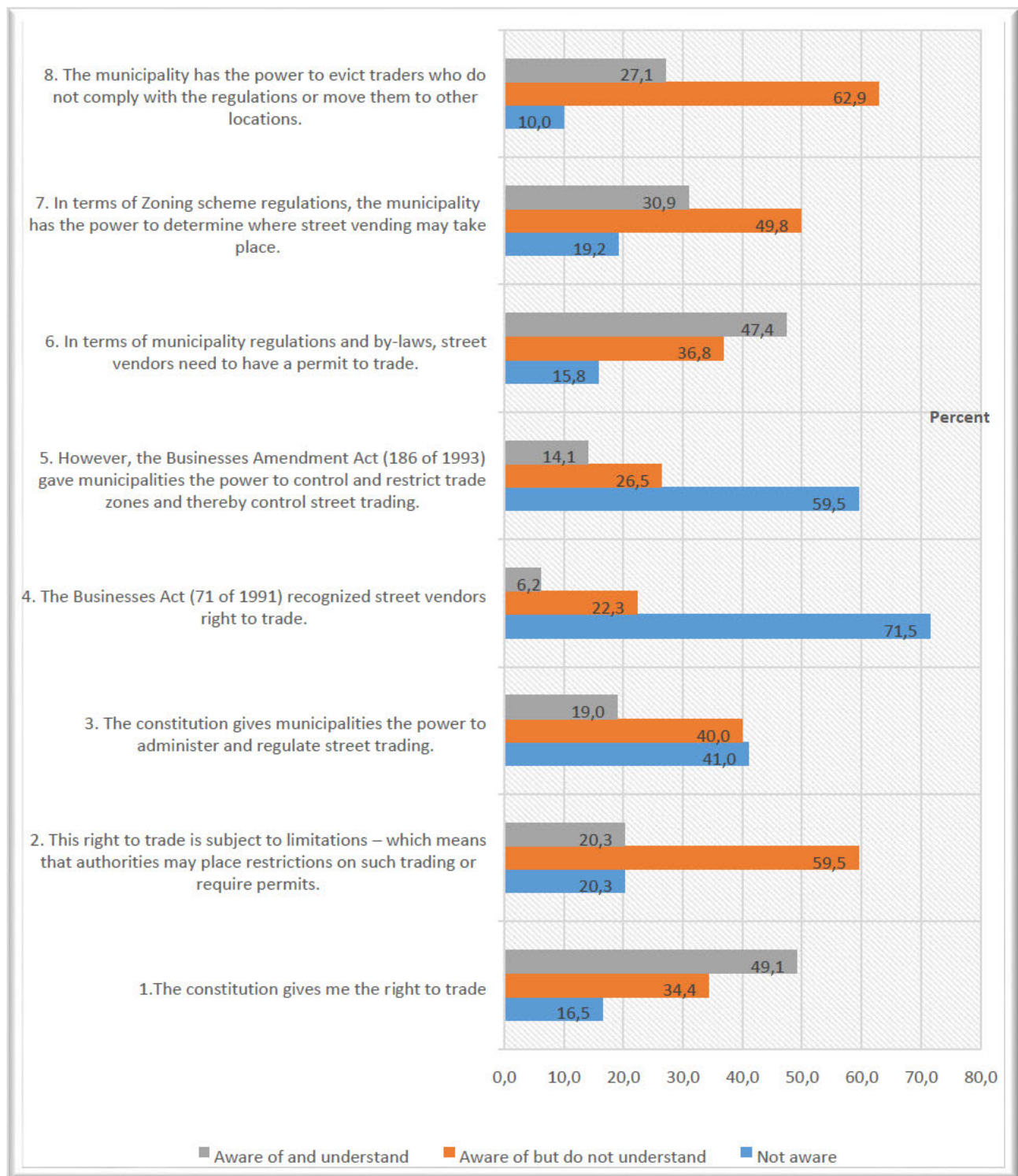


Figure 4.3 Respondents' awareness and understanding of laws and regulations pertaining to street vending

From the results shown in Figure 4.3 above, the following patterns are observed:

- Some statements show higher level of awareness
- Some statements show higher levels of not being aware
- Some show the middle option as being higher (aware of but do not understand) as well.

The results shown in Figure 4.3 above for the various sub-themes for the awareness and understanding of laws and regulations pertaining to street vending, reveal the following:

4.4.5 Provisions in the constitution relating to trading

- **Statement 7.1.1 – The constitution gives me the right to trade:** Almost half of the respondents (49%) are aware of and understand the constitution that gives them the right to trade; while 34.4% of the respondents are aware of the constitution but do not understand and 16.5% are not aware. The findings show that almost half of the respondents are aware and understand that the constitution gives them the right to trade in South Africa. WIEGO (2014:11) states that the constitution provides street vendors with the right to trade and choose their own profession and occupation freely.
- **Statement 7.1.2 – This right to trade is subject to limitations – which means that authorities may place restrictions on such trading or require permits:** The results reflect that 59.5% of the respondents are aware of but do not understand that the right to trade is subject to limitations – which means that authorities may place restrictions on certain areas or require a permit to trade. Further, 20.3% of them were not aware of this regulation and 20.3% were aware and they understand. The findings show that the majority of the respondents were aware of the right to trade but do not understand the limitations or restrictions in place. The Bill of Rights (South Africa 1996: Section 36) states that the right to trade is subject to regulation and may be limited only in terms of the law in accordance with the “limitations clause” set out in Section 36.
- **Statement 7.1.3 - The constitution gives municipalities the power to administer and regulate street trading:** of the respondents, 41% are not aware that the constitution gives municipalities the power to administer and regulate street trading, while 40% of the respondents are aware but they do not understand. Hence, collectively 81% are either not aware of the provision or are aware of it but do not

understand it. Only 19% of them are aware of the provision and understand it. The findings therefore show that the majority of the respondents are either not aware that the constitution gives municipalities the power to administer and regulate street trading, or they are aware of such law but do not understand it. The Businesses Act (1991) gave recognition to street vendors' rights to trade, however, the amendments introduced by the Businesses Amendment Act 186 of 1993 gave municipalities the power "to publicize controlled and inhibited trade zones" giving them freedom to control street vending, including the issuing of licences to permit such trade.

4.4.6 The Business Act 71 of 1991

- **Statement 7.2.1 - The Businesses Act (71 of 1991) recognized street vendors right to trade:** Almost 72% of the respondents were not aware that the Businesses Act (71 of 1991) recognized street vendors' right to trade, while 22.3% were aware but do not understand and 6.2% were aware of the law and understood it. The findings show that the majority of the respondents were not aware that the Business Act recognised street vendors' right to trade. WIEGO (2014:11) mentions that there are too many regulations that street vendors need to comply with which is confusing and causes conflicts when the authorities who check the compliant status in this occupation.
- **Statement 7.2.2 - However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading:** The results indicates that 59.5% of the respondents are not aware that the Business Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading. In addition, 26.5% were aware but did not understand this provision and 14.1% were aware of it and understood it. The findings show that the majority of street vendors were not aware that the Business Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones. This is in agreement with the views of Begari (2017: 436) who mentions that street vendors are not conversant with all rules and regulations because of the low level of education and the use of difficult legal terms which they do not understand.

4.4.7 eThekweni Municipality bylaws

- **Statement 7.3.1 - In terms of municipality regulations and bylaws, street vendors need to have a permit to trade:** Collectively, 47.4% of the respondents are aware of and understand that a permit is required for trading. While 36.8% are aware of but do not understand this aspect and 15.8% were not aware of it. The findings show that just under half of the respondents are aware of and understand that the municipality regulations and bylaws that street vendors require a permit to trade. WIEGO (2014:11) states that street vendors are allowed to trade if they have a permit or a licence.
- **Statement 7.3.2 - In terms of Zoning scheme regulations, the municipality has the power to determine where street vending may take place:** The results indicate that 49.8% of the respondents are aware of but do not understand that in terms of Zoning scheme regulations, the municipality has the power to determine where street vending may take place. Just 30.9% of the respondents were aware of such provision and understood it, while 19.2% were not aware of it at all. Hence, almost half of the respondents were aware of, but did not understand that in terms of the Zoning scheme regulations, municipalities had the power to determine where street vending can take place. WIEGO (2014:11) states that through the zoning scheme regulations, the municipalities have been given authority to allocate street vendors where they can trade.
- **Statement 7.3.3 - The municipality has the power to evict traders who do not comply with the regulations or move them to other locations:** Figure 4.3 shows that 62.9% of the respondents were aware of it but did not understand that the municipality has the power to evict traders who do not comply with the regulations or move them to other locations. Further, 27.1% were aware of and they understand the provision and 10% of them were not aware of it. The findings show that the majority of street vendors are aware of such provision, but they do not understand it. Skinner (2016:4) mention that there are extreme large-scale violent evictions where street vendors are removed from public spaces.

4.8 Section D: General challenges faced by street vendors

Respondents were asked to indicate their level of agreement with the eight statements on the questionnaire relating to the general challenges faced by street vendors. Figure 4.4 below shows the results.

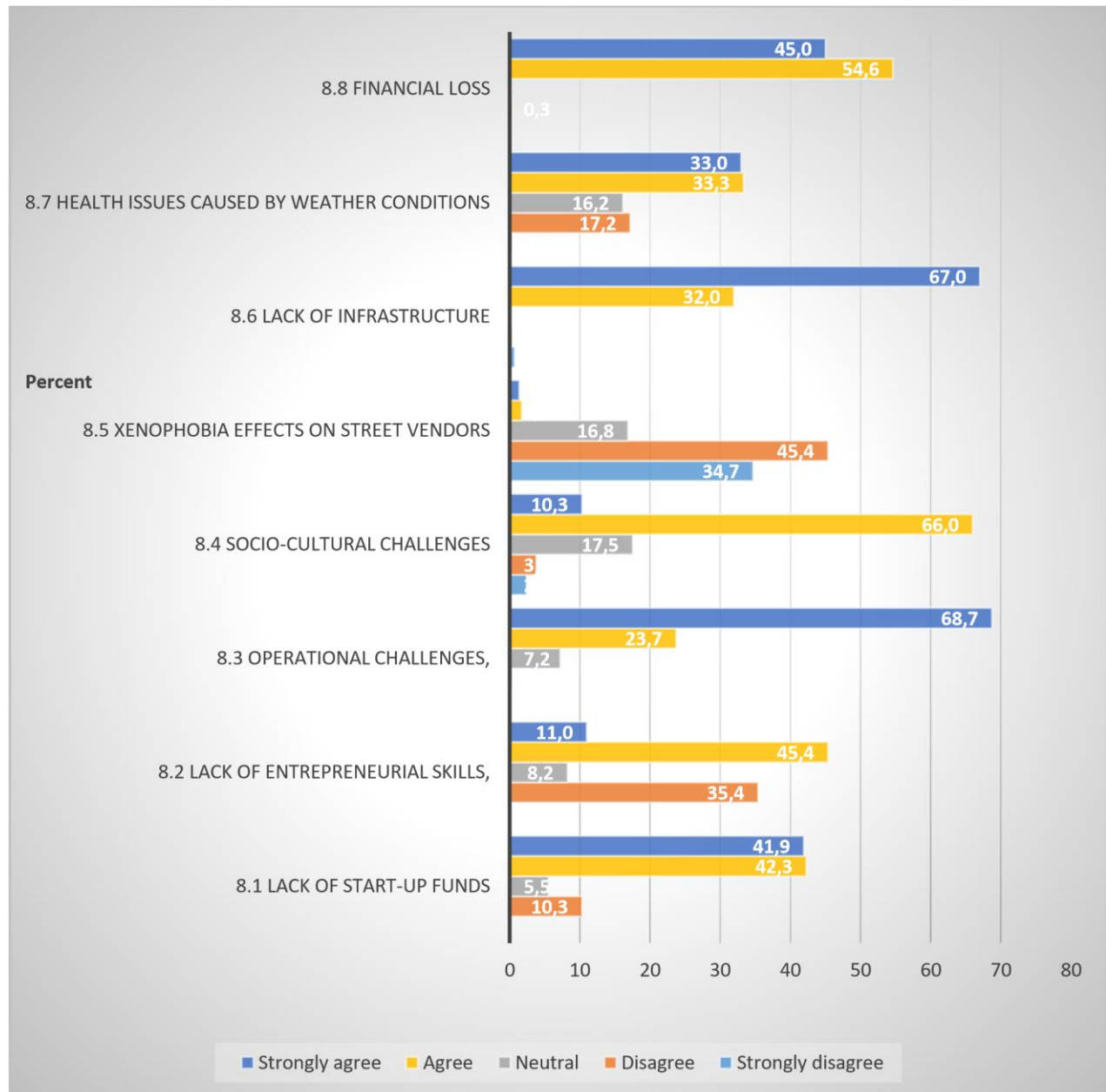


Figure 4.4 General challenges faced by street vendors

From the results shown in Figure 4.4 above, the following patterns are observed:

