

**PORTFOLIO COMMITTEE :
MANAGEMENT SERVICES**

Chairperson :

Cllr A Komani

Committee Members :

**Ald M Sapepa, Cllrs R Nutt,
H Morgan & N Nqinata**

**PORTEFEULJEKOMITEE :
BESTUURSDIENSTE**

Voorsitter :

Rdl A Komani

Komiteelede :

**Rdh M Sapepa, Rdle R Nutt,
H Morgan & N Nqinata**

MANAGEMENT SERVICES PORTFOLIO COMMITTEE

BESTUURSDIENSTE PORTEFEULJEKOMITEE

18 February 2020

I N D E X

ITEM

**PAGE
NUMBER**

APPLICATIONS FOR LEAVE OF ABSENCE

**STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON**

- | | | |
|-----------|--|----------|
| 1. | AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES | 1 |
|-----------|--|----------|

**AGENDA of the
Portfolio Committee : Management Services
18 February 2020
(Also the agenda for the Mayoral Committee Meeting : 26 February 2020)**

**1.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND DUTIES**

2/5/3

D Arrison

Director: Management Services

20 November 2019

(028) 3138004

1. Executive Summary

The purpose of the report is to obtain approval for amendments and additions to the Delegation of Powers and Duties.

2. Service Delivery and Budget Implementation Plan Reference

Directorate: Management Services

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996

Local Government: Municipal Systems Act (No. 32 of 2000)

Local Government: Municipal Finance Management Act (No. 56 of 2003)

6. Background/Discussion

On 27 February 2006, as amended thereafter, Council adopted the Delegation of Powers and Duties.

After various sessions with the Top Management team, the Delegations of Powers and Duties were reviewed and changes made to existing ones as well as new Delegations of Powers and Duties added.

Attached as Annexure "A" is the amended Delegation of Powers and Duties to be approved.

**AGENDA of the
Portfolio Committee : Management Services
18 February 2020
(Also the agenda for the Mayoral Committee Meeting : 26 February 2020)**

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Delegation of Powers and Duties

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Delegation of Powers and Duties, **be approved.**

RESPONSIBLE OFFICIAL :

ALL DIRECTORS

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2020

**AGENDA of the
Portfolio Committee : Management Services
18 February 2020
(Also the agenda for the Mayoral Committee Meeting : 26 February 2020)**

**1.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES**

2/5/3

D Arrison

Director: Management Services

20 November 2019

(028) 3138004

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 FEBRUARY 2020, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Delegation of Powers and Duties, **be approved.**

RESPONSIBLE OFFICIAL :

ALL DIRECTORS

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2020



DELEGATION OF POWERS AND DUTIES

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments

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DELEGATIONS

		Page
1.	LEGAL REQUIREMENTS	1
2.	PRINCIPLES of DELEGATION	6
3.	CONDITIONS of DELEGATION	8
4.	DELEGATION POWERS OF COUNCIL DUTIES	
4.1	Executive Mayor	10
4.2	Sub-Delegations of Council Duties Delegated to the Executive Mayor	11
5.	DELEGATION OF ORIGINAL POWERS	
5.1	Municipal Manager	
5.2	Building Control Officer	
6.	FINANCIAL DELEGATIONS in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)	
6.1	Mayoral Duties	
6.2	Municipal Manager	
	INDEX	

1. LEGAL REQUIREMENTS:

1.1 Sections 59 to 65 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provide as follows:

"59. Delegations.- (1) *A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-*

- (a) *delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;*
 - (b) *instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and*
 - (c) *withdraw any delegation or instruction.*
- (2) *A delegation or instruction in terms of subsection (1)-*
- (a) *must not conflict with the Constitution, this Act or the Municipal Structures Act;*
 - (b) *must be in writing;*
 - (c) *is subject to any limitations, conditions and directions the municipal council may impose;*
 - (d) *may include the power to sub-delegate a delegated power;*
 - (e) *does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and*
 - (f) *must be reviewed when a new council is elected or, if it is a district council, elected and appointed.*
- (3) *The municipal council-*
- (a) *in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and*

(b) may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.

(4) Any delegation or sub-delegation to a staff member of a power conferred on a municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).

60. Certain delegations restricted to executive committees or executive mayors.- (1) The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only:

(a) decisions to expropriate immovable property or rights in or to immovable property; and

(b) the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

(2) The council may only delegate to the Municipal Manager the power to make decisions on investments on behalf of the municipality within the municipality's investment policy contemplated in Section 13(2) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

61. Referral of matters to delegating authorities for decision.- A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power to dispose of matters falling within the area of responsibility of that political structure, political office bearer, councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, councillor or staff member to the relevant delegating authority for a decision.

62. Appeals.- (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

- (4) *When the appeal is against a decision taken by-*
- (a) *a staff member other than the municipal manager, the municipal manager is the appeal authority;*
 - (b) *the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or*
 - (c) *a political structure or political office bearer, or a councillor-*
 - (i) *the municipal council is the appeal authority where the council comprises less than 15 councillors; or*
 - (ii) *a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.*
- (5) *An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.*
- (6) *The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.*

63. Duty to report to delegating authorities.- *A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report.*

64. Withdrawal, amendment or lapsing of delegation or sub-delegation.- *The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.*

65. Review of delegations.- (1) *Whenever it becomes necessary in terms of section 59 (2) (f) to review a municipality's delegations, the municipal manager must submit to the council-*

- (a) *a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and*
 - (b) *recommendations on any changes to the existing delegations which the municipal manager may consider necessary.*
- (2) *If the municipality has an executive committee or executive mayor, the municipal manager must submit the report and any recommendations to*

the municipal council through the executive committee or executive mayor."

- 1.2 Section 160(2) of the **Constitution, 1996** (referred to in section 59 (1)(a) of the Systems Act) provides as follows:

"(2) The following functions may not be delegated by a Municipal Council:

- (a) the passing of by-laws;*
- (b) the approval of budgets;*
- (c) the imposition of rates and other taxes, levies and duties; and*
- (d) the raising of loans."*

- 1.3 Sections 79, 81 and 82 of the **Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)** provide as follows:

"79. Delegations (1) The accounting officer of a municipality-

- (a) must, for the proper application of this Act in the municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration;*
 - (b) may, in accordance with that system, delegate to a member of the municipality's top management referred to in section 77 or any other official of the municipality-*
 - (i) any of the powers or duties assigned to an accounting officer in terms of this Act; or*
 - (ii) any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of this Act, and*
 - (c) must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.*
- (2) The accounting officer may not delegate to any political structure or political office-bearer of the municipality any of the powers or duties assigned to accounting officers in terms of this Act.*
- (3) A delegation in terms of subsection (1)-*
- (a) must be in writing;*

- (b) *is subject to such limitations and conditions as the accounting officer may impose in a specific case;*
 - (c) *may either be to a specific individual or to the holder of a specific post in the municipality*
 - (d) *may, in the case of a delegation to a member of the municipality's top management in terms of subsection (1)(b), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and*
 - (e) *does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.*
- (4) *The accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.*

81. Role of chief financial officer (1) *The chief financial officer of a municipality-*

- (a) *...*
 - (b) *must advise the accounting officer on the exercise of powers and duties assigned to the accounting officer in terms of this Act;*
 - (c) *...*
 - (d) *must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of section 78 or delegated to them in terms of section 79; and*
 - (e) *must perform such budgeting, accounting, analysis, financial reporting, cash management, debt management, supply chain management, financial management, review and other duties as may in terms of section 79 be delegated by the accounting officer to the chief financial officer.*
- (2) *...*

82. Delegations (1) *The chief financial officer of a municipality may sub-delegate any of the duties referred to in section 81 (1)(b), (d) and (e)-*

- (a) *to an official in the budget and treasury office;*
- (b) *to the holder of a specific post in that office; or*
- (c) *with the concurrence of the accounting officer, to-*

- (i) *any other official of the municipality; or*
 - (ii) *any person contracted by the municipality for the work of the office.*
- (2) *If the chief financial officer sub-delegates any duties in terms of subsection (1) to a person who is not an employee of the municipality, the chief financial officer must be satisfied that effective systems and procedures are in place to ensure control and accountability.*
- (3) *A sub-delegation in terms of subsection (1)-*
- (a) *must be in writing;*
 - (b) *is subject to such limitations or conditions as the chief financial officer may impose; and*
 - (c) *does not divest the chief financial officer of the responsibility concerning the delegated duty.*
- (4) *The chief financial officer may confirm, vary or revoke any decision taken in consequence of a sub-delegation in terms of subsection (1), but no such variation or revocation of decision may detract from any rights that may have accrued as a result of the decision."*

2. PRINCIPLES OF DELEGATION

- 2.1 All delegations must ensure that the Council retains all legislative powers and those executive powers which cannot be lawfully delegated.
- 2.2 Policy formulation and determination process is as follows:
- 2.2.1 Policy is determined by Council.
 - 2.2.2 Any political office bearer or staff member may initiate the generation of proposed policy.
 - 2.2.3 Policy must first be channelled via the executive mayor for his/her consideration and recommendations.
 - 2.2.4 Notwithstanding the above, if, in the view of the Municipal Manager, any proposed policy has a direct and significant impact on the community, then the comments of that community must be obtained prior to the approval of the policy.
- 2.3 The Council as the legislative and executive authority may exercise no power and perform no function beyond that conferred upon it by law.
- 2.4 No political office bearer or staff member may exercise its authority contrary to any policy approved by Council.

- 2.5 Clear corporate policies in respect of support services such as finance, human resources, procurement and certain administrative functions must inform the delegated powers of relevant political office bearers and staff members. Policies should not serve as ad hoc instructions, but must be universally applicable.
- 2.6 The functions allocated to the municipality's political office bearers or staff members as may be approved by Council from time to time will form the basis for the allocation of delegations of executive decisionmaking power.
- 2.7 All delegations are conditional upon compliance with the municipality's policies, its Integrated Development Plan and budget.
- 2.8 All delegations must be in writing.
- 2.9 All delegations must provide for good governance and allow for adequate checks and balances.
- 2.10 All delegations must enhance service delivery without sacrificing accountability.
- 2.11 Delegations must not oblige a delegatee to exercise his/her delegated power and must therefore allow for the decision to be taken at the next higher level.
- 2.12 In exercising delegated authority, the municipality's political office bearers or staff members must do so in the spirit of utmost good faith.
- 2.13 The political office bearers and staff members must be empowered to perform their functions effectively and to take decisions in the management and administration of their functional areas within the maximum amount of delegated authority, subject to compliance with the following constraints:
 - 2.13.1 Clear operational policies which are determined by Council must govern the actions of the relevant political office bearers or staff members in performing their respective functions and activities. Where it is necessary for relevant political office bearers or staff members to operate in exceptional cases outside a defined policy, the authority of either the Executive Mayor or the Municipal Manager respectively must be obtained.
 - 2.13.2 Relevant political office bearers or staff members must take decisions and implement policy, projects and manage their functional areas in order to give effect to the requirements of their respective business plans.
 - 2.13.3 Relevant political office bearers or staff members must ensure that their proposed business plans give maximum effect to the achievement of the municipality's strategic objectives.
 - 2.13.4 During the implementation of the municipality's business plans, relevant political office bearers or staff members must, when exercising their delegated powers, ensure that council's strategic objectives are achieved.

- 2.13.5 In giving effect to policies, projects and the requirements of business plans, relevant political office bearers or staff members must take decisions and operate within the parameters of their respective operational and capital budgets.
- 2.13.6 Relevant political office bearers and staff members must give effect to the enforcement and observation of all municipal by-laws and other relevant legislation and where changing circumstances so dictate, must recommend the creation or amendment of municipal by-laws.
- 2.14 Although there is a requirement for relevant staff members to be monitored by higher levels of authority in respect of their performance in the implementation of policies, programmes and projects, they must be empowered to take decisions without unnecessary delay. This permits political office bearers and staff members at higher levels to concentrate on policy determination, strategic planning, appropriate interaction with the public and the monitoring of the implementation of individual business plans and the municipality's strategic priorities.

3. CONDITIONS OF DELEGATION

- 3.1 All decisionmaking powers delegated by the Council are subject to the following conditions:
- 3.1.1 Delegated powers are conferred upon the Executive Mayor and posts in the organisation of the municipality and not personally on incumbents.
- 3.1.2 These delegations also apply to acting positions. Persons acting in these positions have the same delegated powers as those serving in a permanent capacity, provided that the competent authority has duly appointed such acting persons and has not excluded certain powers.
- 3.1.3 In executing any delegated power, the delegatee must comply with all relevant legislation, agreements and policy.
- 3.1.4 These delegations do not redefine the municipality's powers and functions.
- 3.1.5 The policies whether existing or future will determine the parameters of any delegation and the delegator is bound to comply therewith. It is the duty of the delegator to ensure that clear and comprehensive policies are drafted.
- 3.1.6 In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the municipality has budgeted for the expenditure and that the funds are still available on the relevant budget.
- 3.1.7 In executing delegated powers all decisions taken must be in support of the municipality's business plans and its strategic objectives.
- 3.1.8 Council or its executive mayor or any part of the municipality's staff members above the delegatee may at any time, subject to applicable law, order a delegated matter not to be proceeded with by the delegatee and then deal with such matter.

11/108

- 3.1.9 The chain of authority from the Council to the Executive Mayor to the Municipal Manager and officials below must not be jeopardised by any delegation.
- 3.1.10 The relevant political office bearer or staff members delegated to take a decision, may determine whether a report is needed motivating the decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met.
- 3.1.11 A delegation may set out special circumstances in which a delegatee is prohibited from exercising his/her delegated power.
- 3.1.12 Any sub-delegation must be reduced to writing and recorded in the delegation register, contained in this document, which must be kept updated at all times by the Director: Management Services and who must be informed in writing of any sub-delegation.
- 3.1.13 All decisions affecting the rights of others must be in writing and reasons must be recorded for such decisions.
- 3.1.14 The Council or any other delegator, may at any time withdraw, qualify or amend a delegation made by itself.
- 3.1.15 Provision must be made for a separation between the evaluation and recommendation stage of the decisionmaking process and the actual decision itself. This must happen in all cases where the decisionmaking process is reasonably capable of being divided as set out above.
- 3.1.16 Any delegator may require a selected sample of decisions taken by a part of the staff below him/her to be audited.