- All the statements show higher level of agreement except D8.5

- The significance of the differences is tested and shown in Table 4.10 below.

A chi square goodness-of-fit test was used to determine whether the scoring patterns per statement were significantly different per option. The null hypothesis claims that a comparable number of respondents scored across each option per statement (one statement at a time). According to the alternative, there is a significant difference in the levels of agreement and disagreement. Table 4.10 summarizes the findings. Because the significant values (p-values) are less than 0.05 (the level of significance), it implies that the distributions were not comparable, that is, there were significant differences in how respondents scored (agree, neutral, disagree).

		Strongly disagree		Disagree		Neutral		Agree		Strongly agree		Chi Square p-value
		Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	
Lack of start-up funds	D8.1	0	0.0%	30	10.3%	16	5.5%	123	42.3%	122	41.9%	< 0.001
Lack of entrepreneurial skills,	D8.2	0	0.0%	103	35.4%	24	8.2%	132	45.4%	32	11.0%	< 0.001
Operational challenges,	D8.3	0	0.0%	1	0.3%	21	7.2%	69	23.7%	200	68.7%	< 0.001
Socio-cultural challenges	D8.4	7	2.4%	11	3.8%	51	17.5%	192	66.0%	30	10.3%	< 0.001
Xenophobia effects on street vendors	D8.5	101	34.7%	132	45.4%	49	16.8%	5	1.7%	4	1.4%	< 0.001
Lack of infrastructure	D8.6	2	0.7%	1	0.3%	0	0.0%	93	32.0%	195	67.0%	< 0.001
Health issues caused by weather conditions	D8.7	1	0.3%	50	17.2%	47	16.2%	97	33.3%	96	33.0%	< 0.001
Financial loss	D8.8	0	0.0%	1	0.3%	0	0.0%	159	54.6%	131	45.0%	< 0.001

Table 4.10 Challenges faced by street vendors

The results shown in Figure 4.5 above for the various sub-themes in respect of the general challenges faced by street vendors are discussed below:

- **Statement 8.1 - Lack of start-up funds:** Collectively, 84.2% of the respondents agreed (42.3%) or strongly agreed (41.9%) that street vendors lack the start-up funds needed, while 10.3% disagreed with the statement and 5.5% were neutral.

The findings show that the majority of the respondents agreed that the lack of startup funds was a challenge. This finding is in agreement with the views of Roever (2016:12) who mentions that street vendors have a difficult time raising start-up funds with no support from the government or private sector. Further, Uwitije (2016:24) states that lack of capital access to street vendors hinders their progress because they do not have pay-slips.

- **Statement 8.2 - Lack of entrepreneurial skills:** Collectively, 56.4% of the respondents agreed (45.4%) or strongly agreed (11%) that street vendors lack entrepreneurial skills, while 35.4% disagreed and 8.2% were neutral. The findings show that the majority of the respondents agreed that they lack entrepreneurial skills. This is in agreement with the views of Itakawa (2014: 121) who mentions that street vendors lack entrepreneurial skills which hinders the growth of the business because they cannot identify opportunities presented.
- **Statement 8.3 – Operational challenges:** Collectively, 92.4% of the respondents agreed (23.7%) or strongly agreed (68.7%) that they were faced with operational challenges, while 7.2% were neutral and 0.3% disagreed. The findings show that the majority of the respondents agreed that they are facing operational challenges. This finding is in agreement with the views of Hussmans (2014: 48) who mentions that the street vendors are faced with several operational challenges daily which include but not limited to theft, robbery and lack of storage space.
- **Statement 8.4 – Socio-cultural challenges:** Collectively, 76.3% of the respondents agreed (66%) or strongly agreed (10.3%) that they faced sociocultural challenges, while 17.5% were neutral, 3.8% disagreed and 2.4% strongly disagreed. The findings show that the majority of street vendors agreed that they faced socio-cultural challenges. Legodi and Kanjere (2020: 66) observe that, in South Africa, the informal sector consists mainly of women who come from poor backgrounds.
- **Statement 8.5 - Xenophobia affects street vendors:** Collectively, 80.1% of the respondents disagreed (45.4%) or strongly disagreed (34.7%) that xenophobia affects street vendors, while 16.8% were neutral, 1.7% agreed and 1.4% strongly agreed. The majority of the respondents disagreed that xenophobia was a

challenge to them. South Africa has become increasingly aware of the need to effectively manage immigration and integrate immigrants in light of the increased importance of migration in recent decades (OECD/ILO, 2018:23). As a result, the majority of South African traders work well with immigrants in the street vending business.

- **Statement 8.6 - Lack of infrastructure:** Collectively, 99% of the respondents agreed (32%) or strongly agreed (67%) that they lack infrastructure, while 0.7% strongly disagreed and 0.3% disagreed. The findings show that the majority of the respondents agreed that they lacked the infrastructure. This finding is in agreement with the views of WIEGO (2014:9) which mentions that street vendors in Cape Town, Johannesburg, Durban, and Tshwane have challenges with unavailability of transport, equipment, insufficient services, and infrastructure, such as water and waste bins.
- **Statement 8.7 - Health issues caused by weather conditions:** Collectively, 66.3% of the respondents agreed (33.3%) or strongly agreed (33%) that they are affected by health issues caused by weather conditions, while 16.2% were neutral, 17.2% disagreed and 0.3% strongly disagreed. The findings show that the majority of the respondents agreed that they experience health issues caused by weather conditions. This is in agreement with the views of Rogan (2012:24) who states that street vendors are affected by various health challenges which are detrimental to their health and adds that the common street vendor challenges which contribute to health challenges include the lack of infrastructure, water, toilets, and storage.
- **Statement 8.8 – Financial loss:** Collectively, 99.6% of the respondents agreed (54.6%) or strongly agreed (45%) that financial loss is a challenge, while 0.3% disagree with the statement. The findings show that the majority of the respondents agreed that they face financial loss, which is a challenge. Gamielien (2017:26) mentions that exposure to the weather and the elements makes it difficult for hawkers to trade on days with inclement weather, which leads to a loss of income.

4.9 Section D: Challenges in respect of the law faced by street vendors

Respondents were asked to indicate their level of agreement with the eight statements on the questionnaire relating to challenges in respect of the law faced by street vendors. Figure 3.5 below shows the results and Table 4.11 below summarizes the scoring patterns.

		Strongly disagree		Disagree		Neutral		Agree		Strongly agree		Chi Square p-value
		Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	
There are manageable number of regulations/laws which are easy to understand.	D9.1	110	37.8%	125	43.0 %	54	18.6 %	2	0.7 %	0	0.0 %	< 0.001
I am familiar with all the laws and regulations relating to street vending.	D9.2	118	40.5%	103	35.4 %	46	15.8 %	17	5.8 %	7	2.4 %	< 0.001
I am allowed to trade without a permit.	D9.3	101	34.7%	179	61.5 %	9	3.1 %	2	0.7 %	0	0.0 %	< 0.001
Zoning scheme regulations, allow me to trade in all areas.	D9.4	60	20.6%	55	18.9 %	175	60.1 %	0	0.0 %	1	0.3 %	< 0.001
There are restrictions on trading in certain public places which are ideal for street vending.	D9.5	0	0.0%	3	1.0 %	14	4.8 %	168	57.7 %	106	36.4 %	< 0.001
My goods have been confiscated/impounded.	D9.6	0	0.0%	2	0.7 %	0	0.0 %	74	25.4 %	215	73.9 %	< 0.001
We are harassed by police and given unnecessary fines.	D9.7	0	0.0%	22	7.6 %	2	0.7 %	96	33.0 %	171	58.8 %	< 0.001
The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to our health.	D9.8	0	0.0%	2	0.7 %	0	0.0 %	140	48.1 %	149	51.2 %	< 0.001

Table 4.11 Challenges in respect of the law faced by street vendors

The significance of the differences was tested and shown in Table 4.11 above. Since the highlighted sig. values are less than 0.05 (the level of significance), this suggests that the distributions were not complementary, that is, there were significant differences with how participants scored (agree, neutral, disagree).

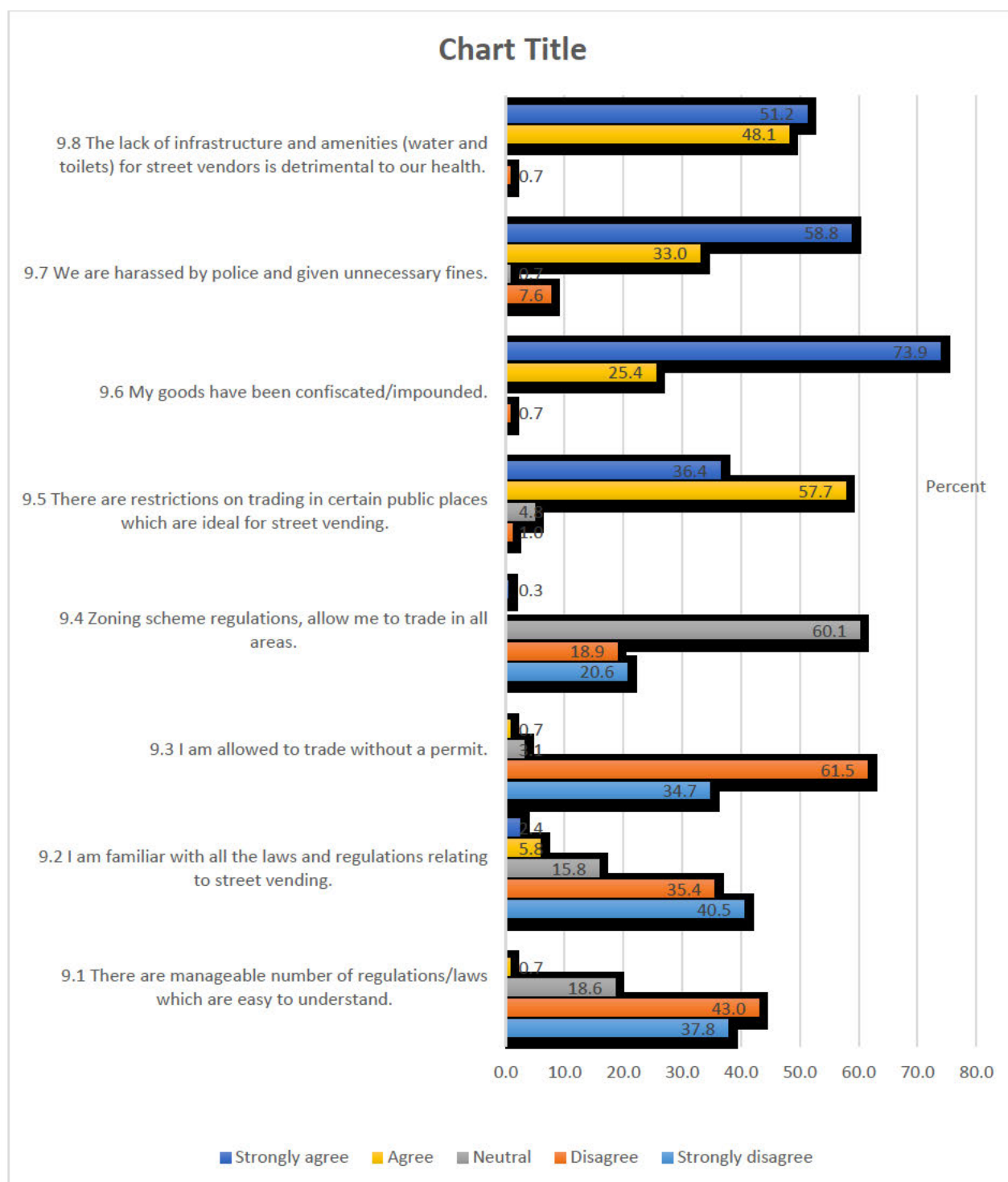


Figure 4.5 Challenges in respect of the law faced by street vendors

From the results shown in Figure 4.5 above, the following patterns are observed:

- The first 3 show higher levels of disagreement;
- Statement 9.4 shows a higher level of neutral;

- The last 4 statement show higher levels of agreement; and

The results shown in Figure 4.5 above for the various sub-themes in respect of the challenges in respect of the law faced by street vendors are as follows:

- **Statement 9.1 - There are a manageable number of regulations/laws which are easy to understand:** Collectively, 80.8% respondents disagreed (43%) or strongly disagreed (37.8%) that there are a manageable number of regulations/laws which are easy to understand, while 18.6% were neutral and 0.7% agreed. The findings show that the majority of the respondents disagreed that there are a manageable number of regulations/laws which are easy to understand. This is in agreement with the views of WIEGO (2014:9) who states that it is difficult for street vendors to understand all the laws in place and the impact it has on their operation as they do not possess the technical and legal language skills to master such documents.
- **Statement 9.2 - I am familiar with all the laws and regulations relating to street vending:** Collectively, 75.9% of the respondents disagreed (35.4%) or strongly disagreed (40.5%) that they are familiar with the laws and regulations relating to street vending, while 15.8% were neutral, 5.8% agreed and 2.4% strongly agreed. The findings indicates that the majority of the respondents disagreed that they are familiar with all the laws and regulations relating to street vending. This is in agreement with the views of Begari (2017:436) who mentions that street vendors are not cognizant of the formal facilities as well as the rules and regulations that protects street vendors.
- **Statement 9.3 - I am allowed to trade without a permit:** Collectively, 96.2% of the respondents disagreed (61.5%) or strongly disagreed (34.7%) that they are not allowed to trade without a permit. While 3.1% were neutral and 0.7% agreed. The findings show that the majority of respondents disagreed that one is allowed to trade without a permit. This is in agreement with the views of Jackson (2017:1) who mentions that trading without a valid licence to trade is prohibited by the Business Act 71 of 1991.

- **Statement 9.4 - Zoning scheme regulations, allow me to trade in all areas:** Most of the respondents were neutral (60.1%), whereas 20.6% strongly disagreed or 18.9% disagreed that the zoning scheme regulations do not allow them to trade in all areas, in addition, 0.3% of the respondents strongly agreed. Although the majority chose to remain neutral, a fair number disagreed that the zoning scheme regulations allow them to trade in all areas. WIEGO (2014:12) state that in terms of zoning scheme regulations informal trading is not permitted in certain areas that have been indicated by the zoning scheme as it could pose threats to public safety.
- **Statement 9.5 - There are restrictions on trading in certain public places which are ideal for street vending:** Collectively, 94.1% of the respondents agreed (57.7%) or (36.4%) that there are restrictions on trading in certain places which is ideal for street vending. While 4.8% were neutral and 1.0% disagreed. The finding show that the majority of respondents agreed that there are restrictions on trading in certain public places which are ideal for street vending. This is in agreement with the views of Reyes and Juarez (2013:370-386) who mentions that the legislation and bylaws indicate that there are restrictions in place relating to the occupation of public space where trading may not be carried out.
- **Statement 9.6 - My goods have been confiscated/impounded:** Collectively, 99.3% of the respondents agreed (25.4%) or strongly agreed (73.9) that their goods have been confiscated/impounded, while 0.7% disagreed that their goods have been taken. The findings show that the majority of the respondents agreed that their goods had been confiscated. Bamhu (2019:4) states that local laws provide authorities with too much power to confiscate the goods of traders without giving them a chance to defend themselves against the allegations made.
- **Statement 9.7 - We are harassed by police and given unnecessary fines:** Collectively, 91.8% of the respondents agreed (33.0%) or strongly agreed (58,8%) that they were harassed by police and given unnecessary fines, while 7.6% disagreed and 0.7% were neutral. The findings show that

the majority of the respondents agreed that they were harassed by the police and given unnecessary fines. This is in agreement with the views of Morang (2015:1) who mentions that street vendors feel that they are given unnecessary fines by the police, and that their stock is taken without their consent and not given back. Further, Hussmans (2014:48) states that harassment by the police and the confiscation of goods is another challenge.

- **Statement 9.8 - The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to our health:** Collectively, 99.3% of the respondents agreed (48.1%) or strongly agreed (51.2%) that they lack infrastructure and amenities (water and toilet) which is detrimental to the health of street vendors, while 0.7% of the respondents disagreed. The findings show that the majority of the respondents agreed that the lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to their health. This finding is in agreement with the views of Carr (2019:1) who confirms that the inadequate infrastructure that they are working under is not conducive enough, hence they suffer from illnesses caused by polluted air, lack of water and toilets not being in an appropriate condition for use by people.

4.10 Cross-tabulations

According to Olmedo and Garia-Alvarez (2022:9), cross-tabulation is a primary analysis of two or more (raster or vector) dimensions of table that records the frequency of the number of respondents who have specific characteristics described in the table's cells, to analyse their spatial relation. Further, cross-tabulation tables can reveal a significant amount about the relationship between variables.

A chi-square test of independence was used to ascertain whether the variables had a statistically significant relationship (rows vs columns). The null hypothesis states that there is no spatial relationship between the two. The alternative hypothesis suggests that there is a link. Fisher's Exact Test was applied. If the p-value (Exact Sig.value (2-sided))

is less than 0.05, it indicates that the variables share a significant relationship. If the p value is greater than 0.05, the variables do not share a significant relationship.

4.10.1 “Street vending allows for people with a lower level of education to be able to make a living” and “Race”

Table 4.12 below summarises the results of the chi square tests. The p-value between “Street vending allows for people with a lower level of education to be able to make a living” and “Race” is 0.011. This means that there is a significant relationship between the variables highlighted in yellow, i.e. the race of the respondent played a significant role in terms of how the respondents viewed people with a lower level of education to be able to make a living from street vending.

Table 4.12 Cross-tabulation for “Street vending allows for people with a lower level of education to be able to make a living” and “Race”

			Race			Total
			African	Indian	Coloured	
Street vending allows for people with a lower level of education to be able to make a living.	Strongly disagree	Count	1	0	0	1
		% within Race	0.3%	0.0%	0.0%	0.3%
	Disagree	Count	0	1	0	1
		% within Race	0.0%	50.0%	0.0%	0.3%
	Neutral	Count	7	0	0	7
		% within Race	2.4%	0.0%	0.0%	2.4%
	Agree	Count	156	0	2	158
		% within Race	54.4%	0.0%	100.0%	54.3%
Strongly agree	Count	123	1	0	124	
	% within Race	42.9%	50.0%	0.0%	42.6%	
Total		Count	287	2	2	291
		% within Race	100.0%	100.0%	100.0%	100.0%

Significantly more African and Coloured respondents agreed compared to Indian respondents.

4.10.2 “Street vending provides employment for people who are unemployed” and “Number of years that you are engaged in street vending”

Table 4.13 below summarises the results of the chi square tests. The p-value between “Street vending provides employment for people who are unemployed” and “Number of years that you are engaged in street vending” is 0.000. This means that there is a significant relationship between the variables highlighted in yellow. That is, the number of years in street vending did play a significant role in street vending providing employment for people who are unemployed.

Table 4.13 Cross-tabulation for “Street vending provides employment for people who are unemployed” and “Number of years that you are engaged in street vending”

			Number of years that you are engaged in street vending				Total
			< 3	3 - 6	7 – 10	> 10	
Street vending provides employment for people who are unemployed.	Strongly disagree	Count	2	0	0	0	2
		% within Number of years that you are engaged in street vending	5.3%	0.0%	0.0%	0.0%	0.7%
	Disagree	Count	10	4	10	1	25
		% within Number of years that you are engaged in street vending	26.3%	5.3%	14.3%	0.9%	8.6%
	Neutral	Count	4	3	0	0	7
		% within Number of years that you are engaged in street vending	10.5%	3.9%	0.0%	0.0%	2.4%
	Agree	Count	15	26	48	38	127
		% within Number of years that you are engaged in street vending	39.5%	34.2%	68.6%	35.5%	43.6%
	Count	7	43	12	68	130	
	Strongly agree	% within Number of years that you are engaged in street vending	18.4%	56.6%	17.1%	63.6%	44.7%
Total		Count	38	76	70	107	291
		% within Number of years that you are engaged in street vending	100.0%	100.0%	100.0%	100.0%	100.0%

There is a significant percentage of street vendors who have been engaged in street trading for 7 years and above agreed compared to those who have been in street vending less than 7 years.

4.10.3 “Street vending plays a role in uplifting the community” and “Age”

Table 4.14 below summarises the results of the chi-square tests. The p-value between

“Street vending plays a role in uplifting the community” and “Age” is 0.000. This means that there is a significant relationship between the variables highlighted in yellow. That is, Age did play a significant role in uplifting the community.