4. DELEGATION POWERS OF COUNCIL DUTIES	
4.1 EXECUTIVE MAYOR: COUNCIL RESOLUTION 12 AUGUST 2016, ITEM 7	
	Remarks, Limitations or Conditions
4.1.1	<p>Subject to the provisions contained herein all powers and functions vested with the Council are hereby delegated to the Executive Mayor with the power of sub-delegation in terms of section 59(2)(d) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)</p> <p>* Excluding those powers and functions mentioned in section 160(2) of the Constitution, 1996; mentioned in section 59(1)(a) and (4) and 76(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);</p> <p>* delegated to the municipality's staff members as indicated hereinunder,</p> <p>* PROVIDED that where the delegates hereunder are for whatever reason, unwilling or not in a position to exercise his/her delegated power, such matter be dealt with by the Executive Mayor or his/her delegates.</p>

12/108

SUB-DELEGATIONS OF COUNCIL DUTIES DELEGATED TO THE EXECUTIVE MAYOR		
..... ALD D COETZEE DATE		
Item No	Subject to the provisions contained herein the following matters are hereby sub-delegated to the lowest level as indicated: Cryptic description of Power or Duty	Lowest level sub-delegated to Remarks, Limitations or Conditions
4.2.1	Initiating the acquisition of land or a right in land for any approved municipal scheme or service. Authorise the payment of interest on the purchase price of land or buildings acquired from the date of occupation to the date of payment of the purchase price where the municipality requires or takes occupation prior to registration of transfer in its favour.	[Subject to provision having been made on the current budget.] If – * in the case of unmortgaged property, such interest has been calculated at the ruling market rate at the time occupation is taken; and * in the case of unmortgaged property, interest has, in respect of such portion of the purchase price as equals the outstanding balance of the mortgage bond, been calculated at the rate payable in terms of such mortgage bond and, in respect of the balance of

			the purchase price, the ruling market rate at the time occupation is taken.
4.2.2	To exercise the powers vested in the municipality under [Section 11(8) of] the Advertising on Roads & Ribbon Development Act (Act 21 of 1940).	Manager: Building [Services] Control	
4.2.3	Framing appropriate terms and conditions and the signature of formal agreements to be entered into regarding the acquisition, lease, use, sale, exchange, encroachment on, and granting of land and buildings, etc. as well as bench agreements.	[Municipal Manager] Manager: Property Admin	<u>Excluding rental unit stock and subsidised housing units.</u>
4.2.3.A	Framing appropriate terms and conditions and the signature of non-compensation agreements and all subsequent notarial documents where the agreement is between the owner of the land and the Municipality.	[Municipal Manager] Manager: Property Admin	
4.2.3.B	Signature of all conveyancing and notarial documents relating to the sale and lease of municipal owned land as well as notarial tie agreements and subsequent documents where applicable.	Municipal Manager	[In relation to property of the municipality (excluding social housing).] <u>Excluding rental unit stock and subsidised housing units.</u>
4.2.3.C	<u>Allocation of benches to applicants on the Municipality's waiting list.</u>	Director: <u>Infrastructure and Planning</u>	
4.2.3.D	<u>Approving of and consenting to the removal of restrictive conditions from title deeds where the conditions have been met.</u>	<u>Municipal Manager</u>	
4.2.3.E	<u>Signature of all deeds office documents in relation to Regulation 68(1) of the Deeds Registry (Act 47 of 1937) to apply for a certified copy of a title deed for registration purposes.</u>	<u>Municipal Manager</u>	
4.2.4	The approval of applications to drop literature or other matter from aircraft over any portion of Municipal area and of the landing of aircraft at places which are not aerodromes or landing strips on such conditions as may be deemed advisable in the interests of the municipality and of public safety or for any other reason.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	Subject to the submission, by the applicant, of approval by Civil Aviation and the Municipality be indemnified against any claims as a result of this approval.

4.2.5	Exercise all powers in respect of applications to operate amusement parks / circus on sites set aside for this purpose at the tariff laid down.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.6	The exercise of all powers conferred upon the Council by all legislation relating to anti-social behaviour [in recreational areas].	[Chief: Law Enforcement & Security] Senior Manager: Traffic Law Enforcement and Task Team	
4.2.7	To approve applications to undertake portrait painting and art exhibition stands.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Environmental Management Services for Land Zoned as Public Open Space 1
4.2.8	Exercise all powers in respect of the general administration of all beaches within the municipal area.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with relevant role players.
4.2.9	To demarcate sections of beaches and inland water surfaces	Senior Manager:	In consultation with relevant role

	for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing and boating.	Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<u>players/authorities.</u>
4.2.10	The exercise of all the powers conferred upon the municipality by or in connection with legislation relating to botanical gardens, nature reserves and land zoned as public open space 1.	Senior Manager: Environmental Management Services	
4.2.11	As far as approval and refusal of building plan applications are concerned:		
4.2.11.1	The approval or refusal of building plan applications in terms of section 7 of the National Building Regulations and Building Standards Act (Act 103 of 1977) and/or other applicable legislation.	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration] <u>Manager: Building Control</u>	[After consultation with Manager: Building Services.]
4.2.11.2	Except as otherwise provided, the administration of [Sections 7, 10, 11, 12, 14, and 18(i) of Act 103 of 1977] <u>the following sections of the Building Act:</u> <ul style="list-style-type: none"> • <u>Sec 2(4) – Buildings erected by and on behalf of the State,</u> • <u>Sec 4(2) and Sec 4(3) – To prescribe the application form for the erection of any building and to require such particulars as may be required for the carrying out of the</u> 	[Building Inspectors] <u>Building Control Officer</u> <u>Manager: Building Control</u>	

<p>objects and purposes of this Act.</p> <ul style="list-style-type: none"> • <u>Sec 6 – Functions of Building Control Officer.</u> • <u>Sec 10 – Erection of buildings subject to prohibition and conditions.</u> • <u>Sec 12 – Demolition or alteration of certain buildings.</u> • <u>Sec 18(1) – Deviation and exemption from national building regulations.</u> <p><u>The administration of Sections 11, 13, 14 and 15 of the Building Act.</u></p>	<p><u>Building Control Officer</u> <u>Manager: Building Control & Building Control Officer</u> <u>Manager: Building Control & Building Control Officer</u> <u>Manager: Building Control & Building Control Officer</u></p>	<p>As far as section 12 is concerned in consultation with <u>[Manager: Building Services] Legal Services.</u></p> <p><u>Sec 11 Erection time limit, sec 13 Minor Works, sec 14 Occupancy certificate, sec 15 Entry of certain buildings and land</u></p>
<p>4.2.12</p> <p>The approval of plans involving consolidation of building sites; authority to approve building plans where the work is to be carried out on a property comprising separate lots, consolidation of which has not yet been registered.</p>	<p><u>[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration] Building Control</u></p>	<p><u>[Subject to a written undertaking being furnished by the applicant's legal representative, that he is proceeding with the preparation of the Certificate of Consolidated Title in respect of such property. The foregoing shall apply mutatis mutandis in cases where an alternative procedure is necessary to prevent erven being disposed of separately.]</u> <u>In consultation with Town Planning and Legal Services</u></p>
<p>4.2.13</p> <p>The administration of legislation relating to the accumulation, dumping, storage or depositing of building refuse and the like.</p>	<p><u>Building Inspectors Manager: Solid Waste Planning</u></p>	
<p>4.2.14</p> <p>The approval of the temporary retention of building shed structures on a site until a new house has been completed or</p>	<p><u>Building Inspectors</u></p>	

4.2.15	<p>occupied whichever is the sooner.</p> <p>Except where otherwise provided, the powers conferred on the municipality under the Businesses Act 71 of 1991 and the Regulations relating to businesses enforcement thereunder.</p>	<p>[Chief: Law Enforcement & Security] Senior Manager: Traffic Enforcement and Task Team</p>	
4.2.16	<p>Exercise all applicable powers in respect of the <u>legislation/by-laws</u> in respect of the letting and cancellation of lettings of holiday cabins, camping sites, caravan stands, swimming pools and ground for sporting purposes on a casual or seasonal basis.</p>	<p>Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration</p>	<p><u>Excluding land zoned as Public Open Space 1</u></p>
4.2.17	<p>Dealing with applications for the use of the Coat-of-Arms or Corporate Insignia.</p>	<p>Manager: Communications</p>	<p>[In accordance with guidelines.]</p>
4.2.18	<p>To <u>[give a ruling]</u> determine and make a ruling as to whether <u>[any] documents in possession and custody of the municipality [shall] are to be treated as confidential and therefore not subject to disclosure.</u></p>	<p>Municipal Manager</p>	<p>[Such ruling may only be overturned by the Executive Mayor.] <u>Subject to the provisions of the Promotion of Access to Information Act, No 2 of 2000, the Protection of Personal Information Act, No 4 of 2013 and the rules pertaining to the discovery of documents in legal proceedings.</u></p>
4.2.19	<p>The signing of all contracts, documents and procurations [applicable to the specific areas within Overstrand] on behalf of the municipality.</p>	<p>Directors</p>	<p>Excluding those mentioned in item 4.2.3</p>
4.2.19 A	<p>The signing of agreements and all relevant documents in respect of the sale of low cost houses.</p>	<p>Manager: Housing Administration</p>	<p>Excluding contracts mentioned under item 4.2.19</p>
4.2.20	<p>[To enter into contracts for the supply of goods or materials and/or services or the execution of any such work.]</p>	<p>[Directors]</p>	

4.2.21	<p><u>Deleted (Council resolution ...)</u> Responsible for the monitoring of customer care in respective municipal administration areas.</p>	<p>Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration</p>	
4.2.22	<p>Granting of reward for reporting of damage to / stolen municipal property.</p>	<p>Municipal Manager</p>	<p>In accordance with [council] the Municipality's policy.</p>
4.2.23	<p>The demolition, save as may be otherwise provided, of vacant buildings, other than residential buildings, on land acquired for open space or recreational purposes in housing estate areas.</p>	<p>Manager: Building [Services] Control</p>	<p>Subject, where applicable, to the necessary authority having been obtained, and/or in consultation with Legal Services.</p>
4.2.24	<p>The demolition of [vacant dwellings, slum properties] dilapidated buildings/structures (i.e. [slum] clearance operations) [and other buildings] owned by the municipality and used for residential purposes.</p>	<p>Senior Manager: Hermanus Administration Senior Manager: Gansbaai Administration Senior Manager: Kleinmond Administration [Manager: Building Services]</p>	<p>Subject to necessary authority, i.e. Manager. Building Control, having been obtained, and/or in consultation with Legal Services.</p>
4.2.25	<p>Exercising for and on behalf of the municipality all the powers, duties and functions conferred upon it in terms of the By-law relating to the keeping of dogs and cats.</p>	<p>Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai</p>	

		Administration [Chief: Law & Security] Senior Manager: Traffic, Law Enforcement and Task	
4.2.26	The administration of legislation relating to the enclosure of stoeps and verandas at business premises.	Building Inspectors	With the relevant internal departmental clearances i.e. Town Planning and Heritage Committee.
4.2.27	Approval of encroachments on road reserves and public thoroughfares.	[Senior Manager: Town Planning & Management; Property Administration	[According to approved policy and in consultation with Operational Manager.]
4.2.28	The exercise of all powers conferred upon the Council by [the regulations applicable to the municipal area of the Overstrand Municipality in terms of the National Environmental Management Integrated Coastal Management Act, 2008 (Act 24 of 2008)] <u>Environmental Legislation</u> .	Senior Manager: Environmental Management Services	<u>Excluding Sec 30 of NEMA.</u>
4.2.29	The taking of appropriate action for the eviction from premises built with municipal or State funds in the municipality's housing estates of any occupier who:	Director: Management Services	In consultation with Senior Manager: Fire and Rescue, Disaster Management and Security Services i.t.o. roles. In consultation with Municipal Manager.
4.2.29.1	occupied such premises without the Council's permission or remained in occupation of such premises when the authorised tenant was no longer in occupation;		
4.2.29.2	is the sole occupant of such premises;		
4.2.29.3	puts such premises to illegal use.		
4.2.30	In expropriation of land proceedings –	Manager: Property Administration	[In consultation with Municipal Manager.]

4.2.30.1	conducting proceedings after the Council has authorised its institution; and		
4.2.30.2	taking possession of expropriated property before expiry of the prescribed period of 60 days after service of the expropriation notice if the land is urgently required for the purpose for which it has been expropriated.		
4.2.31	To grant extension for the completion of a development on a property bought from the municipality beyond two years from date of purchase.	<u>[Municipal Manager]</u> <u>Director,</u> <u>Infrastructure &</u> <u>Planning</u>	
4.2.32	As far as the extensions of time are concerned: The approval of extensions of time –		
4.2.32.1	Of the extension of validity of approved plans in accordance with the National Building Regulations & Building Standards Act (Act 103 of 1977).	<u>[Building Inspector]</u> <u>Manager,</u> <u>Control & Building</u> <u>Control Officer</u>	
4.2.32.2	In which to comply with the municipality's requirements under the Signage By-laws.	Building Inspectors	
4.2.33	The administration of legislation relating to the fencing of property, unsightly and dangerous fences and the like and the protection of swimming pools, holes and the like.	Building Inspectors	
4.2.34	The exercise of all powers conferred upon the municipality by – Fire Brigade Services	<u>[Chief: Fire and</u> <u>Disaster</u> <u>Management]</u> <u>Senior Manager,</u> <u>Fire and Rescue,</u> <u>Disaster</u> <u>Management and</u> <u>Security Services</u>	
4.2.34.1	legislation relating to fire hazards in built-up areas where access is available to the Overstrand Fire and Rescue Service vehicles;		

4.2.34.2	the Hazardous Substances Act 15 of 1973 to enforce the provisions of the regulations governing the conveyance of hazardous substances by road tankers; and		
4.2.34.3	Fire Brigade Services Act 99 of 1987.		
4.2.35	[To approve of applications to operate food vending machines at or on public places during special events such as festivals and celebrations.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration]	
4.2.36	The power to demand the production of hawker licences issued in terms of the Businesses Act 71 of 1991.	[Chief: Law Enforcement & Security Senior Manager: Traffic, Law Enforcement and Task Team]	
4.2.37	[Allocation of housing scheme dwellings on a priority basis.] <u>Deleted (Council resolution ...)</u>	[Manager: Housing Administration]	[In consultation with Senior Manager: Hermanus Administration/ Senior Manager: Kleinmond Administration/ Senior Manager: Gansbaai Administration]
4.2.38	[To deal with voluntary cancellations of sales of housing scheme land and dwellings.] <u>Deleted (Council resolution ...)</u>	[Manager: Housing Administration]	
4.2.38 A	Certification in respect of participants in Government	Manager: Housing	

	subsidised/funded housing project as set out in Section 118(4), Local Government Systems Act No. 32 of 2000.	Administration	
4.2.39	[To repossess any housing scheme property where the purchaser is in arrear with his/her interest and redemption instalments or is otherwise in breach of the conditions of sale.]	[Manager: Housing Administration]	[In consultation with Director: Community Services]
4.2.40	Deleted (Council resolution ...) Approval of the leasing of municipal dwellings and/or land to persons on the housing demand database (government subsidised housing project) [(housing schemes only)].	Director: Community Services	Subject to the policies and procedures laid down by the Municipality from time to time.
4.2.40.A	[Approval of the leasing of municipal housing even to persons on the housing demand database (housing schemes only).]	[Director: Community Services]	[Subject to policies and procedures/resolutions laid down by the Municipality from time to time.]
4.2.41	Deleted (Council resolution ...) To take such decisions as may be necessary from time to time on matters affecting housing schemes approved by the Council and arising out of the following:	[Director: Community Services]	Provided any amendments made do not materially affect or modify in any essential respect the basic elements or layout of such schemes as approved by the Council and which involve consequential adjustments to the detailed estimates of the schemes within the total approved estimates.
4.2.41.1	amendments to plans and specifications of dwellings;	<u>Senior Manager: Engineering Services</u>	
4.2.41.2	amendments to the layout plans of housing schemes including the layout of services;	<u>Senior Manager: Engineering Services</u>	
4.2.41.3	relocation of dwellings on residential sites within housing schemes necessitated by adverse subsoil conditions or by other unforeseen circumstances, provided the number of each type of dwelling remains unaltered.	<u>Senior Manager: Engineering Services</u>	

4.2.41.3 A	approval for signing of Temporary Occupation Agreements for residents of the Temporary Relocation Area (TRA), Zwelithe.	Manager: Housing Administration	
4.2.41A	To authorise: (1) <u>Allocations of municipal rental housing units.</u> (2) <u>Evictions in the event of lapsed lease agreements.</u>	Manager: <u>Housing Administration</u>	
4.2.41B	To apply the prescribed policy procedures when land invasion occurs on <u>municipal land.</u>	Manager: <u>Traffic & Law Enforcement Services and Manager: Housing Administration</u>	
4.2.42	[Granting approval for the exhumation, reinterment, reburial, disturbance or removal of human remains subject to the requirements of legislation.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: <u>Hermanus Administration</u> Senior Manager: <u>Kleinmond Administration</u> Senior Manager: <u>Gansbaai Administration</u>]	
4.2.43	[To take such steps in terms of legislation and/or Municipal policy to remove illegal encroachments in, on or over municipal owned or controlled land.] <u>Deleted (Council resolution ...)</u>	[Chief: <u>Law Enforcement & Security</u>]	
4.2.44	The summarily demolition of unoccupied illegal shacks in line with applicable legislation.	[Director: <u>Protection Services</u> Senior Manager: <u>Traffic, Law Enforcement and Task Team</u> Manager: <u>Housing Administration</u>]	In line with SOP