Table 4.14 Cross-tabulation for “Street vending plays a role in uplifting the community” and “Age”

			Age				Total
			18 – 29	30 – 39	40 – 49	50 – 69	
Street vending plays a role in uplifting the community.	Strongly disagree	Count	0	0	1	0	1
		% within Age	0.0%	0.0%	0.9%	0.0%	0.3%
	Disagree	Count	3	7	1	8	19
		% within Age	9.1%	11.7%	0.9%	8.8%	6.5%
	Neutral	Count	4	6	16	28	54
		% within Age	12.1%	10.0%	15.0%	30.8%	18.6%
	Agree	Count	17	21	73	25	136
		% within Age	51.5%	35.0%	68.2%	27.5%	46.7%
	Strongly agree	Count	9	26	16	30	81
		% within Age	27.3%	43.3%	15.0%	33.0%	27.8%
Total		Count	33	60	107	91	291
		% within Age	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %

- Significantly more street vendors who are between the age of 40-49 and 18-29 years agreed that street vending plays a significant role in uplifting the community compared to the respondents who are between 30-39 and 50-59 years.

4.10.4 “Street vending helps me to make money to provide for myself” and “Number of years that you are engaged in street vending”

Table 4.15 below summarises the results of the chi-square tests. The p-value between “Street vending helps me to make money to provide for myself” and “Number of years that you are engaged in street vending” is 0.000. This means that there is a significant relationship between the variables highlighted in yellow, that is, the number of years in street trading did play a significant role in street vending with helping respondents make money to provide for themselves.

Table 4.15 Cross-tabulation for “Street vending helps me to make money to provide for myself” and “Number of years that you are engaged in street vending”

			Number of years that you are engaged in street vending				Total
			< 3	3 – 6	7 - 10	> 10	
Street vending helps me to make money to provide for myself.	Strongly disagree	Count	0	0	1	0	1
		% within Number of years that you are engaged in street vending	0.0%	0.0%	1.4%	0.0%	0.3%
		engaged in street vending					
	Disagree	Count	0	1	0	0	1
		% within Number of years that you are engaged in street vending	0.0%	1.3%	0.0%	0.0%	0.3%
	Neutral	Count	0	0	1	0	1
		% within Number of years that you are engaged in street vending	0.0%	0.0%	1.4%	0.0%	0.3%
	Agree	Count	18	35	32	82	167
		% within Number of years that you are engaged in street vending	47.4%	46.1%	45.7%	76.6%	57.4%
	Strongly agree	Count	20	40	36	25	121
		% within Number of years that you are engaged in street vending	52.6%	52.6%	51.4%	23.4%	41.6%
	Total		Count	38	76	70	107
% within Number of years that you are engaged in street vending			100.0 %	100.0 %	100.0 %	100.0 %	100.0 %

- Significantly, street vendors who have been engaged in street vending for 10 years or longer agreed that street vending helps them to make money to provide for themselves.

4.10.5 “Street vending has given me the opportunity to employ others on a temporary basis” and “Number of years that you are engaged in street vending”

Table 4.16 below summarises the results of the chi-square tests. The p-value between “Street vending has given me the opportunity to employ others on a temporary basis” and “Number of years that you are engaged in street vending” is 0.000. This means that there is a significant relationship between the variables highlighted in yellow. That is, the number of years in street trading did play a significant role in street vending in providing the opportunity to employ others on a temporary basis.

Table 4.16 Cross-tabulation for “Street vending has given me the opportunity to employ others on a temporary basis” and “Number of years that you are engaged in street vending”

			Number of years that you are engaged in street vending				Total
			< 3	3 – 6	7 – 10	> 10	
Street vending has given me the opportunity to employ others on a temporary basis.	Strongly disagree	Count	13	8	17	23	61
		% within Number of years that you are engaged in street vending	34.2%	10.5%	24.3%	21.5%	21.0%
	Disagree	Count	8	18	3	9	38
		% within Number of years that you are engaged in street vending	21.1%	23.7%	4.3%	8.4%	13.1%
	Agree	Count	13	27	45	60	145
		% within Number of years that you are engaged in street vending	34.2%	35.5%	64.3%	56.1%	49.8%
	Strongly agree	Count	4	23	5	15	47
		% within Number of years that you are engaged in street vending	10.5%	30.3%	7.1%	14.0%	16.2%
Total		Count	38	76	70	107	291
		% within Number of years that you are engaged in street vending	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %

- Significantly high street vendors who have been engaged in street trading for 7 years or longer have agreed that street vending has given them the opportunity to employ others on a temporary basis than those who have been trading for less than 7 years.

4.10.6 “Operational challenges” and “Age”

Table 4.17 below summarises the results of the chi-square tests. For “Operational challenges” and “Age” p-value < 0.001. This means that there is a significant relationship between the variables highlighted in yellow, that is, the respondents who are 40 years of age or older agreed that operational challenges were a problem. The p-value shows that age did play a significant role in the respondent’s answer.

Table 4.17 Cross-tabulation for “Operational challenges” and “Age”

			Age				Total
			18 – 29	30 - 39	40 - 49	50 – 69	
Operational challenges,	Disagree	Count	0	1	0	0	1
		% within Age	0.0%	1.7%	0.0%	0.0%	0.3%
	Neutral	Count	5	7	9	0	21
		% within Age	15.2%	11.7%	8.4%	0.0%	7.2%
	Agree	Count	10	18	14	27	69
		% within Age	30.3%	30.0%	13.1%	29.7%	23.7%
	Strongly agree	Count	18	34	84	64	200
		% within Age	54.5%	56.7%	78.5%	70.3%	68.7%
Total		Count	33	60	107	91	291
		% within Age	100.0%	100.0%	100.0%	100.0%	100.0%

- Significantly more street vendors who are older (above 40 years) agreed that they face operational challenges compared to the younger ones, below the age of 40.

4.11 Correlations

On the (ordinal) data, bivariate correlation was also performed. The results are included in the Correlations Table in Appendix B (as it is too large to include here). The results show the following patterns.

4.11.1 Directly proportional correlations

Positive values represent a directly proportional relationship between the variable, while negative values indicate an inverse relationship. All significant relationships have a single (*) or double (**) tail. The analyses identified the following directly proportional relationships:

- The correlation value between **“Street vending plays a role in uplifting the community”** and **“Street vending has given me the opportunity to employ others on a temporary basis”** is 0.348”. This is a directly related proportionality and there is a significant relationship between these variables. Respondents indicate that the more opportunities there are for street vendors to employ people, the more vending uplifts the community, and vice versa.
- The correlation value between **“Street vending provides employment for people who are unemployed”** and **“Street vending allows for people with a lower level of education to be able to make a living”** is 0.378”. This is a directly proportional relationship. The respondents indicate that, the more street vending provides employment for people who are unemployed, the more it allows for people with a lower level of education to be able to make a living, and vice versa.
- The correlation value between **“Street vending helps me to make money to provide for myself”** and **“Street vending plays a role in uplifting the community”** is 0.300”. This is a directly proportional relationship and there is a significant relationship between these variables. The respondents indicate that, the more street vending helps them to make money to provide for themselves, the more it plays a role in uplifting the community, and vice versa.
- The correlation value between **“The income from street vending has helped to improve my standard of living”** and **“My street vending business is generally profitable”** is 0.384”. There is a significant relationship between these variables.

This is a directly proportional relationship. The respondents indicate that, the more profit generated in the street vending business, the more it allows the income they make to improve their standard of living, and vice versa.

- The correlation value between **“My family members are also involved in the business/assist with customers”** and **“Street vending helps me to support my spouse and children”** is 0.309. There is a significant relationship between these variables. This is a directly proportional relationship. The respondents indicate that, the more family members are involved in the business/assist with customers, the more street vending helps them to support their spouse and children, vice versa.

4.11.2 Inverse correlations

Inverse relationships are indicated by negative values. That is, the variables have an adverse effect on each other. That is, as one increases, the other decreases.

- The correlation value between **“This right to trade is subject to limitations – which means that authorities may place restrictions on such trading or require permits”** and **“Street vending has given me the opportunity to employ others on a temporary basis”** is -0.012. There is a significant relationship between these variables. This is an inverse correlation, that is, the more there are restrictions placed on street vending by authorities or that permits are required, the lesser the opportunity to employ others on a temporary basis, and vice versa.
- The correlation value between **“Lack of start-up funds”** and **“Street vending helps me to support or help other family members”** is -0.172. There is a significant relationship between these variables. This is also an inverse correlation, that is, the more street vendors lack start-up funds, the less street vending will be able to support or help other family members, and vice versa.
- The correlation value between **“Health issues caused by weather conditions”** and **“My street vending business is generally profitable”** is: 0.163. This is an inverse correlation, that is, the more there are health issues for vendors caused by weather conditions, the less street vending will be able to generate profit, and vice versa.

4.12 Hypotheses testing

The traditional method of reporting as a result requires a statistical significance statement.

A test statistic generates a p-value. A significant result is indicated with “p 0.05” for all a * (single tailed). A significant result is indicated with “p 0.01” for all values with a ** (double tailed). A second Chi square test was used to determine whether the variables had a statistically significant relationship (rows vs columns). The null hypothesis asserts that no relationship exists between the two variables. The alternative hypothesis implies that there is a relationship between the variables.

** . Correlation is significant at the 0.01 level (2-tailed).
* . Correlation is significant at the 0.05 level (2-tailed).

A Chi-square test was conducted on the following and the results are indicated as follows:

4.12.1 “The Businesses Act (71 of 1991) recognized street vendors right to trade” versus “The income from street vending has helped to improve my standard of living”

This section examines the relationship between **“the Businesses Act (71 of 1991) recognized street vendors’ right to trade”** and **“The income from street vending has helped to improve my standard of living”**. As shown in Table 4.18 below, the p-value between these two variables is 0.000. This shows that there is a significant relationship between the two variables which means that legislation recognizing street vendors’ right to trade plays a significant role in contributing generating income to help them improve their standard of living.

Table 4.18 Chi-square test: The Businesses Act (71 of 1991) recognized street vendors' right to trade and The income from street vending has helped to improve my standard of living

	The income from street vending has helped to improve my standard of living	
	Pearsons Co-efficient	P-Value
The Businesses Act (71 of 1991) recognized street vendors right to trade	.220**	0,000
**. Correlation is significant at the 0.01 level (2-tailed).		

4.12.2 “However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading” versus “Street vending plays a role in uplifting the community”

This section examines the relationship between **“However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading”** and **“Street vending plays a role in uplifting the community”**. As shown in Table 4.19 below, the p-value between these two variables is 0.020. This shows that there is a significant relationship between the two variables, which means that legislation recognizing street vendors' right to trade plays a significant role in contributing to them generating income to help them improve their standard of living.

Table 4.19 Chi-square test: However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading and Street vending plays a role in uplifting the community

	Street vending plays a role in uplifting the community	
	Pearsons Co-efficient	P-Value
However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading	-.137*	0,020
*. Correlation is significant at the 0.05 level (1-tailed).		

4.12.3 “My goods have been confiscated/impounded” versus “Street vending provides employment for people who are unemployed”

This section examines the relationship between **My goods have been confiscated/impounded** and **“Street vending provides employment for people who are unemployed”**. As shown in Table 4.20 below, the p-value between these two variables is 0.038. This shows that there is a significant relationship between two variables which means that the confiscation of goods plays a significant role in whether street vending is able to provide employment for people who are unemployed.

Table 4.20 Chi-square test: My goods have been confiscated/impounded and Street vending provides employment for people who are unemployed

	Street vending provides employment for people who are unemployed	
	Pearsons Co-efficient	P-Value
My goods have been confiscated/impounded	-.121*	0,038
*. Correlation is significant at the 0.05 level (1-tailed).		