4.2.45	The demolition of occupied illegal structures (squatters), subject to compliance with section 26 of the Constitution and applicable legislation and the obtaining of a Court order.	[Director: Protection Services] Senior Manager: Traffic, Law Enforcement and Task Team Manager: Housing Administration	In line with Standard Operating Procedure.
4.2.46	[All the powers conferred upon the municipality by all acts and ordinances relating to the protection of indigenous vegetation, game and birds, including proclamations and regulations relating to nature reserves.]	[Senior Manager: Environmental Management Services]	
4.2.47	Deleted (Council resolution ...) To administer legislation and Municipal policy relating to informal trading and the control of hawkers.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Manager: LED
4.2.48	[Arranging insurance of all movable and immovable assets and to attend to all claims arising.] Deleted (Council resolution ...) Refer to 5.1.3(b)	[Senior Manager: Expenditure and Assets]	
4.2.49	Taking transfer of land gratuitously ceded to or vesting in the municipality or where the municipality is compelled to take transfer and authorising payment of the costs involved and the refund of a pro-rata share of the rates paid in respect of the land as from the date of transfer to or occupation by the municipality, which ever be the earlier. Signing of all documents relating to land ceded to or vesting in the municipality or where the municipality is compelled to take	Director: Infrastructure & Planning Director: Infrastructure &	[In consultation with Municipal Manager.]
4.2.49.1			

	transfer.	Planning	The delegatee will not exercise such delegated authority under 4.2.50 in the following circumstances: - legislation does not permit delegation; - there are objections to the application; - the application is recommended for refusal; - the recommendation is contrary to [Council] the Municipality's policy; - applications are made for uses for which no delegated authority has been entrusted by the Premier to Council.
4.2.50	["The Ordinance" mentioned in items 4.2.50.1 to 4.2.50.18 hereunder refer to the Land Use Planning Ordinance (Ordinance No 15 of 1985)] As far as land use planning matters are concerned:	Senior Manager: Town & Spatial Planning [& Property Administration]	
4.2.50.1	Approval of Departure Applications in terms of Section 15(1)(a)(i) of the Ordinance for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned.	Senior Manager: Town & Spatial Planning [& Property Administration]	
4.2.50.2	Approval of Consent/Conditional Uses applicable to a particular zone in terms of the zoning scheme concerned where the proposal is consistent with adopted [Council] Municipal policy.	Senior Manager: Town & Spatial Planning [& Property Administration]	
4.2.50.3	Approval, subject to the provisions of Section 22 of the Ordinance, of the subdivision of land in terms of Section 23 and 25 of the Ordinance.	Senior Manager: Town & Spatial Planning [& Property Administration]	
4.2.50.4	Approval of Development Framework Plans, Site Development Plans and Landscaping Plans, and amendments thereto arising from conditions imposed in the approval of Rezoning Departure, Conditional Use, Consent Use and Subdivision applications.	[Municipal Manager] Senior Manager: Town & Spatial Planning	
4.2.50.5	Approval of the constitutions of Home Owners Associations arising from Section 29 of the Ordinance.	Senior Manager: Town & Spatial Planning [& Property Administration]	In consultation with Municipality's Legal Adviser.
4.2.50.6	Approval to erect a building/structure as provided for in Section	Director:	

4.2.50.7	31(2) of the Ordinance, read with Regulations 3.6 of Provincial Notice 1049/1988 and Regulation 3.10 of Provincial Notice 140/1987.	Infrastructure and Planning	In consultation with Director: Infrastructure and Planning
4.2.50.8	The authority to impose conditions of approval in terms of Section 41(1) read with Section 36 and Section 42(2) of the Ordinance in respect of subdivision, departure [Section 15(1)(a)(i) of the Ordinance], consent use and conditional use approval.	Senior Manager: Town & Spatial Planning [& Property Administration]	In consultation with Director: Infrastructure and Planning
4.2.50.9	The authority to impose additional conditions, waiving and amendment of conditions as provided for in Section 42(3) of the Ordinance in respect of subdivision, departure [Section 15(1)(a)(i) of the Ordinance], consent use and conditional use approval.	Senior Manager: Town & Spatial Planning [& Property Administration]	In consultation with Director: Infrastructure and Planning
4.2.50.10	To supply Council's comment to the Provincial Government in an appeal against a Council decision.	Senior Manager: Town & Spatial Planning [& Property Administration]	In consultation with Director: Infrastructure and Planning
4.2.50.11	[To determine for and on behalf of the municipality, in terms of Section 14(1) of the Ordinance the utilisation of land referred to in the aforesaid section and to zone such land in accordance with the utilisation so determined.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Town Planning & Property Administration]	[Subject to the aforesaid Ordinance and the applicable zoning scheme regulations.]
4.2.50.12	[To determine in terms of section 16, read with section 14 of the Ordinance of the manner in which a property has been utilised and the most restrictive zoning permitting such utilisation with or without a departure in situations where the zoning has lapsed.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Town Planning & Property Administration]	[Provided further that there is no objection on behalf of the owner of the land concerned to such determination and zoning.]
4.2.50.12	The authority to amend, partially cancel or cancel a plan of subdivision including a diagram or general plan in terms of Section 30(1) of the Ordinance and in terms of Section 37 of the Land Survey Act (Act 8 of 1997).	Senior Manager: Town & Spatial Planning [& Property Administration]	

4.2.50.13	[The authority in terms of Section 31(1) of the Ordinance to certify compliance with the conditions of subdivision.]	[Senior Manager: Town Planning & Property Administration]	[Only after written confirmation has been received from authorised personnel that all conditions have been met.]
4.2.50.14	Deleted (Council resolution ...) [As far as extensions are concerned authority to grant extension of the validity period of the approval granted in respect of Rezonings in terms of Section 16(2)(a) of the Ordinance; Departures in terms of Section 15(5) of the Ordinance; and subdivisions in terms of Section 27(1) of the Ordinance.]	[Senior Manager: Town Planning & Property Administration]	
4.2.50.15	Deleted (Council resolution ...) To administer advertising provisions as instructed by the Provincial Government in respect of applications received in connection with the removal of restrictions in terms of the Removal of Restrictions Act 1967 (Act 84 of 1967).	Senior Manager: Town & Spatial Planning [& Property Administration]	
4.2.50.16	[Granting of authority to an employee for right of entry upon land as provided for in Section 41 of the Ordinance.]	[Senior Manager: Town Planning & Property Administration]	
4.2.50.17	Deleted (Council resolution ...) Taking action [serving notices] for unauthorised land uses and non-compliance with conditions of approval issued in terms of the Ordinance and/or legislation.	Senior Manager: Town & Spatial Planning [& Property Administration]	In consultation with Municipality's Legal Adviser.
4.2.50.18	[Authority to take necessary action in terms of Section 40(1)(a) and (b) to ensure compliance with Section 39(2)(a) and (b) of the Ordinance.]	[Senior Manager: Town Planning & Property Administration]	
4.2.51	Deleted (Council resolution ...) The approval of lease agreements up to 3 years in relation to municipal property.	Municipal Manager	In accordance with [Council's] the Municipality's Administration of Immoveable Property Policy.

4.2.51.1	The approval of the renewal of lease agreements where the initial period and renewal period does not exceed 3 years in total.	Municipal Manager	In accordance with [Council's] the Municipality's Administration of Immovable Property Policy.
4.2.51.2	To determine the rental, taking community value in consideration, in the cases of leases to registered social care organisations/institutions, sports/public facilities, registered non-profit organisations' exceptional circumstances [and informal traders where a formal tariff has not been set].	Municipal Manager	In accordance with [Council's] the Municipality's Administration of Immovable Property Policy.
4.2.51.3	To approve in principle that the process for a long term lease agreement where the income value is less than R10 million may be proceeded with.	Municipal Manager	In accordance with [Council's] the Municipality's Administration of Immovable Property Policy.
4.2.51.4	The approval of the cancellation of lease agreements where the terms or conditions thereof have been breached by lessees.	Municipal Manager	
4.2.51.5	The approval of lease agreements up to 3 years in relation to municipal property.	Municipal Manager	
4.2.52	Legal actions and proceedings In regard to legal actions and proceedings by or against the Council -		
4.2.52.1	To deal with legal action and claims, including the initiation, dealing with or settlement of such on behalf of the municipality.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.2	To deal with arbitrations, including the initiation, dealing with or settlement of such arbitration.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.3	Entering appearance and authorising the defending of all matters.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.4	Authorising the briefing of Counsel to obtain legal opinion for any matter.	Director: Management	In consultation with Municipal Manager.

4.2.52.5	Instructing attorneys to take appropriate action against individuals, companies or business who have defaulted in their obligations in terms of rates and services.	Senior Manager: Income	In accordance with the <u>Customer Care, Credit Control and Debt Collection Policy</u> .
4.2.52.5A	Executing all documents, deposing to founding affidavits and taking such other action as may be necessary in connection with authorised legal proceedings with regard to defaulted obligations in terms of rates and services.	Director: Finance	In accordance with the <u>Customer Care, Credit Control and Debt Collection Policy</u> .
4.2.52.6	Instructing attorneys to defend the municipality's employees and/or Councillors in criminal and/or civil cases arising out of any act or thing done or omitted by such employee in the exercise of powers, duties and functions.	Director: Management Services	In accordance with the Municipality's Policy on Legal Representation.
4.2.52.7	Executing all documents, deposing to founding affidavits and taking such other action as may be necessary in connection with authorised legal proceedings of any kind.	Director: Management Services	In consultation with the Municipal Manager.
4.2.52.8	Waiving provisions of section 3 of the Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act 40 of 2002) where claims are brought against the municipality after the prescribed period where –	Director: Management Services	In consultation with the Municipal Manager.
4.2.52.8.1	the delays have not been prejudicial to the municipality's interests; or		
4.2.52.8.2	by reason of special circumstances the claimant could not reasonably have been expected to serve notice within the prescribed period.		
4.2.53	Administering and letting all Municipal land and buildings, formulating recommendations relating to the disposal of such property, determining whether or not to cancel leases where the terms or conditions thereof have been breached by lessees [and instituting legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of	[Manager: Housing Administration] Manager: Property Administration	[In relation to social housing.] [In relation to other property of Council.]

	monies owing to the municipality where such cancellation arose from the lessees default in making timeous payment of such monies]. Responsible for the management of libraries.		Excluding municipal housing rental stock and subsidised housing.
4.2.54		Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Librarians / Senior Library Assistants	
4.2.54.A	To consider and approve applications for library membership i.t.o. Council resolution and to recover, where necessary, the applicable subscription fees.		
4.2.54.B	To issue demand letters i.r.o. outstanding library material i.t.o. Council resolution and to ensure that money owed is debited against consumer accounts.	Librarians / Senior Library Assistants	
4.2.54.C	To levy and recover applicable fines and sundries i.t.o. Council resolution and tariff lists.	Librarians / Senior Library Assistants	
4.2.54.D	To disapprove membership applications where applicants owe monies/fines to other libraries.	Librarians / Senior Library Assistants	
4.2.54.E	To compile and submit on Council's behalf business plans applicable provincial department for funding under the Conditional Grant.	Director: Community Services	
4.2.55	[Exercising the powers conferred on the municipality by the legislation relating to the control of loudspeakers.] Deleted (Council resolution ...)	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration]	
4.2.56	Deciding on and acting in matters of exigency requiring an	Municipal Manager	

	immediate decision and giving such instructions as he/she deems appropriate in the circumstances either on his/her own initiative or where he/she is available, after consultation with the Executive Mayor.		
4.2.57	The authorisation, for experimental purposes, of minor traffic engineering works such as the laying out of temporary traffic islands and loose kerbing for traffic canalisation schemes, the closing off or deviation of road intersections and the erection of temporary traffic signals and installations.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	[After consultation with the Director: Protection Services and] Subject to the necessary statutory notices.
4.2.58	Exercising for and on behalf of the municipality all the powers, duties and functions with regard to the letting and cancellation of bookings in respect of all municipal halls/auditorium/banquet hall/civic centre excluding Thusong Centre.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.5.58.1	The general management and control of all activities booked and organised at the Multi-purpose Centre (Thusong Centre).	Manager: Social Development	
4.2.59	Exercise all powers in respect of applications for the holding of religious services, missions, fêtes and other private functions in parks, playgrounds, open spaces and other municipal land.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration (Events Co-ordinator)	For public Open Space Zoned 1 and nature reserves in consultation with Senior Manager: Environmental Management Services In conjunction with the Events Committee

4.2.60	In so far as municipal properties are concerned –		[In consultation with Municipal Manager.]
4.2.60.1	taking appropriate action in terms of the conditions of sale where such conditions have not been complied with by a purchaser;	Manager: Property Administration	In consultation with Municipal Manager. Excluding rental stock & subsidised housing.
4.2.60.2	dealing with and approving applications to amend names of purchasers of sites; and	Manager: Property Administration	In consultation with Municipal Manager, provided that such purchaser deposits with the transferring attorney the estimated deposit on the purchase price and takes possession of the land in question at his own risk. Excluding municipal subsidised housing.
4.2.60.3	giving possession of land, prior to the registration of transfer, to a purchaser in terms of the relevant conditions of sale and where services have been provided to the site in question.	Manager: Property Administration	
4.2.61	[The exercise of all powers conferred upon the municipality by or in connection with provisions relating to noise emitted by vehicles driven on public roads.]	[Chief: Traffic Services]	
4.2.62	Deleted (Council resolution ...) [Giving occupation of land prior to the registration of transfer to a purchaser in accordance with the relevant conditions of sale.] Deleted (Council resolution ...) Refer to 4.2.60.3	[Manager: Property Administration]	[In consultation with Municipal Manager, provided that such purchaser deposits with the transferring attorney the estimated deposit on the purchase price and takes possession of the land in question at his own risk].
4.2.63	Lease of official houses to employees of the municipality.	Manager: Property Administration	On condition that rentals comply with any policy laid down. Excluding municipal subsidised

4.2.64	<p>[The declaration, on a temporary basis, of one way directional flows or such other restrictions on traffic movements in streets as may be considered desirable for experimental purposes.]</p> <p><u>Deleted (Council resolution ...)</u></p>	<p><u>housing.</u></p> <p>[After consultation with the Director: Protection Services.]</p>	<p>[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration]</p>
4.2.65	<p>As far as the issuing of orders & notices are concerned <u>i.t.o. Part A25 of SANS 10400:</u></p> <p>The issuing of orders and notices -</p>		
4.2.65.1	<p>[To demolish unauthorised work,] <u>To repair or demolish dilapidated buildings or fences, cease unauthorised use of premises, cease unauthorised building work and install drainage.</u></p>	<p>Provided that, should the person concerned fail to comply with the order served on him, the Director: Infrastructure and Planning shall not repair or demolish any such work or building without first having obtained the authority of the Municipal Manager to do so.</p>	<p>[Manager: Building Services] <u>Building Inspectors</u></p>
4.2.65.2	<p>In respect of the occupation of buildings not completed, to the satisfaction of the [Director: Infrastructure and Planning] <u>Local Authority.</u></p>	<p>[Manager: Building Services] <u>Building Inspectors</u></p>	
4.2.65.3	<p>On persons occupying dangerous buildings requiring them to cease the use or occupation thereof until such buildings have been secured, repaired or altered to the satisfaction of the [Director: Infrastructure and Planning] <u>Local Authority.</u></p>	<p>Building Inspectors</p>	
4.2.65.4	<p>In respect of the provisions of means of escape and the prohibition of the use and occupation of buildings where the means of escape are insufficient in terms of the National Building</p>	<p>Building Inspectors</p>	<p>After consultation with [Chief: Fire and Disaster Management] Senior Manager: Fire and</p>