4.12.4 “We are harassed by police and given unnecessary fines” versus “Street vending helps me to support my spouse and children”

This section examines the relationship between **“We are harassed by police and given unnecessary fines”** and **“Street vending helps me to support my spouse and**

children". As shown in Table 4.21 below, the p-value between these two variables is 0.000. This shows that there is a significant relationship between the two variables which means that being harassed by the police and given unnecessary fines plays a significant role in street vendors being able to support their spouse and children.

Table 4.21 Chi-square test: We are harassed by police and given unnecessary fines and Street vending helps me to support my spouse and children

	Street vending helps me to support my spouse and children	
	Pearsons Co-efficient	P-Value
We are harassed by police and given unnecessary fines	-.231**	0,000
*. Correlation is significant at the 0.001 level (2-tailed).		

4.13 Conclusion

This chapter presented and analysed the findings of the empirical study. The SPSS package and various statistical methods were used to analyse data. Graphs and tables were utilized to present the results. Cronbach's Alpha, KMO, and Barlett's test were used to evaluate the questions' reliability and validity. Cronbach's Alpha for the questionnaire indicated a level of 0.7 which is above the minimum, indicating good reliability. The KMO and Barlett's tests for the questionnaire revealed that the values satisfied all of the criteria. The research instrument consisted of 50 questions with a measurement level of nominal or ordinal. The questionnaire was divided into four sections that measured different themes. The findings from the analyses were supported by relevant literature. The following chapter discusses the empirical study's significant findings as well as the study's commendations in relation to the aims and objectives. Based on the findings, conclusions are drawn, and recommendations are made. Potential future research and limitations of the study are also discussed.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This empirical study was conducted to determine the role of the law in addressing the challenges facing street vendors in Durban. As part of the empirical study, a street vendors' survey was carried out using questionnaires. In the previous chapter, the data from the questionnaire was analysed and interpreted, and findings were presented. The questionnaire was based on the relevant literature, identified in Chapter 2 of the study.

The questionnaire was divided in five sections. Section A focuses on the biographical; Section B, the significance of street vending as a means of providing livelihoods, Section C, the awareness and understanding of laws and regulations pertaining to street vending; Section D indicates the challenges faced by street vendors; and the last part of the questionnaire (Section E) is about the possible intervention strategies.

Based on the analysis of results and findings from the empirical study, this chapter presents a summary of findings, conclusions, and recommendations. This chapter will also include suggestions for future research as well as the study's limitations. The study's aims and objectives, as stated in Chapter 1, are restated below.

5.2 AIMS AND OBJECTIVES

The aim of the study was to investigate the challenges faced by street vendors in the Durban area and to examine the role of the law with respect to such challenges.

The objectives of the study were:

1.4.1 Objectives of the study

- To examine the significance of street vendors as a means of providing livelihoods and contributing to socio-economic development;
- To investigate the general challenges, as well as the challenges relating to the law, that are faced by street vendors in Durban; and
- To examine the role of the law in addressing such challenges faced by such vendors.

5.3 SUMMARY OF FINDINGS

This section summarizes the main findings of the study. This chapter will go over the most important findings from the results in order to draw conclusions from the study's objectives and literature reviewed.

The findings below were drawn from the challenges experienced by respondents, according to the following themes identified:

5.3.1 Significance of street vending as a means of providing livelihoods

The findings showed that the majority of the respondents agreed that:

- Street vending allows for people with lower level of education to be able to make a living;
- Street vending provides employment for people who are unemployed;
- Street vending plays a role in uplifting the community;
- Street vending helps them to provide for themselves;
- Street vending helps them to support their spouse and children;
- Street vending helps them to support or help other family members;
- Street vending business is generally profitable;
- Income from street vending has helped improve their standard of living;
- Street vending has given them the opportunity to employ others on a temporary basis;
- Family members were also involved in the business or assisted them with customers; and
- Street vending provides an opportunity for people who were into drugs to better their livelihood.

5.3.2 How the income earned from vending assists street vendors

The findings showed that the majority of the respondents agreed that they can buy food and other essential items and pay for utility bills.

5.3.3 Respondents' awareness and understanding of laws and regulations pertaining to street vending

This section presents the findings in respect of the provisions in the constitution relating to trading, the Business Act and eThekweni Municipality bylaws.

The findings are shown for each of the sub-themes relating to the respondents' awareness and understanding of laws and regulations pertaining to street vending.

5.3.3.1 Provisions in the constitution relating to trading

The findings showed that the majority of the respondents agreed that:

- Almost half of the respondents are aware and understand that the Constitution gives them the right to trade in South Africa.
- The majority of the respondents were aware of the right to trade but do not understand the limitations or restrictions in place.
- The majority of the respondents are either not aware that the Constitution gives municipalities the power to administer and regulate street trading, or they are aware of such law but do not understand it.

5.3.3.2 The Business Act 71 of 1991

The findings showed that the majority of the respondents:

- Were not aware that the Business Act recognised street vendors' right to trade; and
- Were not aware that the Business Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones.

5.3.3.3 eThekweni Municipality bylaws

The findings showed that just under half of the respondents are aware of and understand that the municipality regulations and bylaws that street vendors require a permit to trade. Further, almost half of the respondents were aware of, but did not understand that in terms of the Zoning scheme regulations, municipalities had the power to determine where street vending can take place.

The findings also showed that the majority of the respondents are aware of such provision, but they do not understand it.

5.3.4 General challenges faced by street vendors

The findings showed that the majority of the respondents agreed that:

- The lack of start-up funds was a challenge;
- That they lack entrepreneurial skills;
- That they are facing operational challenges;
- They face socio-cultural challenges;
- They lacked the infrastructure;
- They experience health issues caused by weather conditions; and □ Financial loss is a challenge.

The findings also showed that the majority of the respondents disagreed that xenophobia was a challenge for them.

5.3.5 Challenges in respect of the law faced by street vendors

The findings showed that the majority of the respondents disagreed that:

- There are a manageable number of regulations/laws which are easy to understand.
- They are familiar with all the laws and regulations relating to street vending.
- One is allowed to trade without a permit.

The findings also showed that, although the majority chose to remain neutral, a fair number disagreed that the zoning scheme regulations allow them to trade in all areas.

In addition, the findings showed that the majority of the respondents agreed that:

- There are restrictions on trading in certain public places which are ideal for street vending.
- Their goods had been confiscated.
- They were harassed by the police and given unnecessary fines.
- The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to their health.

5.4 Conclusions

The conclusions from the literature review and the empirical study are presented below.

5.4.1 Conclusions from the literature review

Based on the findings of the literature review, the following conclusions are drawn.

With respect to the role of the law in addressing the challenges facing street vendors in Durban, the respondents are faced with several challenges affecting their operations. The section below sets out the conclusions relating to general challenges, challenges that they faced as a result of the lockdown and challenges relating to the law/regulatory issues.

5.4.1.1 General challenges affecting street vendors

The general challenges affecting street vendors included:

- Difficulty in accessing resources to start up, with no state support and no ability to borrow from banks or other financial institutions;
- The lack of financial literacy and the inability to collaborate impedes the growth of street vending businesses and reduces their financial and networking strength;
- Street vendors lack basic entrepreneurial skills that could help them grow their business;
- Women in street vending face socio-cultural challenges, exclusion from the labour market, and municipal oppression, and they are not involved in decision making;
- Street vendors face operational challenges such as lack of storage, fear of violence, crime, stock theft, etc;
- Due to the large number of street vendors, local street vendors believe that immigrants are taking their jobs, resulting in xenophobic attacks;
- Poor infrastructure disrupts business operations and is one of the major factors influencing street vendor's work;
- Street vendors work in hazardous conditions that can cause a variety of health problems; weather conditions affect traders due to lack of infrastructure, resulting in financial loss;

- The lack of access to basic amenities causes serious problems for the business, because water, electricity, and shelter are critical basic needs for this occupation;
- Street vendors focus on competing with one another rather than collaborating to increase endless opportunities that could potentially increase their profit margin.

5.4.1.2 The challenges of street vendors as a result of the lockdown

- COVID-19 had both detrimental and expedient effects on street vendors;
- Due to the city being with less people because of lockdown, street vendors lost their source of income and were faced with hunger and deprivation;
- Most street vendors rely on their daily earnings, but during the lockdown, street vendors were forced to use their savings to support their families;
- Street vendors were forced by the lockdown to turn into vegetable street vendors because people were mostly buying necessities and there were no people to sell cooked food to;
- Due to government restrictions, street vendors were forced to change their regular work and look for customers because they were not stationed, causing the business to lose money;
- Due to the high level of competition during the time, street vendors were forced to sell their products at a lower price, resulting in business loss; and
- During this time, only fruits and vegetables could be sold; no food could be sold. As a result, they were in financial trouble and had to borrow money to cover the expenses of the business due to covid 19 regulations.

5.4.1.3 Street vendor challenges relating to the law/regulatory issues

The following challenges were apparent from the literature reviewed in respect of the legal challenges faced by street vendors:

- Too many regulations which are confusing to street vendors;
- It is difficult for street vendors to understand all of the laws that are in place;
- They do not possess the technical and legal language skills to understand the legal terms used;

- Inadequate understanding of laws as a result of low literacy and numeracy levels;
- Street vendors are uninformed of the formal facilities, as well as the rules and regulations that protect them;

The bylaws state that a permit is required for trading;

- Informal trading is not permitted in certain areas under the zoning scheme regulations because it could endanger public safety;
- There are restrictions in place regarding the occupation of public space where trading is not permitted, according to the legislation and bylaws;
- The impounding and confiscation of goods is one of the major setbacks for hawkers;
- Harassment by the police and the confiscation of goods is a challenge;
- The lack of warning during evictions was one of the major challenges, as well as the lack of support from the government;
- Street vendors complained of lack of access to permits and the payment of rent, which is expensive as it is increased with no valid reason;
- With designated authorities that are in charge of processes for allocating licences and permits, the opportunities for bribery and corruption are increased;
- Adverse political situations and policies pose a greater challenge to street vendors than to the average person; and
- The required infrastructure to support street vendors is not in place, creating serious challenges for them.

5.5 Conclusions from the empirical study

In terms of the research hypotheses presented in Chapter One, the study established the following:

- There is a significant correlation between the legislative recognition of street vendors' right to trade and the income they generate from street vending that helps improve the street vendors standard of living;

- There is a significant relationship between municipalities being given the power to control and restrict trade zones and thereby control street trading, and street vending playing a significant role in uplifting the community;

There is a significant correlation between the confiscation or impounding of street vendors' goods and whether street vending provides employment for people who are unemployed; and

- There is a significant relationship between street vendors being harassed by the police and given unnecessary fines, and whether street vendors are able to support their spouse and children.

5.5.1 Significance of street vending as a means of providing livelihoods

The following conclusions are drawn from the empirical study with respect to the significance of street vending as a means of providing livelihoods for street vendors:

Street vending allows for people with lower level of education to be able to make a living. It provides employment for people who are unemployed, plays a role in uplifting the community, and helps vendors to provide for themselves. Street vending also helps them to support their spouses and children as well as other family members. Further, street vending businesses are generally profitable; and the income from vending has helped to improve their standard of living. Moreover, street vending has given them the opportunity to employ others on a temporary basis. It also provides an opportunity for people who were into drugs to better their livelihood, buy food and other essential items, and pay for utility bills with the income generated. Vendor family members are also involved in the business or assist them with customers.

5.5.2 Respondents' awareness and understanding of laws and regulations pertaining to street vending

The conclusions for each of the sub-themes relating to the respondents' awareness and understanding of laws and regulations pertaining to street vending, are set out below:

- Street vendors are aware of and understand that the constitution gives them the right to trade in South Africa;
- They are aware of their right to trade but do not understand the limitations or restrictions in place;

Vendors are either not aware that the constitution gives municipalities the power to administer and regulate street trading, or they are aware of such laws but do not understand them;

- Street vendors were not aware that the Business Act recognised street vendors' right to trade; and that it gave municipalities the power to control and restrict trade zones;
- Street vendors are aware of and understand that the municipal regulations and bylaws that street vendors require a permit to trade; and
- Vendors were aware of, but did not understand that, in terms of the Zoning Scheme regulations, municipalities had the power to determine where street vending can take place; and some of them are aware of such provision but they do not understand it.

5.5.3 General challenges faced by street vendors

The following conclusions can be drawn, based on the findings from the general challenges faced by street vendors:

- Street vendors lack start-up funds and entrepreneurial skills;
- They are faced with operational challenges;
- They face socio-cultural challenges;
- Street vendors lack infrastructure;
- They experience health issues caused by weather conditions; and
- Financial loss is also a challenge.

On the other hand, xenophobia attacks were not a challenge for street vendors.

5.5.4 Challenges in respect of the law faced by street vendors

The following conclusions are drawn with respect to street vendor challenges in respect of the law:

- The regulations/laws relating to street vending are not manageable or easy to understand for vendors;
- Street vendors are not familiar with all the laws and regulations relating to street vending;

Vendors are not allowed to trade without a permit;

- Zoning scheme regulations do not allow street vendors to trade in all areas;
- There are restrictions on trading in certain public places which are ideal for street vending;
- Street vendors' goods are confiscated;
- Street vendors are harassed by the police and given unnecessary fines; and
- Vendors lack infrastructure and amenities (water and toilets) and this is detrimental to their health.

5.6 Recommendations

Street vendors face significant legal challenges, such as harassment, fear of violence, confiscation of goods, theft, and crime (Willemse, 2011:9). According to the San Diego Foundation (2016:1), social justice entails equal rights for all citizens, as well as equal opportunities and treatment for all. The challenges in relation to the law to be addressed were identified based on the findings and conclusions on the various themes of the study. In light of the above discussion, the following recommendations are made with respect to each of the sub-themes:

With respect to the **significance of street vending as a means of providing livelihoods**: Street vending has the potential to generate revenue, create jobs, and support families, spouses and children. They play a significant role in assisting the alleviation of poverty. To help support and advance the street vending business, the following measures are recommended:

- Literacy classes should be provided to teach vendors basics of computer literacy; how to register a business online; entrepreneurial skills and most importantly how to manage finances and how to make money work for them; what investment is and how it works; and how to prepare for their retirement.

With respect to **street vendors' lack of awareness and understanding of laws and regulations pertaining to street vending**: The street vending businesses have too many regulations applicable to them which are confusing to street vendors and not easy to understand. The following measures are recommended:

Programmes to unpack these laws in simple terms needs to be implemented;

- There should be workshops held to educate people about the laws and regulations of the street vending business. Awareness needs to be created so that people have the knowledge of what is expected of them, how can they become compliant and obey all the laws;
- The eThekweni Municipality should provide training with regards to the registration of permits, total costs needed, time frame and also issue a receipt or interim permit that will be valid for the police not to confiscate their goods;
- The municipality should also educate vendors or give clarity as to why certain areas are restricted;
- Community organizations should educate vendors on the right procedure that the police must follow and also introduce channels to assist them if they are treated unfairly; and
- eThekweni Municipality should create a self-service help center allowing street vendors' ease of access to all relevant information or documents and they should be able to communicate with a consultant in the vendor's division without having to physically go to their offices. A division or contact centre with a toll-free number is required since there are more than 47 500 street vendors in the city. The division should be able to attend to street vendor queries, give guidance, and advise them.

With respect to the **general challenges of street vendors**, the following recommendations are made that are more **vendor-focussed**:

- As with any other business, street vending businesses need financial assistance from the government. Hence, programmes to facilitate financial stability of street vendors are required;
- The eThekweni Municipality should implement and facilitate programmes to help street vendors with permits to have access to finance;
- Pamphlets should be provided to educate vendors about entrepreneurial skills needed to run a successful business;

With respect to operational challenges, it is recommended that the state allocate security to patrol in street vending areas to protect street vendors from crime and theft of stock, provide clean storage space at a reasonable cost and this will ensure a smooth operation;

- Women are also subjected to socio-cultural constraints. They should be educated about their street vending rights, there should be patrol officers 24 hours a day to keep the city safe and involve women in decision making with regard to the issues facing street vendors; and
- The government should build proper infrastructure to protect street vendors and their goods from inclement weather conditions. This will ensure that their health is not endangered and prevent financial loss in their businesses.

As far as the **challenges in respect of the law faced by street vendors are concerned**, the following recommendations are made:

- eThekweni Municipality should have interactive training workshops for beginners; providing clear information on the steps to ensure compliance, the requirements, and expectations from their office.
- The legal terms are too technical for street vendors; therefore, the state must look into dedicating employees to provide guidance and help unpack the laws and

regulations in a simple term. Provide entrepreneurial workshops and business seminars to unpack regulations in simple terms. There are too many entries in the street vending sector, therefore; it would be ideal for the restricted trading zones to be opened for trading where possible, to create more job opportunities, generate income and assist vendors to improve their standard of living.

- Rather than a restrictive approach, the bylaws should be designed to encourage, facilitate street vending, and disseminate an approach that emboldens the expansion of street vending.
- The Municipal bylaws controlling the street vending business and the decisions made by the state should be in accordance with the constitution.
- The government officials responsible for enforcing the bylaws must comply and adhere to the administrative law standards governed by the municipal bylaws.
- A fundamental standard of the rule of law is that the government authorities should only do what is legally acceptable under an enabling law.
- Explicit guidance should be provided to government officials given discretionary powers on how to exercise and apply those powers effectively.
- Adequate access to basic services such as water, refuse collection, sanitation and cleaning should be provided by the municipality in all trading areas.
- The rights of street vendors should be promoted and respected by the municipality by providing competent training to the local government officials.
- Skills development programmes to be provided to street vendors to assist vendors in understanding the legal, regulatory, and policies governing street vending to ensure compliance with the bylaws and policies.
- Street vendors should be given at least 3 warnings or penalties prior to their goods being confiscated.
- Street vendors should be informed of the protocol to be followed by the police when impounding goods, so they are not taken advantage of.
- They should be offered the opportunity to trade for a couple of months while they generate enough money to get a permit.

- Police should not confiscate their goods in their absence. Street vendors must be afforded an opportunity to log queries and report harassment from the police from their stations. This will help to monitor the safety and well-being of street vendors.
- The police should follow proper procedure when confiscating the goods; the traders' rights must be read out in the language they understand; reason for impounding goods should be valid and the trader must be given a signed document with all their details and police details; goods should be labelled and a fine stated on the document to eliminate corruption and avoid police using their power to abuse street vendors.

The following recommendations are made with respect to **strategies and interventions** directed to the **municipality/government**, to address **the street vendor challenges** highlighted above:

The constitutional right to equality should be applied to the vendors' right to trade and the limitations to such right should not be unreasonable;

- The concept of social justice means that laws and other regulatory measures should permit vendors to earn an income in order to sustain themselves and their families. The eThekweni Municipality should review the restrictions in place which present challenges for street vending as a sector;
- The relevant legislation/regulations need to be amended to accommodate all persons; to alleviate poverty, an allow certain trading hours in the restricted places where there are too many vendors or competition is high;
- In the event that vendors have breached any regulations, before they actually take action, the municipality should warn them about the consequences of failure to comply with rules and regulations for vending; if they fail to comply then only should this result in confiscation of goods or other police action;
- Where vendors goods have been confiscated, receipts should be provided, the goods should be labelled and sealed, awaiting payment of the fine by the street vendor;

- Goods should not be confiscated if the owner of the vending station is not present;
- The power given to the authorities to maintain law and order should not be abused and they should not take advantage of street vendors;
- The law should consider removing traders with no permit to trade at the stalls in question instead of impounding their goods. Warnings should be given for a specified time frame, e.g. 3 months, for them to comply;
- Designated trading areas must have the infrastructure and amenities that are a necessity for vendors; and
- Street vendors with shelters may be required to pay for a trading permit, otherwise, they should be free.

According to the SERI and SALGA (2018:17), Section 6A (2) of the Business Act stipulates that certain steps need to be taken before municipalities can restrict or prohibit street trading in an area. Further, the municipality is required to consider and examine the possible effects of these restrictions or prohibitions, how they negatively affect the livelihood of street vendors, and to also consider whether there are alternative ways to regulate street trading that does not require eviction or relocation. The steps are presented in the Figure 5.1 below:

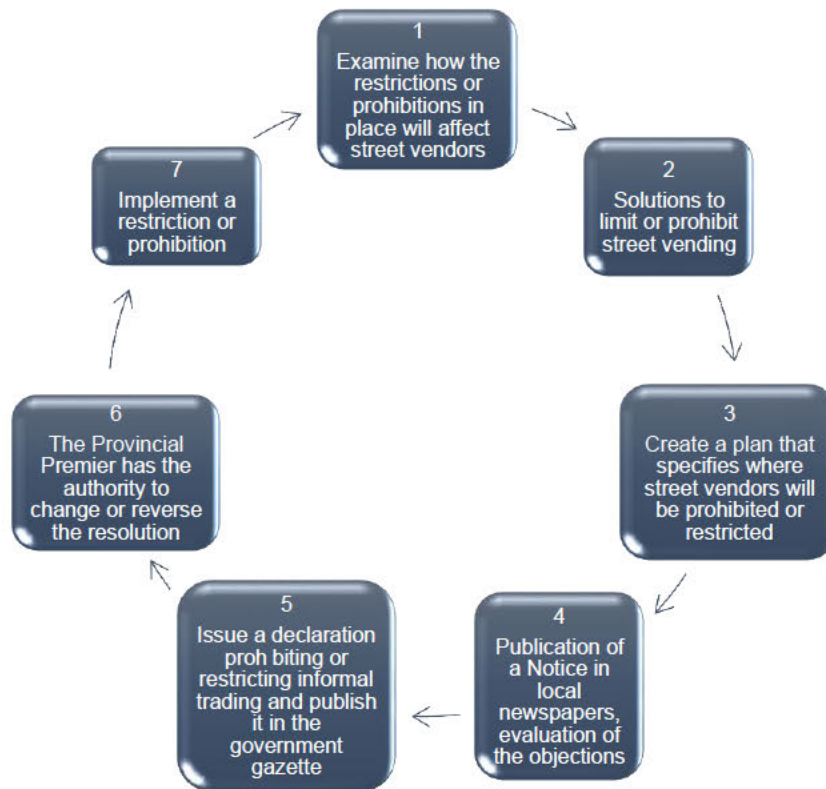


Figure 5.1: Steps to be taken before municipalities can restrict or prohibit street trading (Source: SERI and SALGA 2018:17)

5.7 Limitations of the study

Due to availability and accessibility constraints of street vendors being busy when approached because they are attending to customers, a convenience sample was used to collect data, which limited the study to street vendors available at the time when the study was being conducted. There were also challenges faced by the researcher in collecting the questionnaires distributed; 23.63% of the respondents did not complete the questionnaire, even though they were given enough time to complete it and were informed when it will be collected. This could attribute to the fact that it was not easy to get access to street vendors as many of them were attending to customers; it took quite long for them to return the questionnaire and sometimes the weather conditions were not conducive for questionnaires to be distributed. Further, some of the respondents needed the researcher to wait for the questionnaire. As a result, the data collection took quite long.