4.2.65.5	Regulations & Building Standards Act (Act 103 of 1977). For the removal or obliteration of unauthorised signs.	Building Inspectors	<u>Rescue, Disaster Management and Security Services.</u>
4.2.66	The definition and approval of parking areas in terms of legislation.	[Director: Protection Services] Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Senior Manager: Traffic, Law Enforcement and Task Team
4.2.67	[All the powers conferred upon the municipality by all by-laws relating to the parks, council-owned camping and caravanning sites, public places of recreation.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration]	
4.2.68	The exercise of all the powers conferred upon the municipality by or in connection with legislation relating to parks and public places of recreation, sport and pleasure.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.69	Authorising the payment of the nett rentals received by the municipality in respect of expropriated property between the date of expropriation and the date of payment of the purchase price in lieu of interest which might have been payable.	Manager: Property Administration	
4.2.70	Appointing officials as Peace Officers to enforce all legislation	[Director:	

	which the municipality may from time to time be called upon to enforce.	Protection Services <u>Senior Manager: Fire and Rescue, Disaster Management and Security Services</u>	
4.2.71	Dealing with the clearing of fire hazards on [bush from] land belonging to or under the control of the municipality and plot clearing.	[Chief: Fire and Disaster Management] <u>Senior Manager: Fire and Rescue, Disaster Management and Security Services</u>	in consultation with relevant roleplayers
4.2.72	[Dealing with cases of repurchase, resale and the municipality's right of pre-emption in regard to houses in the municipality's selling schemes on the terms and conditions laid down by the Council.] Deleted (Council resolution ...)	[Director: Community Services]	
4.2.73	Issuing of press statements to the media and comments on administrative/technical matters. Deleted (Council resolution ...)	Directors	[In consultation with the Executive Mayor and Municipal Manager and subject further thereto that press statements be issued via the Manager: Communications.] In accordance with the Municipality's policy.
4.2.74	[Appointing process servers in terms of legislation.] Deleted (Council resolution ...)	[Director: Protection Services]	
4.2.75	As far as municipal property rates are concerned:		<u>Municipal Property Rates Act, (Act 6 of 2004) (MPRA)</u>

4.2.75.1	<u>[Drawing up and maintenance of a register of properties.] To draw up, maintain and regularly update a register in respect of properties situated within the municipal area and to ensure that it is open for inspection by the public and to display it on the official website.</u>	Senior Income	Manager:	<u>MPRA Sec 23 Read with the provisions of the Municipality's Rates Policy.</u>
4.2.75.2	<u>[Acting for and on behalf of the municipality regarding all matters relating to the payment of rates annually or by instalments.] Deleted (Council resolution ...)</u>	[Senior Income]	Manager:	
4.2.75.3	<u>[Furnishing of accounts to persons liable for the payment of rates.] Deleted (Council resolution ...)</u>	[Senior Income]	Manager:	
4.2.75.4	<u>[Recovery of rates in arrears from tenants, occupiers and agents.]</u>	[Senior Income]	Manager:	
4.2.75.5	<u>[Determining date of valuation.] Determine a date for a general valuation.</u>	Director: Finance		<u>MPRA Sec 31 In consultation with Municipal Manager. Read with the provisions of the Municipality's Rates Policy.</u>
4.2.75.6	<u>[Designation of municipal valuers.] Deleted (Council resolution ...)</u>	[Municipal Manager]		
4.2.75.7	<u>[Acting for and on behalf of the municipality regarding all matters relating to appeals.] To receive appeals to an appeal board against a decision of a municipal valuer. To forward such appeals to the chairperson of the Valuation Appeal Board.</u>	Senior Income	Manager:	<u>MPRA Sec 54(1) Read with the provisions of the Municipality's Rates Policy</u>
4.2.75.8	<u>[Adjusting the municipality's valuation records in accordance with authorised amendments to the valuation roll.]</u>	[Senior Income]	Manager:	

4.2.75.9	<p><u>Deleted (Council resolution ...)</u> <u>[Granting rebates on rates resulting from such adjustments.]</u></p>	<p>Manager: <u>[Senior Income]</u></p>	
4.2.75.10	<p><u>Deleted (Council resolution ...)</u> <u>[Authorising deletions from and amendments to the valuation roll resulting from the demolition or destruction of buildings and granting such proportional rebate as may be authorised on rates paid or payable in respect of buildings so removed or destroyed as from the date of such demolition or destruction.]</u></p>	<p>Manager: <u>[Senior Income]</u></p>	
4.2.75.11	<p><u>Deleted (Council resolution ...)</u> <u>[Authorising the refund of a pro rata share of rates paid in respect of land or buildings as from the date of transfer thereof to or occupation by the municipality, whichever be the earlier.]</u></p>	<p>Manager: <u>[Senior Income]</u></p>	
4.2.75.12	<p><u>Deleted (Council resolution ...)</u> <u>To publish the Council resolution levying rates in the Provincial Gazette.</u></p>	<p>Manager: <u>Senior Income</u></p>	<p><u>MPRA Sec 14(2)</u> <u>Read with the provisions of the Municipality's Rates Policy</u></p>
4.2.75.13	<p><u>Considering and approval of claims for exemption from and rebates on rates in terms of the provisions of legislation and Council resolutions.</u></p>	<p>Manager: <u>Senior Income</u></p>	<p><u>MPRA Sec 15(1)</u> <u>Read with the provisions of the Municipality's Rates Policy</u></p>
4.2.75.14	<p><u>To annually table in Council a –</u> <u>(a) list of all exemptions, rebates and reductions granted during the previous financial year; and</u> <u>(b) statement reflecting the income forgone during the previous financial year by way of such exemptions, rebates and reductions, exclusions and the phasing-in discount granted.</u></p>	<p>Manager: <u>Senior Manager: Financial Services</u></p>	<p><u>MPRA Sec 15(3)</u> <u>Read with the provisions of the Municipality's Rates Policy</u></p>
4.2.75.15	<p><u>To on receipt of the certified valuation roll from the valuer-</u> <u>(a) Publish a notice stating that the roll is open for public inspection and inviting objections;</u> <u>(b) Disseminate the substance of the notice to the local community; and</u> <u>(c) Serve, on every owner of property listed in the valuation roll a copy of the notice together with and extract of the</u></p>	<p>Manager: <u>Senior Income</u></p>	<p><u>MPRA Sec 49(1)</u> <u>Read with the provisions of the Municipality's Rates Policy</u></p>

4.2.75.16	<u>valuation roll pertaining to that owner's property. To receive objections against any matter reflected in, or omitted from, the roll.</u>	Senior Manager: Income	MPRA Sec 50(1) <u>Read with the provisions of the Municipality's Rates Policy</u>
4.2.75.17	<u>To submit all objections to the municipal valuer for decision and disposal.</u>	Senior Manager: Income	MPRA Sec 50(5) <u>Read with the provisions of the Municipality's Rates Policy</u>
4.2.75.18	<u>To lodge an objection with the Municipal Manager concerning any matter reflected in or omitted from the roll.</u>	Senior Manager: Income	MPRA Sec 50(4) <u>Read with the provisions of the Municipality's Rates Policy</u>
4.2.75.19	<u>To, if an adjustment in the valuation of a property affects the amount due for rates payable on that property-</u> <u>(a) calculate the amount actually paid since the effective date and the amount payable in terms of the adjustment since the effective date; and</u> <u>(b) recover from, or repay to, the person liable for the payment of the rate the difference plus interest at a prescribed rate.</u>	Senior Manager: Income	MPRA Sec 55(2) <u>Read with the provisions of the Municipality's Rates Policy</u>
4.2.75.20	<u>To, where an addition has been made to a valuation roll, recover from the person liable for the payment of the rate the amount due for rates payable plus interest.</u>	Senior Manager: Income	MPRA Sec 55(3) <u>Read with the provisions of the Municipality's Rates Policy</u>
4.2.76	As far as the prosecutions are concerned the institution of prosecutions against persons who contravene the National Building Regulations & Building Standards Act (Act 103 of 1977) and the Municipality's Signage By-law. [and the relevant Zoning Schemes.]	Building Inspectors in conjunction with Legal Services	Excluding contraventions of zoning schemes.
4.2.77	[Approval or refusal of the use of the public address system, including the staff to operate such equipment if necessary, by Councillors, staff Pension/Retirement Funds, staff medical aid funds and other municipality orientated organisations, free of charge in connection with municipal-related matters.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration]	[Excluding the use of such equipment in connection with municipal elections.]
4.2.78	The exercise of all powers conferred on the municipality by legislation relating to public meetings, gatherings and marches	Senior Manager: Hermanus	

	in public places.	Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.79	[Responsibility for ensuring public participation as and when required.] <u>Deleted (Council resolution ...)</u>	[Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration] [Director: Finance]	[In accordance with the Municipality's Rates Policy.]
4.2.80	[Dealing with all claims for exemption from and rebates on rates in terms of the provisions of legislation and Council resolutions.] <u>Deleted (Council resolution ...)</u>		
4.2.81 4.2.81.1	As far as contractual obligations to SCM are concerned: Approval/award/cancellation of quotations, formal quotations and tenders.	Such personnel nominated in writing by the Municipal Manager and/or Directors.	Subject to MFMA (Chapter 11) the criteria outlined on the following page, and further subject to the municipality's supply chain policy, [financial] SCM regulations and council resolutions where applicable.
4.2.81.2	Approval of deviations.	[Head: Supply Chain Management] Deputy Director: Finance & SCM Directors	Subject to MFMA (Chapter 11) the criteria outlined on the following page, and further subject to the municipality's supply chain policy, [financial] SCM regulations and council resolutions where

4.2.81.3	Approval of requests for purchase orders and municipal store issues in terms of sub paragraphs 4.2.81.1 and 4.2.81.2 above.	[Accounting Officer] Municipal Manager. Such personnel nominated in writing by the Municipal Manager and/or Directors.	applicable.
4.2.81.4	Certification and authorization of all payments inclusive of where an official order has been issued in terms of sub-paragraph 4.2.81.3 above.	Such personnel nominated in writing by the Municipal Manager and/or Directors.	Subject to <u>MFMA (Chapter 11)</u> the criteria outlined on the following page, and further subject to the municipality's supply chain policy, [financial] <u>SCM</u> regulations and council resolutions where applicable.
4.2.81.5	Approval of specifications for competitive bids, in terms of clause 27(2)(g) of the SCM Policy.	All Directors	Subject to <u>MFMA (Chapter 11)</u> the criteria outlined on the following page, and further subject to the municipality's supply chain policy, [financial] <u>SCM</u> regulations and council resolutions where applicable.
4.2.81.6	Approval of Communication with Prospective Bidders	Members of the relevant Bid Committees as appointed by the Municipal Manager	Subject to <u>MFMA (Chapter 11)</u> the criteria outlined on the following page, and further subject to the municipality's supply chain policy, [financial] <u>SCM</u> regulations and council resolutions where applicable.

DELEGATION OF POWERS AND DUTIES CLAUSE 4.2.81		
As far as contractual obligations are concerned: Personnel to be nominated in writing by the Municipal Manager, and Directors, subject to the under-mentioned criteria, and further subject to the municipality's Supply Chain Management Policy, financial regulations and council resolutions where applicable.		
4.2.81.1.	APPROVAL / AWARD / CANCELLATION OF QUOTATIONS, FORMAL QUOTATIONS AND TENDERS	
RAND VALUE (VAT inclusive)	LEVEL OF APPROVAL (With due regard to proper segregation of duties)	QUOTATIONS / TENDERS PROCESS FOLLOWED
Up to R2 000	Level of approval as delegated by relevant director	Petty cash Purchases in terms of the Petty Cash Policy AND / OR One (1) written quotation
R2 000.01 – R30 000.00	Post level T12 and higher	Three (3) written price quotations in terms of Paragraph 17(1)(a) of the SCM Policy
R30 000.01 – R200 000.00	Head: Supply Chain Management	Formal written price quotations in terms of Paragraph 18(b) of the SCM Policy
R200 000.01 – R10 million	Bid Adjudication Committee	Competitive Bidding – committee system
> R10 million	Municipal Manager after recommendation from the Bid Adjudication Committee	Competitive Bidding – committee system
4.2.81.2	APPROVAL OF DEVIATIONS	
RAND VALUE (VAT inclusive)	LEVEL OF APPROVAL	
IN TERMS OF CLAUSE 36 ((1)(a)(v)(b) TO (i))		
R0 – R200 000.00	Directors	
>R200 000.00	Accounting Officer	
36(1)(a)(v)(c) & (d)	Level of approval as delegated by relevant director	
IN TERMS OF CLAUSE 36 ((1)(a)(i) TO (v)(a) .		
R0 – R70 000.00	Head: Supply Chain Management	
R70 000.01 – R200 000.00	Chief Financial Officer (Director: Finance) after consultation with, and recommendation by, the Head: Supply Chain Management	
>R200 000.00	Accounting Officer	
4.2.81.3	APPROVAL OF REQUESTS FOR PURCHASE ORDERS & MUNICIPAL STORE ISSUES	
Up to R2 000	Level of approval as delegated by relevant director	
R2 000.01 – R30 000.00	Post level T12 and higher	
R30 000.01 – R70 000.00	Post level T13 and higher	
> R70 000.00	Post level T16 and higher	
4.2.81.4	CERTIFICATION AND AUTHORISATION OF ALL PAYMENTS inclusive of where an official order has been issued in terms of sub-paragraph 4.2.81.3 above	
RAND VALUE (VAT inclusive)	LEVEL OF APPROVAL (With due regard to proper segregation of duties)	
R0 – R70 000.00	Post Level 13 and Higher	
R70 000.01 – R500 000.00	Post Level 16 and Higher	
> R 500 000.00	Municipal Manager & Directors	
Eskom Bulk Electricity Purchases	Senior Manager: Electro-technical Services	
4.2.81.5	APPROVAL OF SPECIFICATIONS FOR COMPETITIVE BIDS, in terms of Clause 27(2)(g) of the SCM Policy	
Cryptic description of Power or Duty	Sub-delegated to	Remarks, Limitations or Conditions
Specifications for Competitive Bids must be approved prior to the publication of the invitation for bids in terms of clause 22 of the SCM Policy.	All Directors	This delegation applies in so far as each director's responsibility for managing the respective votes of the municipality and to whom powers and duties for this purpose have been delegated in terms of Section 79 of the MFMA (Act 56 of 2003).
4.2.81.6	APPROVAL OF COMMUNICATION WITH PROSPECTIVE BIDDERS	
Cryptic description of Power or Duty	Sub-delegated to	Remarks, Limitations or Conditions
The budget holder must approach the bid specification committee to consider authorising communication with bidders prior to the closing date of tenders in terms of clause 22(6)(a) of the SCM Policy	Bid Specification Committee	This delegation applies in so far as the tender to which the communication relates and the members of the committee as appointed by the accounting officer
The budget holder must approach the bid evaluation committee to consider authorising communication with bidders after the closing of tenders in terms of clause 24(3)(f) of the SCM Policy	Bid Evaluation Committee	This delegation applies in so far as the tender to which the communication relates and the members of the committee as appointed by the accounting officer

4.2.82	In so far as roads are concerned: -		
4.2.82.1	The exercise of all powers conferred upon the municipality by [applicable legislation relating to the provision of roads] <u>Land Transport Act.</u>	Director: Infrastructure and Planning	
4.2.82.2	Section 181 of Ordinance 20 of 1974 in so far as public nuisances appertaining to roadworks are concerned.	[Senior Managers: Operational Services] <u>Senior Manager:</u> Operational Services, <u>Hermanus</u> <u>Senior Manager:</u> Operational Services, <u>Kleinmond</u> <u>Senior Manager:</u> Operational Services, <u>Gansbaai</u>	
4.2.82.3	Authorisation of the erection by Telkom of telephone call boxes on portions of roadways.	[Senior Managers: Operational Services] <u>Senior Manager:</u> Operational Services, <u>Hermanus</u> <u>Senior Manager:</u> Operational Services, <u>Kleinmond</u> <u>Senior Manager:</u> Operational Services, <u>Gansbaai</u>	
4.2.82.4	The surfacing of roadways, footways or verges and the construction of embayments.	[Senior Managers: Operational Services] <u>Senior Manager:</u>	