5.8 Future research

It is recommended that a wider study should be conducted within KwaZulu-Natal or South African street vendors. A further study can be carried out reviewing the policies and restrictions regulating street vending. A study can also be conducted with regards to the clarification and understanding of the bylaws in place. In addition, a study comparing South African regulations with other developing countries, to identify the gaps and the strategies they have implemented with the objective of making the livelihood of street vendors better.

5.9 Closing remarks

This study aimed at raising awareness about the challenges of street vendors and the role that the law should play in addressing such challenges. The study presented the summary of findings, conclusions from the literature review, conclusions from the empirical study and the limitations of the study, as well as areas for future research.

Street vending businesses form a crucial part of the informal sector and contributes vastly to the economy of the country. Such occupation is also playing a tremendous role in creating employment for people with low level of education, those that cannot find employment in the formal sector, people from poor backgrounds, etc. Characteristics that attract people to this business are the low start-up costs and low entrance barriers. Although street vending is a significant economic activity in cities, there are laws and policies in place restricting or limiting trading in certain areas. However, street vendors generally know little about such regulatory measures and some have no information at all. As these laws, regulations and policies impact the lives of traders and can interfere with their operations, government has a duty to ensure that such information is easily accessible to vendors and it is written in a language they understand. For the development of this occupation, it is essential that education programmes are implemented and for government/municipalities, working together with their respective departments, to address the challenges faced by street vendors. The street vendors have worked in a harsh working environment, unhygienic areas, with no access to clean water for too long and action is now required to better the livelihood of traders. Not only do they

sell much needed goods to the public, but their existence helps the poor who cannot afford to buy certain commodities in supermarkets and malls. For instance, they help underpaid employees to buy lunch at affordable prices while also avoiding standing in long queues. The constitution recognizes street vendors' right to trade, therefore, traders should not be harassed or ill-treated in the hands of law. According to the San Diego Foundation (2016:1), the Social Justice theory law must ensure that people have fair and equal opportunities to assist them in improving their socio-economic conditions.

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APPENDIX 1 – IREC APPROVAL



Institutional Research Ethics Committee
Research and Postgraduate Support Directorate
2nd Floor, Berwim Court
Gate 1, Steve Biko Campus
Durban University of Technology
P O Box 1334, Durban, South Africa, 4001
Tel: 031 373 2375
Email: lvishad@dut.ac.za
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www.dut.ac.za

18 February 2022

Ms N P Ndaba
781 Orange Road
Lower Crescent
Kloof
3610

Dear Ms Ndaba

The role of the law in addressing the challenges facing street vendors in Durban.
Ethics Clearance Number: 079/21

The Institutional Research Ethics Committee acknowledges receipt of your final data collection tool for review.

We are pleased to inform you that the data collection tool has been approved. Kindly ensure that participants used for the pilot study are not part of the main study.

In addition, the IREC acknowledges receipt of your notification regarding gatekeeper permission.

Please note that **FULL APPROVAL** is granted to your research proposal. You may proceed with data collection.

Any adverse events [serious or minor] which occur in connection with this study and/or which may alter its ethical consideration must be reported to the IREC according to the IREC Standard Operating Procedures (SOP's).

Please note that any deviations from the approved proposal require the approval of the IREC as outlined in the IREC SOP's.

Yours Sincerely,

Prof J K Adam
Chairperson: IREC

APPENDIX 2 - LETTER OF INFORMATION TO PARTICIPANTS



LETTER OF INFORMATION

Title of the Research Study: The role of the law in addressing the challenges facing street vendors in Durban

Principal Investigator/s/researcher: Noluthando Percevarance Ndaba (Bachelor of Technology in Office Management and Technology)

Co-Investigator/s/supervisor/s: Professor Karunanidhi Reddy (B Com, LLB, LLM, LLD)

Street vendors are faced with various general challenges and challenges with the law. In order to complete my Master's Degree in Management Sciences (Business Law), I am conducting a survey which investigates the challenges facing street vendors in Durban and the role of the law in addressing them, with the aim of finding strategies to address such street vendor challenges.

Good day, I trust that you are well. I am a 5th year student at Durban University of Technology doing research for my Master's degree in Management Sciences specializing in Business Law. I would like to invite you to participate in a quantitative research study discussing "The role of the law in addressing the challenges facing street vendors in Durban". To participate in this study, you must be a street vendor.

What is research? Research is a systematic search or process of discovering new knowledge. This knowledge can be either the development of new concepts or the advancements of existing knowledge and theories, leading to a new understanding that was not previously known.

Outline of the Procedures: The data for the study will be collected through a survey among street vendors in Durban using questionnaires. The questionnaires will be self-administered under normal circumstances and the survey will be collected virtual/online/emailed under lockdown restrictions. You have been selected as a voluntary participant in the study. During the study, your responsibility is to answer the questions in the survey. The survey questionnaire will be administered to a sample of 384 participants. The questionnaire will require approximately 10-15 minutes.

There are no known risks to the participants of this study. You may withdraw at any stage should you wish to do so.

Explain to the participant the reasons he/she may be withdraw from the Study: Your participation in this study is voluntary. You may withdraw at any stage of the study, for instance, if you fall sick, or for any other reason and there will be no consequences should you choose to withdraw.

The findings for the study would give in-depth information on the challenges facing street vendors in Durban and the role of the law in addressing them.

Your participation in this study is voluntary.

There will be no remuneration/incentives for the respondents to complete the questionnaire.

There will be no cost to the participants.

Information obtained will be treated in the strictest confidence. Your personal details will not be required for the purpose of the survey.

The results from this study will be made available to the participants on request.

All data collected will be kept confidential and will be used for the purpose of the study only. All data collection tools will be kept in a secure lock up cupboard and electronic data will be secured with a private password, for a period of 5 years. All paper-based records will thereafter be destroyed, and soft copies will be deleted.

Persons to contact in the Event of Any Problems or Queries: Please contact the researcher at ntandokazindaba@gmail.com or my supervisor Prof K. Reddy at reddyk@dut.ac.za or the Institutional Research Ethics Administrator on 031 373 2375. Complaints can be reported to the Director: Research and Postgraduate Support Dr L Linganiso on 031 373 2577 or researchdirector@dut.ac.za.

APPENDIX 3 – CONSENT TO PARTICIPATE IN THE STUDY



CONSENT

Full Title of the Study: The role of the law in addressing the challenges facing street vendors in Durban

Names of Researcher/s: Noluthando Perceviarance Ndaba

Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher, Noluthando Ndaba (researcher), about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number: _____,
- I have also received, read and understood the above written information (Participant Letter of Information) regarding the study.
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerised system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during the course of this research which may relate to my participation will be made available to me.

_____	_____	_____	_____	
Full Name of Participant	Date	Time	Signature	/ Right
Thumbprint				

I, Noluthando Ndaba herewith confirm that the above participant has been fully informed about the nature, conduct and risks of the above study.

_____	_____	_____
Full Name of Researcher	Date	Signature
_____	_____	_____
Full Name of Witness (If applicable)	Date	Signature
_____	_____	_____
Full Name of Legal Guardian (If applicable)	Date	Signature

APPENDIX 4 – STREET VENDOR SURVEY QUESTIONNAIRE QUESTIONNAIRE

Please indicate the option selected with a cross (x) in the appropriate box.

SECTION A - Biographical

1. Gender:

Male	
Female	

2. Race:

African	
Indian	
Coloured	
White	
Other (Specify)	

3. Age:

18-30	
30-40	
40-50	
50-69	

4. Number of years that you are engaged in street vending:

Under 3 years	
3 – 7 years	
7 – 10 years	
Over 10 years	

Section B: Significance of street vending as a means of providing livelihoods

5. Indicate your level of agreement with each of the following statements relating to the significance of street vending as a means of providing livelihoods:

Significance of street vending	S t r o n g l y d i s a g r e e	D i s a g r e e	U n c e r t a i n	A g r e e	S t r o n g l y a g r e e
5.1 Street vending allows for people with a lower level of education to be able to make a living.					
5.2 Street vending provides employment for people who are unemployed.					
5.3 Street vending plays a role in uplifting the community.					

5.4 Street vending helps me to make money to provide for myself.					
5.5 Street vending helps me to support my spouse and children.					
5.6 Street vending helps me to support or help other family members.					
5.7 My street vending business is generally profitable.					
5.8 The income from street vending has helped to improve my standard of living.					
5.9 Street vending has given me the opportunity to employ others on a temporary basis.					
5.10 My family members are also involved in the business/assist with customers.					
5.11 Street vending provides an opportunity for people who were into drugs to better their livelihood.					

6. With the income that I earn from street vending, I can:

	Tick the appropriate box/es
Buy food	
Buy other essential items	
Pay rent	

Pay my electricity and water bill	
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Section C: Awareness and understanding of laws and regulations pertaining to street vending

7. Indicate your level of awareness and understanding of each of the following laws/regulations relating to street vending:

Laws/regulations:	N o t a w a r e	Aware of but do not under stand	Aware of and underst and
7.1 PROVISIONS IN THE CONSTITUTION RELATING TO TRADING			
7.1.1 The constitution gives me the right to trade			
7.1.2 This right to trade is subject to limitations – which means that authorities may place restrictions on such trading or require permits.			
7.1.3 The constitution gives municipalities the power to administer and regulate street trading.			
7.2 THE BUSINESS ACT 71 OF 1991			

7.2.1 The Businesses Act (71 of 1991) recognized street vendors right to trade.			
7.2.2 However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading.			
7.3 ETHEKWINI MUNICIPALITY BY-LAWS			
7.3.1 In terms of municipality regulations and by-laws, street vendors need to have a permit to trade.			
7.3.2 In terms of Zoning scheme regulations, the municipality has the power to determine where street vending may take place.			
7.3.3 The municipality has the power to evict traders who do not comply with the regulations or move them to other locations.			

Section D: Challenges faced by street vendors

8. Indicate your level of agreement with each of the following statements relating to general challenges that you face as a street vendor:

I have challenges with:	S t r o n g l y D i s a g r e e	D i s a g r e e	U n c e r t a i n	A g r e e	S t r o n g l y a g r e e
8.1 Lack of start-up funds					
8.2 Lack of entrepreneurial skills,					
8.3 Operational challenges,					
8.4 Socio-cultural challenges					
8.5 Xenophobia effects on street vendors					
8.6 Lack of infrastructure					
8.7 Health issues caused by weather conditions					
8.8 Financial loss					

9. Indicate your level of agreement with each of the following statements relating to challenges in respect of the law that you face as a street vendor:

I have challenges with:	S t r o n g l y d i s a g r e e	D i s a g r e e	U n c e r t a i n	A g r e e	S t r o n g l y a g r e e
9.1 There are manageable number of regulations/laws which are easy to understand.					
9.2 I am familiar with all the laws and regulations relating to street vending.					
9.3 I am allowed to trade without a permit.					
9.4 Zoning scheme regulations, allow me to trade in all areas.					