4.2.82.5	Improvements to and reconstruction and rehabilitation of streets and allied roadway components, together with all consequential stormwater drainage and sewer construction.	<u>Operational Services, Hermanus Senior Manager:</u> <u>Operational Services, Kleinmond Senior Manager:</u> <u>Operational Services, Gansbaai [Senior Managers: Operational Services]</u> <u>Senior Manager:</u>
4.2.82.6	The granting of way leaves, servitudes etc. in respect of roads/streets.	<u>Operational Services, Hermanus Senior Manager:</u> <u>Operational Services, Kleinmond Senior Manager:</u> <u>Operational Services, Gansbaai [Senior Managers: Operational Services]</u> <u>Senior Manager:</u> <u>Operational Services, Hermanus Senior Manager:</u> <u>Operational Services, Kleinmond Senior Manager:</u> <u>Operational Services, Gansbaai</u>

4.2.82.7	<u>The demolition, save where otherwise provided, of vacant buildings (other than residential buildings) on land acquired for road purposes.</u>	<u>Director: Infrastructure and Planning</u>	
4.2.82.8	<u>To maintain public roads where the Municipality is the road authority.</u>	<u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Kleinmond</u> <u>Senior Manager: Operational Services, Gansbaai</u>	
4.2.83	<u>[The supervision and management of sanitary conveniences in children's playgrounds, parks and similar open spaces.]</u>	<u>[Senior Managers: Operational Services]</u>	
4.2.84	<u>Deleted (Council resolution ...)</u> As far as sanitation is concerned:		
4.2.84.1	<u>[The exercise of all powers conferred upon the Municipality by applicable legislation relating to private and combined private sewers and the protection of sewers and drains.]</u>	<u>[Director: Infrastructure and Planning]</u>	
4.2.84.2	<u>Deleted (Council resolution ...)</u> The construction of sewer extensions where the length of the extension involved does not exceed 100 metres per property being served, provided that in the case of new buildings, bona fide building plans have been submitted and the construction of at least one new building has commenced.	<u>[Senior Managers: Operational Services]</u> <u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Gansbaai</u>	

4.2.84.3	Repairs to and replacement of sewers, drains and the like.	<u>Services, Kleinmond Senior Manager: Operational Services, Gansbaai [Senior Managers: Operational Services] Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai [Senior Managers: Operational Services] Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai</u>	
4.2.84.4	The collection, removal and disposal of nightsoil.	<u>Services, Kleinmond Senior Manager: Operational Services, Gansbaai [Senior Managers: Operational Services] Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai</u>	
4.2.85	The authorisation of <u>servitudes and the signature of servitude agreements and subsequent documents for water mains, stormwater drains, sewerage lines and electricity services in favour of the Municipality over private property</u> and the registration and cancellation of such servitudes where required.	<u>Director: Infrastructure and Planning</u>	<u>]In consultation with Municipal Manager.]</u>

<p>4.2.86</p>	<p>As far as the administration & implementation of the Signage By-laws are concerned:</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond</p>
<p>4.2.86.1</p>	<p>To administer and implement the municipality's signage by-laws.</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond Administration / Senior Manager: Gansbaai</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond Administration as far as temporary posters, etc are concerned.</p>
<p>4.2.86.2</p>	<p>The approval or refusal of plans or waivers as the case may be – In respect of advertising signs on walls, fences, hoardings or poles in terms of the by-laws relating to advertising, bill posting signs, etc and the disfigurement of the front or frontages of streets etc.</p>	<p>Administration / [Manager: Building Services] Building Inspectors</p>	<p>Building Inspectors</p>
<p>4.2.86.3</p>	<p>To apply the municipality's policy relating to the positioning, appearance, erection and removal or alteration of signage pertaining to sports fields, playgrounds, parks and recreation facilities.</p>	<p>Manager: Building Services</p>	<p>Building Inspectors</p>
<p>4.2.86.4</p>	<p>To grant permission for the display of any advertisement, placard, poster or bill in a street or public place.</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond Administration / Senior Manager:</p>	<p>Senior Manager: Hermanus Administration / Senior Manager: Kleinmond Administration as far as temporary posters, etc are concerned.</p>

4.2.87	To resolve all matters relating to the [licensing and control of boats launched from slipways or beaches under the municipality's control including control of slipways] management and maintenance of registered public launching sites under the municipality's control.	Gansbaai Administration Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	[In consultation with Senior Manager: Environmental Management Services.]
4.2.88	[To approve the municipality's social and public relations functions in terms of the approved budgetary allocation per area.] Deleted (Council resolution ...)	[Manager: Communication]	[In consultation with Executive Mayor.]
4.2.89	Dealing with matters [affecting squatters and informal housing within the municipal area in terms of a management contract] with regards to the management of informal settlements within the municipal area.	Manager: Housing Administration	
4.2.90	Exercise all powers in respect of the [general administration and individual letting] management and maintenance of sportgrounds/stadiums.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.91 4.2.91.1	As far as stormwater drainage is concerned: [The exercise of all powers conferred upon the Municipality by applicable legislation relating to the protection of drains and the removal of	[Director: Infrastructure and Planning]	

<p>4.2.91.2</p>	<p><u>Deleted (Council resolution ...)</u> <u>The construction of (non-bulk) stormwater drainage in line with master planning [for any one project and for which funding has been allocated].</u></p>	<p>[Director: Infrastructure and Planning] <u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Kleinmond</u> <u>Senior Manager: Operational Services, Gansbaai</u> <u>Director: Infrastructure and Planning</u> <u>Director: Infrastructure and Planning</u> <u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Kleinmond</u> <u>Senior Manager: Operational Services, Gansbaai</u></p>	<ul style="list-style-type: none"> • Excluding storm water drainage that forms part of housing projects and funded through a Municipal Infrastructure Grant or similar. • Excluding larger projects as agreed upon during budget process.
<p>4.2.91.3</p>	<p><u>The construction of stormwater drainage that forms part of housing projects and which are funded through a Municipal Infrastructure Grant or similar.</u></p>		
<p>4.2.91.4</p>	<p><u>The construction of larger stormwater drainage projects as agreed upon during budget process.</u></p>		
<p>4.2.91.5</p>	<p><u>Power to enter upon any premises of any portion thereof to carry out inspections or test to determine the status of a storm water system.</u></p>		
<p>4.2.91.6</p>	<p><u>To maintain stormwater systems within the municipal area.</u></p>	<p><u>Senior Manager: Operational Services, Hermanus</u></p>	

		<u>Senior Manager:</u> <u>Operational Services, Kleinmond</u> <u>Senior Manager:</u> <u>Operational Services, Gansbaai</u>	
4.2.92	<u>Dealing with applications for street collections i.t.o. By-law Street, Public Places and the Prevention of Public Nuisance.</u>	<u>Senior Manager:</u> <u>Hermanus Administration</u> <u>Senior Manager:</u> <u>Kleinmond Administration</u> <u>Senior Manager:</u> <u>Gansbaai Administration</u>	<u>In consultation with Senior Manager: Traffic, Law Enforcement and Task Team</u>
4.2.93 4.2.93.1	<p>As far as street lighting is concerned:</p> <p>[The exercise on behalf of the Municipality of all powers conferred upon it by -section 186(22)(i) of Ordinance 20 of 1974 in regard to the lighting of streets; and the municipality's by-laws in so far as they relate to interference with electric wires or cables, street lights, poles or other items of electric plant or equipment.]</p> <p><u>The exercise of all matters subject to all legislation, by-laws, policies and regulations relating to the provision and maintenance of street lights and all other matters incidental thereto.</u></p>	<u>Senior Manager:</u> <u>[Electro-technical]</u> <u>Electrical Services</u>	
4.2.94	<p>Approving or refusing applications [from educational, charitable or religious organisations] for the holding of street markets in streets and public places.</p>	<u>Senior Manager:</u> <u>Hermanus Administration</u> <u>Senior Manager:</u> <u>Kleinmond</u>	<u>[After] In consultation with [Director: Protection Services] Senior Manager: Traffic, Law Enforcement and Task Team.</u>

4.2.95	The administration of legislation relating to the allocation and reallocation of street numbers to properties [the display on buildings of names assigned to them, the numbering of flats in buildings and matters incidental thereto] i.t.o. By-law relating to Street, Public Places and the Prevention of Public Nuisances.	Administration Senior Manager: Gansbaal Administration Senior Administrator	In consultation with Senior Manager: Traffic, Law Enforcement and Task Team
4.2.96	The approval of applications for street theatre performances for performances of a similar artistic or musical nature on squares, streets, pavements or other land under the control of the municipality.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaal Administration	[After consultation with Director: Protection Services] In consultation with Senior Manager: Traffic, Law Enforcement and Task Team. In consultation with the Senior Manager: Environmental Affairs as far as nature reserves and Open Spaces 1 concerned.
4.2.97	To grant approval for the sub-let of property leased from the municipality.	Director: Infrastructure and Planning	In consultation with the Municipal Manager.
4.2.98	To authorise the payment of subscriptions to organisations to which the municipality subscribes or of which it is a member.	Directors	
4.2.99	The exercise of all matters subject to all legislation, by-laws policies and regulations relating to the metering and supply of electricity and all other matters incidental thereto.	Senior Manager: [Electro-technical] Electrical Services	
4.2.100	The exercise of all the powers conferred on the municipality by legislation in connection with the	[Senior Managers: Operational	For construction and operational purposes only.

	temporary closing of streets.	<u>Services]</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Hermanus</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Kleinmond</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Gansbaai</u> <u>Municipal Manager</u>	
4.2.101	Granting of approval for the temporary closure of offices/depots and the suspension of services.		<u>[After] In consultation with Executive Mayor.</u>
4.2.102	The approval or refusal of temporary structures.	<u>[Building</u> <u>Inspectors]</u> <u>Manager: Building</u> <u>Control</u> <u>Building Control</u> <u>Officer</u>	
4.2.103	Deleted		
4.2.104	To manage the short term trade on the beaches and at picnic, caravan and camping sites or any other property owned by the municipality.	<u>Senior Manager:</u> <u>Hermanus</u> <u>Administration</u> <u>Senior Manager:</u> <u>Kleinmond</u> <u>Administration</u> <u>Senior Manager:</u> <u>Gansbaai</u> <u>Administration</u>	<u>In consultation with the</u> <u>Senior Manager:</u> <u>Environmental Affairs as far</u> <u>as nature reserves and open</u> <u>spaces are concerned.</u>
4.2.105	The administration generally of all traffic matters with particular reference to –		
4.2.105.1	the furnishing of comments to the local Road Transportation Board on applications for motor carrier transportation certificates;	<u>[Chief: Traffic</u> <u>Services]</u> <u>Senior Manager:</u>	

4.2.105.2	dealing with all aspects of the issue and cancellation of public driving permits;	<u>Traffic, Law Enforcement and Task Team</u> [Chief: Traffic Services] <u>Senior Manager: Traffic, Law Enforcement and Task Team</u>
4.2.105.3	the erection and/or removal of road traffic signs other than traffic lights and automatic traffic signals;	[Chief: Traffic Services] <u>Senior Manager: Traffic, Law Enforcement and Task Team</u>
4.2.105.4	the enforcement of legislation relating to the control of hawkers/informal traders;	[Chief: Traffic Services] <u>Senior Manager: Traffic, Law Enforcement and Task Team</u>
4.2.105.5	the control of all public off-street parking areas;	[Chief: Traffic Services] <u>Senior Manager: Traffic, Law Enforcement and Task Team</u>
4.2.105.6	the maintenance of all public off-street parking areas	[Senior Managers: Operational]

4.2.105.7	the taking of all steps necessary to publicise matters affecting traffic education;	<u>Services]</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Hermanus</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Kleinmond</u> <u>Senior Manager:</u> <u>Operational</u> <u>Services, Gansbaai</u> <u>[Chief: Traffic</u> <u>Services]</u> <u>Senior Manager:</u> <u>Traffic, Law</u> <u>Enforcement and</u> <u>Task Team</u>
4.2.105.8	assisting in the establishment and supervision of road safety centres at schools subject to all costs, for example labour, material and paint being met by the applicants;	<u>[Chief: Traffic</u> <u>Services]</u> <u>Senior Manager:</u> <u>Traffic, Law</u> <u>Enforcement and</u> <u>Task Team</u>
4.2.105.9	responsibility generally for the enforcement of all laws and regulations relating to traffic control and enforcement;	<u>[Chief: Traffic</u> <u>Services and</u> <u>Chief: Law</u> <u>Enforcement &</u> <u>Security]</u> <u>Senior Manager:</u> <u>Traffic, Law</u> <u>Enforcement and</u> <u>Task Team</u>

4.2.105.10	applications to hold road running races, cycle races, motor races, motorcycle scrambles and similar motoring events; and ROD to check	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with [Director Protection Services] Senior Managers: <u>Traffic, Law Enforcement and Task Team & Fire and Rescue, Disaster Management and Security Services</u> and subject to the Provincial Roads Engineer's consent being obtained by the organisers of such event where required (Proclaimed Roads).
4.2.105.11	the granting or refusal to members of the public, other than those who desire entry for the purpose of transacting lawful business thereon or therein, permission to enter and be on or in land or buildings comprising the Traffic Depot and testing stations and to take the necessary steps to prosecute persons who enter upon such land or buildings without prior permission.	[Chief: Traffic Services] Senior Manager: Traffic, Law Enforcement and Task Team	
4.2.106	[Authorising payment of all transfer and survey costs where such costs are for the municipality's account.]	[Senior Manager: Town Planning & Property Administration]	[Subject to money available on budget.]
4.2.107	Deleted (Council resolution ...) [The exercise of all powers conferred upon the municipality relating to obstructive trees, hedges, etc.]	[Senior Manager: Environmental Management Services]	
4.2.108	Deleted (Council resolution ...) [Dealing with applications for the removal of trees on streets, verges and other municipal property.]	[Senior Manager: Environmental Management Services]	
	Deleted (Council resolution ...)		

	[Appointing valuers and authorising payment of all valuation costs irrespective of whether such costs are for the municipality's account or not.]	[Manager: Property Administration]	[Subject to money available on budget.]
4.2.109	Deleted (Council resolution ...)		
4.2.110	Approval of the erection or retention of a veranda, balcony, sign, signboard or similar structure which projects or extends into, under or over public places of public streets.	[Manager: Building Services] [Manager: Property Administration]	
4.2.111	The exercise of all powers conferred upon the Council by the municipality's by-laws relating to the [control and] issuing of licenses on the use of [vlei areas and boating thereon] <u>the Bot River and Klein River Estuaries.</u>	[Senior Manager: Environmental Management Services] [Senior Manager: Hermanus and Stanford Administrations]	
4.2.111A	The exercise of all powers conferred upon the Council by the municipality's by-laws relating to the enforcement of the license conditions on the use of the <u>Bot River and Klein River Estuaries.</u>	[Senior Manager: Traffic, Law Enforcement & Task Team]	
4.2.112	[Scrutiny of verified waiting lists for low cost housing on a six monthly basis and before submission of waiting lists for allocation of houses/serven to beneficiaries by provincial authority.] Manage and administer new applications/verifications of applications to be registered on the provincial housing demand database.	[Senior Manager: Hermanus Administration] [Senior Manager: Kleinmond Administration] [Senior Manager: Gansbaai Administration] [Manager: Housing Administration]	
4.2.113	Dealing with all <u>administration and operational matters</u> regarding <u>ward committees.</u>	[Senior Manager: Hermanus]	

		Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.114	As far as waste management is concerned:		
4.2.114.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to the collection, removal, storage and disposal of refuse and other offensive or unhealthy matter and the cleansing and flushing of gullies, channels, watercourses, catchpits and receptacles connected therewith.	[Senior Managers: Operational Services] <u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Kleinmond</u> <u>Senior Manager: Operational Services, Gansbaai</u> [Senior Managers: Operational Services] <u>Senior Manager: Operational Services, Hermanus</u> <u>Senior Manager: Operational Services, Kleinmond</u> <u>Senior Manager: Operational Services, Gansbaai</u>	
4.2.114.2	The administration of the municipality's by-laws relating to the accumulation, dumping, storage or depositing of refuse and the like.		
4.2.114.3	The initiation and implementation of recycling and other		Solid Manager:

4.2.114.4	waste minimisation initiatives. <u>Appointment of a dedicated Municipal Waste Manager as required by clause 10(3) of the National Environmental Management: Waste Act, 2008.</u>	Waste Planning Manager: <u>Solid Waste Planning</u>	Official proof of delegation in terms of NEMWA in this regard is required by DEADP.
4.2.115	As far as water is concerned:	Deputy Director: Engineering [Services] Planning	As far as Water Service Authority is concerned.
4.2.115.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto.	[Senior Managers: Operational Services] Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai	As far as Water Service Providers is concerned.
4.2.115.2	The laying of water mains prior to the construction of roads, extensions of water mains and the relaying of existing and repairs to burst water mains.	[Senior Managers: Operational Services] Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai	

4.2.115.3	[The approval of agreements for the supply of water to consumers in terms of Water Services Act 108 of 1997.]	[Director: Infrastructure and Planning]	
4.2.116	<p><u>Deleted (Council resolution ...)</u></p> <p>[The writing off of charges for the services of the Fire Services at fires in the ground or on properties owned or used by benevolent institutions, sporting bodies, churches and religious organisations.]</p> <p><u>Deleted (Council resolution ...)</u></p>	[Director: Finance]	<p>[Provided that:</p> <ul style="list-style-type: none"> * such fires have not been caused by the wilful act or negligence of any member or employee of such institution, body or organisation; * the remission of such charges shall not be regarded as a right but each case shall be considered strictly on its merits; and * the charges are not recoverable by way of insurance.]
4.2.117	<p>[Appointing attorneys and authorising payment of all conveyancing, notarial and survey costs where such costs are for the municipality's account.]</p> <p><u>Appointing valuers, surveyors and attorneys for conveyancing and notarial registration services and authorising payment of same.</u></p> <p><u>Signature and issuing of Power of Attorneys / Consents to professional consultants to submit applications for Town Planning, Environmental and associated approvals in relation to municipal properties.</u></p>	Manager: Property Administration	[Subject to money available on budget and the Supply Chain Management Policy as amended from time to time.]
4.2.117A	<p><u>Signature and issuing of Power of Attorneys / Consents to professional consultants to submit applications for Town Planning, Environmental and associated approvals in relation to municipal properties.</u></p>	Manager: Property Administration	
4.2.118	<p><u>[The Land Use By-law" mentioned in items 4.2.118.1 to 4.2.118.27 hereunder refer to the Overstrand Municipality By-law on Municipal Land Use Planning</u></p>		

<p><u>2015</u></p> <p><u>As far as Land Use By-law/Scheme matters are concerned:</u></p> <p><u>Application submitted for the rezoning of land in terms of Section 16 (2)(a) of the Land Use By-law.</u></p>	<p><u>Senior Manager, Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<ul style="list-style-type: none"> <u>if no objections are received the Senior Manager, Town & Spatial Planning makes a decision.</u> <u>If an objection is received then the Municipal Planning Tribunal must decide on the application.</u> <u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u>
<p><u>Application submitted for a departure in terms of Section 16 (2)(b) of the Land Use By-law for an alteration of the land use restrictions applicable to a particular zone in terms of the Land Use Scheme concerned.</u></p>	<p><u>Senior Manager, Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>Application submitted for a departure to use land on a</u></p>	<p><u>Senior Manager.</u></p>	<p><u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>

4.2.118.1

4.2.118.2

4.2.118.3

<p><u>temporary basis for which no provision is made in the zoning scheme in terms of Section 16 (2)(c) of the Land Use By-law.</u></p>	<p><u>Town & Spatial Planning</u></p>	<p><u>Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>Application submitted for the subdivision of land into two or more portions in terms of Section 16 (2)(d) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<ul style="list-style-type: none"> • <u>If no objections are received the Senior Manager: Town & Spatial Planning makes a decision.</u> • <u>If an objection is received then the Municipal Planning Tribunal must decide on the application.</u> • <u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u>
<p><u>Certification in terms of Section 26 (2) of the Land Use By-law that subdivision or consolidation is exempt from Section 16 (2) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>Application submitted for the consolidation of two or</u></p>	<p><u>Senior Manager:</u></p>	<p><u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>

4.2.118.4

4.2.118.5

4.2.118.6

<p><u>more land units in terms of Section 16 (2)(e) of the Land Use By-law.</u></p>	<p><u>Town & Spatial Planning</u></p>	<p><u>Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>The authority in terms of Section 16 (2)(f) of the Land Use By-law to approve the amendment, suspension or deletion of a restrictive condition of a Title Deed.</u></p>	<p><u>Senior Manager: Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<ul style="list-style-type: none"> <u>If no objections are received the Senior Manager: Town & Spatial Planning makes a decision.</u> <u>If an objection is received then the Municipal Planning Tribunal must decide on the application.</u> <u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u>
<p><u>Consent in terms of the Title Deed pertaining to building lines.</u></p>	<p><u>Senior Manager: Town & Spatial Planning</u></p>	<p><u>Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>Application submitted for the amendment, deletion or additional conditions in respect of an existing approval in terms of Section 16 (2)(h) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation</u></p>

<p><u>4.2.118.10</u></p> <p><u>Application submitted for the phasing, amendment or cancellation of a plan of subdivision or a part thereof in terms of Section 16 (2)(k) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<p>then the <u>Municipal Planning Tribunal must decide on the application.</u></p> <ul style="list-style-type: none"> • <u>If no objections are received the Senior Manager: Town & Spatial Planning makes a decision.</u> • <u>If an objection is received then the Municipal Planning Tribunal must decide on the application.</u> • <u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u>
<p><u>4.2.118.11</u></p> <p><u>To determine the zoning of a property in terms of Section 16 (2)(m) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager: Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>4.2.118.12</u></p> <p><u>Application submitted for the closure of a public place or part thereof in terms of Section 16 (2)(n) of the Land Use By-law.</u></p>	<p><u>Senior Manager: Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<ul style="list-style-type: none"> • <u>if no objections are received the Senior Manager: Town & Spatial Planning</u>

4.2.118.13

Application submitted in terms of Section 16 (2)(i) of the Land Use By-law to grant extension of the validity period of the an approval.

Tribunal

- makes a decision. If an objection is received then the Municipal Planning Tribunal must decide on the application.
- In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.

Senior Manager, Town & Spatial Planning

In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.

4.2.118.14

Application submitted for a permission in terms of Section 16 (2)(g) of the Land Use By-law as required in terms of the zoning scheme.

Senior Manager, Town & Spatial Planning

In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.

4.2.118.15

An occasional use of land in terms of Section 16 (2)(p) of the Land Use By-law.

Senior Manager, Town & Spatial Planning

Comment to be provided where events which are in line with the relevant Municipal By-law and no

<p><u>application is required in terms of land use.</u></p> <p><u>In cases where the relevant Municipal By-law does not make adequate provision for a type of event, then a land application must be submitted for consideration by the Senior Manager, Town & Spatial Planning</u></p>		
	<p><u>Municipal Planning Tribunal</u></p>	<p><u>Application submitted in terms of Section 16 (2)(c) of the Land Use By-law to approve the disestablish a home owner's association.</u></p>
	<p><u>Municipal Planning Tribunal</u></p>	<p><u>Application submitted in terms of Section 16 (2)(r) of the Land Use By-law to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services.</u></p>
<ul style="list-style-type: none"> <u>If no objections are received the Senior Manager, Town & Spatial Planning makes a decision.</u> <u>If an objection is received then the Municipal Planning Tribunal must decide on the application.</u> <u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation</u> 	<p><u>Senior Manager, Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<p><u>Application submitted in terms of Section 16(2)(o) of the Land Use By-law for Consent Uses applicable to a particular zone.</u></p>

<p><u>4.2.118.19</u></p>	<p><u>Determination of administrative penalty in terms of Section 80 (4), or as amended, Section 90 of the Land Use By-law.</u></p>	<p><u>Senior Manager, Town & Spatial Planning</u></p>	<p><u>then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>4.2.118.20</u></p>	<p><u>Correction of Zoning map error.</u></p>	<p><u>Senior Manager, Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>4.2.118.21</u></p>	<p><u>Approval for and an application submitted in terms of Section 16 (2)(0) of the Land Use By-law for the amendment of Site Development Plan.</u></p>	<p><u>Senior Manager, Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>4.2.118.22</u></p>	<p><u>Approval and amendment of the constitutions/architectural guidelines of Home Owners Associations as depicted in an application submitted in terms of Section 16(2)(1) and Section 31 of the Land Use By-law.</u></p>	<p><u>Senior Manager, Town & Spatial Planning</u></p>	<p><u>In cases where the Senior Manager, Town & Spatial Planning does not wish to exercise his/her delegation then the Municipal Planning Tribunal must decide on the application.</u></p>
<p><u>4.2.118.23</u></p>	<p><u>The authority to impose conditions of approval in terms of Section 61 of the Land Use By-law.</u></p>	<p><u>Senior Manager, Town & Spatial Planning and/or Municipal Planning Tribunal</u></p>	<p><u>Delegation is subject to the categorization of the application.</u></p>
<p><u>4.2.118.24</u></p>	<p><u>The authority in terms of Section 30 (2) of the Land Use</u></p>	<p><u>Senior Manager.</u></p>	<p><u>Only after written confirmation</u></p>

<p><u>4.2.118.25</u> By-law to certify that the legal requirements and the conditions of approval have been complied with.</p> <p><u>4.2.118.26</u> To authorise an official right of entry upon land as provided for in Section 91, 92 and 93 of the Land Use By-law.</p> <p><u>4.2.118.27</u> Granting a permission required in terms of Section 16 (2)(r) of the Land Use By-law for the reconstruction of an existing building that constitutes a non - conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building. To consider an appeal to the Appeal Authority in terms of Section 59 and 78 of the Land Use By-law</p>	<p><u>Town & Spatial Planning</u></p> <p><u>Directorate: Infrastructure Planning</u></p> <p><u>Director: Infrastructure and Planning</u></p> <p><u>Executive Mayor</u></p>	<p>has been received from authorised personnel that all conditions have been met.</p> <p>Council may delegate the authority to the Directorate Infrastructure and Planning.</p> <p>Directorate Infrastructure and Planning may delegate the matter to Building or Town Planning Department on a case by case basis.</p> <p>Where an appeal has been lodged against a decision of the authorised employee or the Municipal Planning Tribunal in terms of the Land Use By-law or in the case where the authorised employee or the Municipal Planning Tribunal failed to decide on an application within the period referred to in Section 58(1) or (2) Land Use By-law.</p>
<p><u>4.2.119</u> As far as cemeteries are concerned:</p> <p><u>4.2.119.1</u> To take actions to prevent pollution or degradation of the environment. Establishment of cemeteries will require environmental authorization (EIA).</p> <p><u>4.2.119.2</u> Responsibility to ensure, while operating cemeteries, that operation will not result in pollution of a water resource.</p> <p><u>4.2.119.3</u> The municipality to obtain the required permits from HWC and SAHRA for grave exhumations and</p>	<p><u>Deputy Director: Operational</u></p> <p><u>Deputy Director: Operational</u></p> <p><u>Deputy Director: Operational</u></p>	<p>(Section 28, NEMA)</p> <p>(Section 19, National Water Act)</p> <p>(National Heritage Resources Act, 1999)</p>

<p><u>4.2.119.4</u></p> <p><u>alterations to existing cemeteries. New cemeteries require a Phase 1 Heritage Assessment, which can be part of the EIA.</u></p> <p><u>The municipality to protect the health and safety of cemetery staff who are exposed to health and safety risks.</u></p> <p><u>Directive to Local Authorities to establish cemeteries.</u></p> <p><u>Issuing of directive to close any cemetery or portion thereof.</u></p> <p><u>Directive regarding exhumations/interments.</u></p> <p><u>Definition and zoning allocation for cemeteries.</u></p> <p><u>application and approval process for land use change to facilitate the cemetery land use authorisation.</u></p> <p><u>As far as public amenities are concerned:</u></p>	<p><u>Deputy Director: Operational</u></p> <p><u>Director: Infrastructure and Planning</u></p> <p><u>LUPO, 15/1985</u></p> <p><u>SPLUMA, 2013</u></p>	<p><u>(OHASA)</u></p>
<p><u>4.2.120</u></p> <p><u>4.2.120.1</u></p> <p><u>4.2.120.2</u></p>	<p><u>Director: Community Services</u></p> <p><u>Senior Manager: Hermanus Administration</u></p> <p><u>Senior Manager: Kleinmond Administration</u></p> <p><u>Senior Manager: Gansbaai Administration</u></p> <p><u>Senior Manager: Hermanus Administration</u></p> <p><u>Senior Manager: Kleinmond Administration</u></p>	<p><u>Events by-law</u></p>
<p><u>4.2.120.3</u></p> <p><u>To waive the information requirements.</u></p>		

4.2.120.4	Administration of the leasing of public halls.	<u>Senior Manager:</u> <u>Gansbaai Administration</u> <u>Senior Manager:</u> <u>Hermanus Administration</u> <u>Senior Manager:</u> <u>Kleinmond Administration</u> <u>Senior Manager:</u> <u>Gansbaai Administration and Housing Administration</u>	<u>Leasing of Halls Policy</u>
4.2.121	To recover costs/expenses due to council related work done by directorate civil engineering services.	<u>Senior Manager:</u> <u>Operational Services, Hermanus</u> <u>Senior Manager:</u> <u>Operational Services, Kleinmond</u> <u>Senior Manager:</u> <u>Operational Services, Gansbaai</u>	
4.2.122	To erect and maintain direction sign posts and distance indicators.	<u>Senior Manager:</u> <u>Operational Services, Hermanus</u> <u>Senior Manager:</u> <u>Operational Services, Kleinmond</u> <u>Senior Manager:</u> <u>Operational Services, Gansbaai</u>	
4.2.123	To grant written permission for the making,	<u>Senior Manager:</u>	

	<u>construction, reconstruction of alteration of a street or sidewalk.</u>	Operational Services, Hermanus Senior Manager. Operational Services, Kleinmond Senior Manager. Operational Services, Gansbaai Senior Manager.	
<u>4.2.124</u>	<u>To grant permission for the discharging of water, except stormwater, on or across a public road.</u>	Operational Services, Hermanus Senior Manager. Operational Services, Kleinmond Senior Manager. Operational Services, Gansbaai Senior Manager.	
<u>4.2.125</u>	<u>To remove any obstruction from the drainage system, for which a service charge shall be paid to Council when the obstruction was on private land.</u>	Operational Services, Hermanus Senior Manager. Operational Services, Kleinmond Senior Manager. Operational Services, Gansbaai Senior Manager.	
<u>4.2.126</u>	<u>To recover any costs or losses incurred for damages to the water meter installation on the premises occupied by the consumer.</u>	Operational Services, Hermanus Senior Manager. Operational Services, Kleinmond Senior Manager. Operational Services, Gansbaai Senior Manager.	