9.5 There are restrictions on trading in certain public places which are ideal for street vending.					
9.6 My goods have been confiscated/impounded.					
9.7 We are harassed by police and given unnecessary fines.					
9.8 The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to our health.					

10. What other challenges with respect to the law do you face as a street vendor?

Section E: Possible intervention strategies

11. What possible intervention measures would you suggest for each of the following challenges faced by street vendors?

Challenge	Possible intervention
-----------	-----------------------

11.1 There are too many regulations/laws which make it confusing for me.	
11.2 I am not familiar with all the laws and regulations relating to street vending.	
11.3 I am not allowed to trade without a permit.	
11.4 In terms of certain Zoning scheme regulations, I am not allowed to trade in certain areas.	
11.5 There are restrictions on trading in certain public places which are ideal for street vending.	
Challenge	Possible intervention
11.6 My goods have been confiscated/impounded.	

11.7 We are harassed by police and given unnecessary fines.	
11.8 The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to our health.	

12. Apart from the suggestions made in Question 11 above, in your view, what can be done to change the livelihoods of street vendors?

APPENDIX 5 – TURITIN REPORT

N Ndaba Full dissertation 09 11 2022

ORIGINALITY REPORT

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APPENDIX 6 – CORRELATION ANALYSIS TABLE

APPENDIX 6 – CORRELATIONS TABLE

Street vending allows for people with a lower level of education to be able	Street vending provides employment for people who are unemployed.	Street vending plays a role in uplifting the community.	Street vending helps me to make money to provide for myself.	Street vending helps me to support my spouse and children.	Street vending helps me to support other family members.	My street vending business is generally profitable.	The income from street vending helps me to improve my standard of living.	Street vending has given me the opportunity to employ other sons and daughters.	My family members are all involved in the business / assist with customers
---	---	---	--	--	--	---	---	---	--

Spearman's rho	Street vending allows for people with a lower level of education to be able to m	Correlation Coefficient Sig. (2-tailed) N	e to make a living							g	ry basis	s
			-									
			291									

a k e a l i v i n g. S t r e t v e n d i n g p r o v i d e s e m p l o y m e n t f o r p e o p l e w h o a r e u n e m p l o y e d.												
	C o r r e l a t i o n C o e f f i c i e n t	. 3 7 8 .	- .									
	S i g .(2 - t a i l e d) N	0 . 0 0 0 0										
		2 9 1	2 9 1									
S t r e t v e n	C o r r e l	- 0 . 0 7 4	0 . 0 9 7	- .								

ding play a role in uplift in the community .	a t i o n C o e f f i c i e n t S i g .(2 - t a i l e d) N	0 . 2 0 9	0 . 0 9 7								
		2 9 1	2 9 1	2 9 1							
		- . 1 6 6 . .	- 0 . 0 2 2	- 3 0 0 . .	-						
St re t v e n d i n g h e l p s m e t o m a k e m o n e	C o r r e l a t i o n C o e f f i c i e n t S i	0 .	0 .	0 .							

	y to provide for myself.	g (2 - t a i l e d) N	0 0 4	7 1 2	0 0 0							
			2 9 1	2 9 1	2 9 1	2 9 1						
	Stret vending helps me to support my spouse and children.	C o r r e l a t i o n C o e f f i c i e n t S i g (2 - t a i l e d) N	0 0 0 1	0 0 7 5	0 1 6 3 .	0 1 5 6 .	- .					
			0 9 8 8	0 2 0 1	0 0 0 5	0 0 0 8						
	Stret	C o	0 .	1 .	0 .	0 .	1 .	- .				

	et ven ding helps me to sup port or hel p ot her fam ily mem bers.	r e l a t i o n C o e f f i c i e n t	0 7 9	8 0 .	0 4 9	1 1 4	5 3 .					
		S i g .	0 1 7 7	0 0 0 2	0 4 0 2	0 0 5 2	0 0 0 9					
		N	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1				
	M y st re et ven ding bu si ness is g	C o r r e l a t i o n C o e f f i c i e	- 0 0 5 1	0 0 5 9	- 1 3 7 .	- 1 4 2 .	- 1 3 4 .	0 0 5 6	- .			

General profitability.	n t S i g · (2 - t a i l e d) N	0 · 3 8 4	0 · 3 1 4	0 · 0 1 9	0 · 0 1 5	0 · 0 2 3	0 · 3 4 3				
		2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1				
	T h e i n c o m e f r o m s t r e t v e n d i n g h a s h e l p e d t o i m p r o v e m	C o r r e l a t i o n C o e f f i c i e n t S i g · (2 - t a i l e d)	0 · 0 3 4	0 · 0 4 0	1 5 0 ·	1 9 7 ·	1 7 8 ·	2 1 5 ·	3 8 4 ·	-	
			0 · 5 6 3	0 · 4 9 8	0 · 0 1 0	0 · 0 0 1	0 · 0 0 2	0 · 0 0 0	0 · 0 0 0		

y standard of living. Street vending has given me the opportunity to employ others on a temporary	N	291	291	291	291	291	291	291	291		
	Correlation Coefficient	-.262	0.055	.348	.364	.224	.139	.330	.365	-	
	Sig. (2-tailed)	.000	.0352	.000	.000	.000	.0018	.000	.000		
	N	291	291	291	291	291	291	291	291	291	

b a s i s. M y f a m i l y m e m b e r s a r e a l s o i n v o l v e d i n t h e b u s i n e s s/ a s s i s t w i t h c u s t o m e r s. S t r e t v e n d i n	C o r r e l a t i o n C o e f f i c i e n t S i g .(2 - t a i l e d) N										
		- 0 . 0 6 5	0 . 0 8 3	0 . 0 7 5	. 2 8 9 .	. 3 0 9 .	0 . 0 8 1	. 1 9 9 .	. 1 1 8 .	. 4 8 5 .	- .
		0 . 2 7 1	0 . 1 5 5	0 . 2 0 3	0 . 0 0 0	0 . 0 0 0	0 . 1 7 0	0 . 0 0 1	0 . 0 4 5	0 . 0 0 0	
		2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1
	C o r r e l a t	0 . 0 2 2	. 1 2 0 .	. 1 2 0 .	. 1 5 1 .	0 . 0 2 7	0 . 0 7 5	. 1 9 2 .	. 1 7 2 .	. 1 5 9 .	- 0 . 0 2 5

g pr o v i d e s a n o p p o r t u n i t y f o r p e o p l e w h o w e r e i n t o d r u g s t o b e t t e r t h e i r l i v e l i n o o d. T h e c o n s t i t	i o n C o e f f i c i e n t S i g .(2 - t a i l e d) N										
		0 .7 0 7	0 .0 4 1	0 .0 4 1	0 .0 1 0	0 .6 4 3	0 .2 0 0	0 .0 0 1	0 .0 0 3	0 .0 0 7	0 .6 7 4
		2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1	2 9 1
C o r r e l a t	C o r r e l a t	.1 6 6 .	.2 5 5 .	.0 0 9 5	.0 1 0 0	.2 3 8 .	0 .1 1 5	.0 0 7 2	.0 0 7 2	.0 0 7 3	.0 0 7 3

ut ion gives me the right to trade	ion Coefficient										
		Sig	0	0	0	0	0	0	0	0	0
		(2-tailed)	.005	.000	.106	.089	.000	.050	.221	.215	.215
		N	291	291	291	291	291	291	291	291	291
This right to trade is subject to limitations -	Correlation Coefficient										
		Sig	.307	.327	.010	.118	.031	.022	.075	.090	.121
		(2-tailed)	.614	.654	.021	.236	.062	.044	.150	.180	.242
		N	291	291	291	291	291	291	291	291	291

which means that authors may place restrictions on such trading or require permits.	(2-tailed)	00	00	87	44	94	13	01	27	35	38
	N										
		291	291	291	291	291	291	291	291	291	291
The c	Corr	.270	01	00	.271	00	.186	00	.177	.186	.261

onstitution gives municipalities the power to administer and regulate trading. The Business	relation Coefficient	.	12	17	.	88	.	51	.	.	.
	Sig. (2-tailed)	0.000	0.057	0.767	0.000	0.136	0.001	0.387	0.003	0.002	0.000
		290	290	290	290	290	290	290	290	290	290
	Correlation	0.061	-.072	-.052	.176.	-.164.	-.156.	0.077	.220.	0.002	-.134.

<p>essess Act (71 of 1991) recognize d street vend or s right to trade. However, the Business</p>	<p>tion Coefficient</p>										
	<p>Sig. (2-tailed)</p>	0.297	0.222	0.378	0.003	0.005	0.008	0.191	0.000	0.971	0.022
	<p>N</p>	291	291	291	291	291	291	291	291	291	291
	<p>Correlation Coefficient</p>	.184**	.318**	.137*	.0009	.0048	.181**	.0044	.0050	.0098	.0038

Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zone	Amendment (2-tailed) N										
		0 002	0 000	0 020	0 874	0 414	0 002	0 458	0 396	0 095	0 516
		2 91	2 91	2 91	2 91	2 91	2 91	2 91	2 91	2 91	2 91

Lack of start-up funds	Correlation Coefficient	S and there by control street trading.									
		0.061	-0.170	0.111	0.092	-0.038	-0.172	0.025	0.009	0.040	-0.163
	Significance (2-tailed)	0.297	0.004	0.059	0.117	0.519	0.003	0.676	0.877	0.493	0.005

Lack of infrastructure	d)	N	291	291	291	291	291	291	291	291	291
		Correlation Coefficient	0.028	0.046	-.213	0.093	0.054	-.214	0.002	-.0075	-.185
	Sig. (2-tailed)	N	291	291	291	291	291	291	291	291	291
		Correlation Coefficient	0.632	0.434	0.000	0.115	0.358	0.000	0.975	0.203	0.002
Health issues cause	d)	N	291	291	291	291	291	291	291	291	291
		Correlation Coefficient	-.218	0.035	-.137	0.042	0.044	0.040	-.163	-.0052	-.124

sed by weather conditions	efficient										
	Sig. (2-tailed)										
	N										
		0.000	0.548	0.019	0.474	0.455	0.492	0.005	0.380	0.035	0.000
		291	291	291	291	291	291	291	291	291	291

APPENDIX 7 -EDITOR'S LETTER

EDITOR'S LETTER

Researchers Beyond-Borders (PTY)
Umhlanga, Durban
South Africa
2 December 2022

To whom it may concern

Editing of Masters Dissertation: Noluthando Perceviarance Ndaba (Student number - 21429143)

Title: The role of the law in addressing the challenges facing street vendors in Durban

This letter serves as confirmation that the aforementioned dissertation has been language edited.
Any queries may be directed to the author of this letter.



Regards

Maleni Pillay
Researchers Beyond-Borders
consult@researchersbeyondborders.com
www.researchersbeyondborders.com

APPENDIX 8 – STATISTICIAN’S CERTIFICATE



STATISTICIAN DECLARATION FOR CONSULTATION

This is to confirm that I have given appropriate recommendations relating to the student's research:

Student Name	Noluthando Perceviarance Ndaba
Student number	21429143
Title	The role of the law in addressing the challenges facing street vendors in Durban
Department	Applied Law
Faculty	Management Sciences

		29 August 2022
Deepak Singh DUT Panel of Statisticians		Date