69

	Services, Gansbaai	
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DELEGATION OF ORIGINAL POWERS DELEGATION BY MUNICIPAL MANAGER OF HIS ORIGINAL POWERS:			
..... C C GROENEWALD DATE			
Subject to the provisions contained herein the following matters are hereby delegated as indicated:			
Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Conditions or Limitations
5.1.1	As far as personnel matters are concerned:		
5.1.1.1	The granting of authority for staff on levels below that of <u>director [officials]</u> to attend congresses, conferences, seminars, courses and other meetings within the Republic and approval of <u>travel and subsistence allowance</u> .	Directors	[In consultation with Municipal Manager.] <u>Read with the provisions of the Municipality's Travel and Subsistence Policy.</u>
5.1.1.2	To approve and/or cancel all applications for leave.	Directors Managers	In respect of Managers. In respect of staff below Managers. Both subject to provisions of Bargaining Council agreement and/or [Council] <u>the Municipality's</u> policy.
5.1.1.2A	Approval of second opinion for doctors as per leave policy.	Director: Management Services	
5.1.1.2B	Implementation of Employment Equity Policy.	Director: Management Services	
5.1.1.2C	Approval of the encashment of leave in access of 48 days, due	Directors	In consultation with Municipal

5.1.1.2D	to operational requirements [(In terms of clause 8.1.6 of the SALGBC Agreement)].	Manager, subject to budgetary provision.
5.1.1.3	<u>Approval for the request for leave in access of 48 days to be reversed and taken at a later stage.</u> Appointment of staff on levels below that of <u>Manager [director]</u> .	<u>Directors</u> Director: Management Services
5.1.1.4	Deleted (Council resolution 27 February 2019)	
5.1.1.5	To approve the extension of Probationary Periods of officials on levels below that of <u>Manager [Director]</u> .	Relevant Director
5.1.1.6	To approve the payment of a kilometre allowance for the occasional use of own car on official business.	Directors
5.1.1.7	Additions and deletions to prescribed list of uniforms and protective clothing.	[Overstrand Safety Committee] Manager: Labour Relations
5.1.1.8	Overtime payment to officials below the level of Manager.	Directors
5.1.1.8A	Permission granted for extension of time off in lieu of overtime to be taken at a later stage.	[Relevant Director] Municipal Manager
5.1.1.9	Dealing with all matters to which Occupational Health and Safety Act, 1993 relates.	Managers
5.1.1.10	[Consideration of applications for incapacity and matters	Director: Subject to specific delegations.
		Provided that sufficient funds are available.

	resulting from same.] <u>Approval of termination and/or suitable placement due to incapacity and matters resulting from same.</u>	Management Services	
5.1.1.11	The filling of all vacancies on the staff establishment.	Managers in consultation with Directors	Appointments to be made within 3 months after closure of advertisements.
5.1.1.12	Deleted (Council resolution 27 February 2019)		
5.1.1.13	Deleted (Council resolution 27 February 2019)		
5.1.1.14	Control of attendance registers and time sheets.	<u>[Management] Directors, line function, managers and supervisors</u>	
5.1.1.15	Approval for the temporary closure of libraries.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Director Community Services
5.1.1.16	Allocation of reserved parking for officials.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond	

5.1.1.17	<p>[Approval for personnel to attend meetings outside the area of jurisdiction of the municipality and the approval of S & T.] Deleted (Council resolution ...) (refer to 5.1.1.1)</p>	<p>Administration Senior Manager: Gansbaai Administration</p> <p>[Directors]</p>
5.1.1.18	<p>Approval of personnel to be seconded or to temporarily act in another position (other than that of Municipal Manager) and the payment of an acting or secondment allowance.</p>	<p>Directors</p> <p>Subject to the municipality's policy and/or Bargaining Council Agreements and that such approval only be applicable when the occupier of a post is on leave or where such a post is vacant due to a resignation or otherwise.</p>
5.1.1.19	<p>Approval of relief work.</p>	<p>Managers after consultation with Directors</p> <p>Subject to the following: <i>Circumstances:</i></p> <ol style="list-style-type: none"> 1. Operational situations that are of short term. 2. Permanent employee, performing tasks for at least one day on a higher post level. 3. With the assistance of specific equipment. <p><i>Posts that qualify:</i> Compressor work, tractor driver, truck driver, power-shovel, power tools, machine handlers, switchboard operators, first level supervisors.</p> <p><i>Requirements:</i></p>

5.1.1.19A	Appointment of contract workers, "specialized" contract workers, "Grey Power" Mentors.	Director: Management Services	Relief workers have to meet the legal requirements of a post and should have undergone the necessary safety training.
5.1.1.19B	Approval / requesting of pre medical testing for the inherent requirements of a job.	Director: Management Services	
5.1.1.20	Approval of standby service and the payment of a standby allowance.	Managers	
5.1.1.21	Approval to work overtime.	Managers	In consultation with relevant director.
5.1.1.22	Approval for attending staff member funerals and the provision of transport.	Directors	
5.1.1.23	[Approval of housing subsidy or rental allowance.] <u>Approval of Home Owners Allowance and non-pensionable allowance in terms of the Salary and Wage Agreement.</u>	Senior Manager: Human Resources	
5.1.1.24	Approval of relocation and removal expenditure for newly appointed employees.	Senior Manager: Human Resources	
5.1.1.25	Approval of trade union meetings.	Director: Management Services	In terms of Bargaining Council agreements.
5.1.1.26	Upkeep of schedule of shopsteward activities.	<u>Relevant Managers</u>	In terms of Bargaining Council agreements.

5.1.1.27	Approval of issuing protective clothing.	Relevant Managers	
5.1.1.28	Approval of access to personal files.	Senior Manager: Human Resources	After consultation with Director: Management Services.
5.1.1.29	Conducting of resignation interviews.	Managers	
5.1.1.30	Acceptance of resignations.	Directors	
5.1.1.31	Authorisation for payment of public drivers permits where required in course of employment.	Managers	In consultation with relevant director.
5.1.1.32	Approval of unpaid leave after leave has been exhausted.	Directors	
5.1.1.33	Approval of time off for overtime worked.	Directors Managers	With regard to Managers. With regard to staff in their departments/ sections but in consultation with relevant director.
5.1.1.34	As far as delegations with regard to recruitment and selection are concerned.		
5.1.1.34.1	Determining of minimum requirements.	Managers	In consultation with Director.
5.1.1.34.2	Determining of KPAs.	Managers	In consultation with Director.
5.1.1.34.3	Authorisation for advertising of vacancy.	Director: Management Services	
5.1.1.34.4	Compilation of shortlists for interviews.	Managers	In co-operation with the shortlisting panel.
5.1.1.34.4A	Approval of shortlist for interviews.	Senior Manager: Human Resources	After consultation with relevant Manager.
5.1.1.34.4B	Appeal against shortlist approval provided for in 5.1.1.34.4A	Director.	In consultation with the relevant

5.1.1.34.5	Approval of placements and transfers on organogram.	Management Services Director: Management Services	Director.
5.1.1.34.6	Request to change minimum requirements of an existing, evaluated, audited post, which changes will have no effect on the TASK grading of the post.	Director: Management Services	In consultation with the <u>Municipal Manager</u>
5.1.1.35	As far as delegations with regard to labour relations are concerned:		
5.1.1.35.1	Appointment of external chairperson of disciplinary tribunal.	Director: Management Services	
5.1.1.35.1A	<u>Appointment of external initiator into disciplinary misconduct.</u>	Director: Management Services <u>Director: Management Services</u>	
5.1.1.35.2	Appointment of chairperson of departmental hearing.	Directors	
5.1.1.35.2A	<u>Appointment of prosecutors for departmental hearings.</u>	Directors	
5.1.1.35.3	Appointment of external prosecutor for disciplinary tribunals.	Director: Management Services	
5.1.1.35.3.A	Temporary placement of an employee incapacitated due to <u>injury or illness.</u>	Director: Management Services [Senior Manager: Human Resources] Director: Management Services	[In consultation with Director: Management Services and relevant Directors.]
5.1.1.35.3.B	Receive outcome of incapacity hearing due to ill health / injury / non-performance requirement with regard to dismissal, transfer or demotion.	Director: Management Services	In consultation with Municipal Manager
5.1.1.35.4	[Appointment of prosecutors for departmental hearings.] <u>Granting of ex-gratia sick leave in terms of Leave Policy</u>	[Directors] Director: Management	

5.1.1.35.5	Enforcement of "no work no pay" principle.	<u>Services [Managers] Director. Management Services</u>	<u>In consultation with Municipal Manager.</u>
5.1.1.35.5A	Appointment of replacement labour in the event of a strike.	Director: Management Services Directors	In consultation with Director: Management Services
5.1.1.35.6	Suspension of officials within directorate.		
5.1.1.35.7	Granting of authority for medical examinations re medical disability.	Director: Management Services	
5.1.1.35.8	Receipt of outcomes of disciplinary tribunals with regard to dismissals and/or demotions and/or suspensions.	Director: Management Services	
5.1.1.35.9	Request for approval of compensation for transport/accommodation for witnesses to testify in disciplinary hearings or arbitration hearings on behalf of the employer.	Director: Management Services Directors	[In consultation with the Municipal Manager]
<u>5.1.1.35.10</u>	<u>Consideration and decision to investigate an employee for alleged misconduct.</u>		
<u>5.1.1.35.11</u>	<u>Appointment of investigating officer for alleged misconduct against an employee.</u>	<u>Director: Management Services</u>	
5.1.1.36	As far as delegations with regard to training and development are concerned:		
5.1.1.36.1	Approval of expenditure in terms of training budget.	Senior Manager: Human Resources	
5.1.1.36.1A	Approval of job descriptions to be subjected to evaluation.	Relevant Director	
5.1.1.36.2	Approval of study bursaries / study aid applications.	Director:	

5.1.1.37	As far as delegations with regard to Occupational Health and Safety in the workplace are concerned:	Management Services	In consultation with Director: Community Services
5.1.1.37.1	Identify a suitable designated area for smoking.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaal Administration	
5.1.1.37.2	Approval of safety clothing as prescribed by a medical practitioner.	[Senior Manager: Human Resources] Relevant Director	
5.1.1.37.3	Approval for payment of temporary staff in case of injury on duty within their contract period, up to 3 months.	Director: Management Services	
5.1.1.38	As far as delegations with regard to employee wellness are concerned:		
5.1.1.38.1	Approval for 50% contribution for first time treatment for [alcohol] intoxicating liquor [and/] or drug abuse.	Director: Management Services	
5.1.1.38.2	Approval of further treatment for [alcohol] intoxicating liquor or [and] drug abuse.	Director: Management Services	

5.1.1.39	<u>Recruitment of all Public Employment Programme i.e. EPWP participants in accordance with EPWP recruitment guidelines.</u>	<u>Manager: Local Economic Development Director: Local Economic Development Managers</u>	<u>In consultation with relevant Managers.</u>
5.1.1.40	<u>Signing of all Public Employment Programme i.e. EPWP employment contracts (1 year).</u>		
5.1.1.41	<u>Signing of short term (less than a year) Public Employment Programme (as approved by Council).</u>		
5.1.1.42	<u>Signing of MOUs with the Department of Community Safety pertaining to Place of Chrysalis interns.</u>	<u>Director: Protection Services</u>	<u>In consultation with Director: Management Services. After consultation with the Municipal Manager.</u>
5.1.2	<i>(Deleted and replaced by Delegation 4.2.81.2)</i>		
5.1.3(a)	<u>To ensure that the municipality has and maintains a management, accounting and information system that accounts for the assets of the municipality, that the municipality's assets are valued in accordance with the principles of GRAP and that the municipality has and maintains a system of internal control of assets including an asset register.</u>	<u>Senior Manager: Expenditure and Assets Senior Manager: Financial Services</u>	<u>Read with the provisions of the municipality's Asset Management Policy and Financial Delegation 21.</u>
5.1.3(b)	<u>To ensure that movable assets are insured at least against fire and theft, and that all municipal buildings are insured at least against fire and allied perils.</u>	<u>Senior Manager: Expenditure and Assets</u>	<u>Read with the provisions of the municipality's Asset Management Policy.</u>
5.1.4(a)	<u>To execute the municipality's Customer Care, Credit Control and Debt Collection Policy.</u>	<u>Director: Finance</u>	<u>Read with Financial Delegation 22.</u>
5.1.4(b)	<u>To ensure that all avenues are utilised to collect debt owing to the municipality.</u>	<u>Senior Manager: Income</u>	<u>Read with the provisions of the municipality's Customer Care, Credit Control and Debt Collection Policy.</u>
5.1.5	<u>To ensure that a contract or agreement procured through the Supply Chain Management Policy is properly enforced and that the performance of contractors is monitored on a monthly</u>	<u>Relevant Directors, Deputy-Directors, Senior Managers and</u>	<u>Read with the provisions of the municipality's Contract Management Policy.</u>

	<u>basis.</u>	<u>Managers as contract owners.</u>	
5.1.6(a)	<u>To ensure that the municipality's annual communication strategy is in line with municipal communication objectives and reflects the municipality's priorities.</u>	<u>Director: Management Services</u>	<u>Read with the provisions of the municipality's Communication Policy.</u>
5.1.6(b)	<u>To ensure the integration of the communications function within the municipality's decision-making processes as well as the integration of strategic communication planning (IDP) in the overall planning of the municipality.</u>	<u>Director: Management Services</u>	<u>Read with the provisions of the municipality's Communication Policy.</u>
5.1.7	<u>To communicate the municipality's Code of Ethics for Municipal Staff to all municipal staff.</u>	<u>Senior Manager: Human Resources</u>	
5.1.8	<u>To communicate the outcome of event applications to the organisers and, if applicable, to provide reasons for the rejection of event applications.</u>	<u>Senior Manager: Hermanus Administration</u> <u>Senior Manager: Kleinmond Administration</u> <u>Senior Manager: Gansbaai Administration and Events Co-ordinator</u>	<u>Read with the provisions of the municipality's Events Policy.</u>
5.1.9	<u>To place public adverts in the main local newspapers distributed in the Overstrand municipal area calling for applications for grants-in-aid.</u>	<u>Manager: Social Development</u>	<u>Read with the provisions of the municipality's Grant-in-Aid Policy</u>
5.1.10	<u>To decide whether an employee may retain an offering of business courtesies or gifts.</u>	<u>All Directors - in so far as their subordinates are concerned.</u>	<u>Read with the provisions of the municipality's Gift Policy for Officials.</u>
5.1.11	<u>To implement the municipality's Housing Selection Policy for Beneficiaries in Ownership-based Subsidy Projects.</u>	<u>Director: Community Services</u>	
5.1.12	<u>To enhance public participation through creating conditions for the local community to participate in the affairs of the Local Municipality as is provided for in section 16 of the Local Government: Municipal Systems Act, No. 32 of 2000</u>	<u>Directors, Deputy-Directors, Senior Managers and Managers</u>	<u>Read with the provisions of the municipality's Public Participation Policy.</u>

5.1.13	To be ultimately accountable for the record keeping and records and documents' management practices of the municipality.	Director: Management Services	Read with the provisions of section 117 of the Local Government: Municipal Systems Act, No. 32 of 2000
5.1.14(a)	To maintain a list of all minor services indicating their unit of service for the purposes of determining tariffs, fees, charges and levies which list is to be reviewed annually together with the proposed tariffs, fees charges and levies.	Senior Manager: Income	Read with the provisions of the municipality's Tariff Policy and section 74 of the Local Government: Municipal Systems Act, No. 32 of 2000.
5.1.14(b)	To ensure that procedures to manage all aspects of the municipality's Tariff Policy are prepared in the form of a manual and reviewed regularly.	Director: Finance	Read with the provisions of the municipality's Tariff Policy.
5.1.15	To implement the municipality's SALGA TASK Job Evaluation Policy.	Director: Management Services	Read with the provisions of section 66(1)(b) of the Local Government: Municipal Systems Act, No. 32 of 2000
5.1.16	To advertise a notice for the establishment of ward committees in all respective wards of the municipality in the local newspapers and inviting nominations for organisations, sectors, geographical areas.	Director: Community Services	Read with the provisions of the municipality's Ward Committee Rules
5.1.17	Identifying of problem buildings and administration thereof in terms of the Overstrand By-law on Problem Buildings (OBLPB).	Manager: Building Control Building Control Officer Building Inspectors	Delegated officials in terms of OBLPB Section 4.

[5.2	<p>ORIGINAL POWERS OF THE MANAGER: BUILDING SERVICES</p> <p>..... L COETZEE </p> <p>..... DATE </p> <p>Subject to the provisions contained herein the following matters are hereby delegated as indicated:</p>	
Item No 5.2.1	<p>Cryptic description of Power or Duty</p> <p>The functions of a building control officer as contained in section 6 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).</p>	<p>Delegated to</p> <p>Building Inspectors</p> <p>Remarks, Limitations or Conditions</p> <p>Subject thereto that the delegation of such functions shall not prevent the exercise thereof by the Manager: [Building Services.]</p>

**OVERSTRAND MUNICIPALITY
DELEGATION POWERS OF MAYORAL DUTIES**

Municipal Finance Management Act, 2003 (Act 56 of 2003)

<p>..... ALD D COETZEE</p> <p>..... DATE</p>	
<p>Subject to the provisions contained herein the following matters are hereby sub-delegated to the lowest level as indicated: Cryptic description of Power or Duty</p>	
Item No	Lowest level sub-delegated to
<p>1.</p> <p>(a) Co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;</p> <p>(b) Prepare for tabling in the municipal council at least 10 months before the start of the budget year, a time schedule outlining key deadlines for:—</p> <p>(i) Preparation, tabling and approval of the annual budget;</p> <p>(ii) Annual review of —</p> <p>(aa) integrated development plan in terms of section 34 of the Municipal Systems Act; and</p> <p>(bb) budget-related policies;</p> <p>(iii) Tabling and adoption of any amendments to the integrated development plan and the budget-related</p>	<p>Sec 21(1) [Budget-related policies Budget-related policies Integrated Development Plan]</p> <p>a) Senior Manager: Financial Services Senior Manager: Income Senior Manager: <u>Expenditure & Assets</u> Deputy Director: <u>Finance & SCM</u> [Senior Manager: Strategic Services]</p> <p>b) [Senior Manager: Financial Services] Senior Manager: <u>Strategic Services</u></p>
<p>Remarks, Limitations or Conditions</p>	

	<p>policies; and</p> <p>(iv) Any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).</p>		
<p>2.</p>	<p>When preparing the annual budget:—</p> <p>(a) Take into account the municipality's integrated development plan;</p> <p>(b) take all reasonable steps to ensure that the municipality revises the integrated development plan in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;</p> <p>(c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;</p> <p>(d) consult —</p> <p>(i) the relevant district municipality and all other local municipalities within the area of the district municipality;</p> <p>(ii) the Provincial treasury, and when requested, the National Treasury; and</p> <p>(iii) any national or provincial organs of state, as may be prescribed; and</p> <p>(e) provide, on request, any information relating to the budget —</p> <p>(i) to the National Treasury; and</p> <p>(ii) subject to any limitations that may be prescribed, to —</p> <p>(aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;</p> <p>(bb) any other national and provincial organ of states, as may be prescribed; and</p> <p>(cc) another municipality affected by the budget.</p>	<p><u>Directors</u></p> <p>Senior Manager: Financial Services</p> <p>Senior Manager: <u>Income</u></p> <p>Senior Strategic (IDP)</p> <p>Manager: Services</p>	<p>Sec 21 (2)</p> <p>Operational and Capital Budget</p> <p>[Integrated Development Plan]</p>
<p>3.</p>	<p>Authorise unforeseeable and unavoidable expenditure for which</p>	<p>Municipal Manager</p>	<p>Sec 29(1)</p>

	no provision was made in an approved budget in emergency or other exceptional circumstances.		[After] In consultation with the Executive Mayor
4.	Grant prior written approval for the increase when funds for a capital programme are appropriated in terms of section 16(3) for more than one financial year, expenditure for that programme during a financial year exceeds the amount of that year's appropriation for that programme. Ensure:—	[Director of Finance (CFO)] <u>Director: Finance</u>	Sec 31(d) [Executive Mayor's approval must be obtained] <u>In consultation with the Executive Mayor.</u>
5.	(a) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan; and (b) that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.	Senior Manager: Financial Services Senior Manager: Strategic Services	Sec 53(3) [Operational and Capital Budget] [Integrated Development Plan]
6.	On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, must:— (a) consider the statement or report; (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan; (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget; (d) issue any appropriate instructions to the accounting officer to ensure —	[Director of Finance (CFO)] <u>Director: Finance</u> 17(d) : 17(e) <u>Senior Manager:</u> <u>Strategic Services (c)</u>	Sec 54(1)

	<p>(i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and</p> <p>(ii) that spending of funds and revenue collection proceed in accordance with the budget;</p> <p>(e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and</p> <p>(f) in the case of a section 72 report, submit the report to the council by 31 January of each year.</p>	<p>Senior Manager: <u>Financial Services (f)</u></p> <p>[Director of Finance (CFO)] Director: <u>Finance</u></p>	<p>Sec 54(2)</p>
7.	<p>If the municipality faces any serious financial problems, must:—</p> <p>(a) respond promptly to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include—</p> <p>(i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget;</p> <p>(ii) the tabling of an adjustments budget; or</p> <p>(iii) steps in terms of Chapter 13; and</p> <p>(b) alert the council and the MEC for local government in the province to those problems.</p>		
8.	<p>Ensure that any revisions of the service delivery and budget implementation plan are made public promptly.</p>	<p>Senior Manager: <u>Strategic Services</u></p> <p>[Municipal Manager]</p>	<p>Sec 54(3)</p> <p>[Sec 102(1)]</p>
9.	<p>[Receive in writing from the board of directors of a municipal entity, on discovery of any irregular expenditure or any fruitless and wasteful expenditure:—</p> <p>(a) particulars of the expenditure; and</p> <p>(b) any steps that have been taken —</p> <p>(i) to recover the expenditure; and</p> <p>(ii) to prevent a recurrence of the expenditure.]</p>		
10.	<p>Deleted (Council resolution ...)</p> <p>If, for whatever reason, unable to table in the council the annual report of the municipality, or the annual report of any municipal</p>	<p>Director: <u>Management</u></p>	<p>Sec 127(3)</p>

	<p>entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, must:—</p> <p>(a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and</p> <p>(b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.</p>	Services	
11.	<p>Ensure a municipality addresses any issues raised by the Auditor-General in an audit report.</p>	[Relevant] Directors	Sec 131(1)
12.	<p>The power to make the determinations referred to in subsection 14(2)(a) and (b) in respect of movable capital assets to a maximum value of R2 million per public auction.</p>	Municipal Manager	Sec 14(2)(a) and (b)

**OVERSTRAND MUNICIPALITY
DELEGATION OF POWERS AND DUTIES BY THE MUNICIPAL MANAGER AND RELATED SUB-DELEGATIONS**

Municipal Finance Management Act, 2003 (Act 56 of 2003)

	 C C GROENEWALD		
	 DATE		
Subject to the provisions contained herein the following matters are hereby sub-delegated to the lowest level as indicated:				
Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions	
1.	Submit to the National Treasury, the Provincial Treasury and the Auditor-General, in writing, the name of the bank where the primary bank account of the municipality is held, and the type and number of the account.	Senior Manager: Financial Services	Sec 8(5)	
2.	Inform the National Treasury and the Auditor-General, in writing, at least 30 days before changing the municipality's primary bank account.	Senior Manager: Financial Services	Sec 8(5)	
3.	Submit to the Provincial Treasury and the Auditor-General, in writing:— (a) within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened, and the type and number of the account; and (b) annually before the start of a financial year, name of each bank where the municipality holds a bank account, and the type and number of each account.	Senior Manager: Financial Services	Sec 9	
4.	Administer all the municipality's bank accounts, including a bank	Senior Manager:	Sec 10(1)(a)	

5.	account referred to in section 12 or 48(2)(d). Accountable to the municipal council for the municipality's bank accounts.	Financial Services Senior Manager: Financial Services	Sec 10(1)(b) The principal accountability remains with the Municipal Manager.
6.	Enforce compliance with sections 7, 8 and 11.	[Director of Finance (CFO)] Director: Finance	Sec 10(1)(c)
7.	Withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts, subject to stipulated provisos (a) to (j).	All Senior Managers and Managers [Senior Accountants and Accountant] within the Directorate Finance	Sec 11(1) With the requirement of two signatures, one of whom must be a Senior [Accountant] Manager.
8.	Within 30 days after the end of each quarter:— (a) table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1)(b) to (j) during that quarter; and (b) submit a copy of the report to the Provincial Treasury and the Auditor-General.	Senior Manager: Financial Services	Sec 11(4)
9.	[Grant authority to withdraw money from a bank account envisaged in section 12(2) without appropriation in terms of an approved budget.]	[Senior Manager: Financial Services]	[Sec 12(4) Must act in accordance with the decisions of the municipal council.]
10.	Deleted (Council resolution ...) Immediately after an annual budget is tabled in a municipal council:— (a) in accordance with Chapter 4 of the Municipal Systems Act — (i) make public the annual budget and the documents referred to in section 17(3); and (ii) invite the local community to submit representations in connection with the budget; and (b) submit the annual budget:—	Senior Manager: Financial Services	Sec 22

	(i) in both printed and electronic formats to the National Treasury and the Provincial Treasury; and (ii) in either format to any prescribed national or provincial organs of state and to other municipalities affected by the budget.		
11.	Submit the approved annual budget to the National Treasury and the Provincial Treasury.	Senior Manager: Financial Services	Sec 24(3)
12.	Advise a political office-bearer of a municipality that any anticipated expenditure is likely to result in unauthorised expenditure.	[Director of Finance (CFO)] Director: Finance	Sec 32(1)(a)
13.	Inform the council, the mayor or the executive committee, in writing, that the expenditure that would result from a decision taken is likely to be unauthorised, irregular or fruitless and wasteful expenditure.	Director of Finance (CFO)] Director: Finance	Sec 32(3)
14.	Notify the receiving municipality of the projected amount of any allocation proposed to be transferred to that municipality during each of the next three financial years, no later than 120 days before the start of its budget year.	Senior Financial Services	Sec 37(2)
15.	Notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of a credit facility that is limited to emergency use, as well as options for repaying such debt.	Senior Financial Services	Sec 45(3)(b)(iii)
16.	To incur long-term debt has, in accordance with section 21A of the Municipal Systems Act:— (i) at least 21 days prior to the meeting of the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and (ii) invited the public, the National Treasury and the Provincial Treasury to submit written comments or representations to the council in respect of the proposed debt.	Senior Financial Services	Sec 46(3)(a)

17.	<p>To incur long-term debt, has submitted a copy of the information statement to the municipal council at least 21 days prior to the meeting of the council, together with particulars of:—</p> <ul style="list-style-type: none"> (i) the essential repayment terms, including the anticipated debt repayment schedule; and (ii) the anticipated total cost in connection with such debt over the repayment period. 	Senior Manager: Financial Services	Sec 46(3)(b)
18.	<p>Responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure:—</p> <ul style="list-style-type: none"> (a) that the resources of the municipality are used effectively, efficiently and economically; (b) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards; and (c) that the municipality has and maintains effective, efficient and transparent systems — <ul style="list-style-type: none"> (i) of financial and risk management and internal control; and (ii) of internal audit operating in accordance with any prescribed norms and standards; (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented; (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15; and (f) that the municipality has and implements — <ul style="list-style-type: none"> (i) a tariff policy referred to in section 74 of the Municipal Systems Act; (ii) a rates policy as may be required in terms of any applicable national legislation; (iii) a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act; and (iii) a supply chain management policy in accordance with 	<p>[Director of Finance (CFO)] <u>(a), (b), (c), (d), (e)</u> <u>Director, Finance</u> <u>Directors,</u> <u>Deputy Directors,</u> <u>Senior Managers,</u> <u>Managers,</u> <u>Budget Holders</u></p> <p><u>(f) Director, Finance</u></p>	Sec 62(1)

	<p>Chapter 11.</p> <p>Responsible for and must account for all bank accounts of the municipality, including any bank account opened for:—</p> <p>(a) any relief, charitable, trust or other fund set up by the municipality in terms of section 12; or</p> <p>(b) a purpose referred to in section 48(2)(d).</p>	<p>Director of Finance (CFO) Director: Finance</p>	<p>Sec 62(2)</p>
20.	<p>Responsible for the management of:—</p> <p>(a) the assets of the municipality, including the safeguarding and the maintenance of those assets; and</p> <p>(b) the liabilities of the municipality.</p>	<p>[All Directors] (a) Directors, Deputy Directors, Senior Managers, Managers (b) Senior Manager: Expenditure & Assets Senior Manager: Financial Services</p>	<p>Sec 63(1) Read with the provisions of the Municipality's Asset Management Policy.</p>
21.	<p>Ensure:—</p> <p>(a) that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality;</p> <p>(b) that the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and</p> <p>(c) that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.</p>	<p>[Senior Manager: Financial Services] (a) & (b) Senior Manager: Expenditure & Assets (c) Directors, Deputy Directors, Senior Managers, Managers</p>	<p>Sec 63(2) [Reports on a quarterly basis must be submitted to the CFO.] Read with the provisions of the Municipality's Asset Management Policy. To ensure that movable assets are insured at least against fire and theft, and that all municipal buildings are insured at least against fire and allied perils.</p>
22.	<p>Take all reasonable steps to ensure,—</p> <p>(a) that the municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the municipality's credit control and debt collection policy;</p> <p>(b) that revenue due to the municipality is calculated on a</p>	<p>[Director of Finance (CFO)] (a) Director: Finance (b) to (h)</p>	<p>Sec 64(2) Read with the provisions of the Municipality's Customer Care, Credit Control and Debt Collection Policy.</p>

	<p>monthly basis, that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;</p> <p>(c) that all money received is promptly deposited in accordance with this Act into the municipality's primary and other bank accounts;</p> <p>(d) that the municipality has and maintains a management, accounting and information system which—</p> <p>(i) recognises revenue when it is earned;</p> <p>(ii) accounts for debtors; and</p> <p>(iii) accounts for receipts of revenue;</p> <p>(e) that the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;</p> <p>(f) that the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and</p> <p>(g) that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.</p> <p>(h) Inform the National Treasury of any payments due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.</p>	<p>Senior <u>Income</u> <u>Manager:</u></p>	<p>(a) To determine a reserve price:</p> <p>(a) To authorise incentive measures in terms of the provisions of the Municipality's Customer Care, Credit Control and Debt Collection Policy.</p>
23.	<p>Take all reasonable steps to ensure:—</p> <p>(a) that any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and</p> <p>(b) that such funds are not used for purposes of the municipality.</p>	<p>[Director of Finance (CFO)] Senior <u>Income</u> <u>Manager</u></p> <p>Senior <u>Income</u> <u>Manager:</u> Senior <u>Income</u> <u>Manager:</u> Traffic, <u>Law</u> <u>Enforcement & Task</u> <u>Team</u> <u>Manager:</u> <u>Building</u></p>	<p>Sec 64(3) [Must also be reported to Council.]</p> <p>Sec 64(4)</p>

<p>25.</p>	<p>Take all reasonable steps:—</p> <p>(a) that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;</p> <p>(b) that the municipality has and maintains a management, accounting and information system which—</p> <ul style="list-style-type: none"> (i) recognises expenditure when it is incurred; (ii) accounts for creditors of the municipality; and (iii) accounts for payments made by the municipality; <p>(c) that the municipality has and maintains a system of internal control in respect of creditors and payments;</p> <p>(d) that payments by the municipality are made—</p> <ul style="list-style-type: none"> (i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and (ii) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit; <p>(e) that all money owing by the municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure;</p> <p>(f) that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;</p> <p>(g) that any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state;</p> <p>(h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;</p> <p>(i) that the municipality's Supply Chain Management Policy referred to in section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and</p> <p>(j) that all financial accounts of the municipality are closed at the</p>	<p>Services</p> <p>Deputy Director: Finance & SCM</p> <p>Senior Manager: Expenditure & Assets</p> <p>Senior Manager: Financial Services</p> <p>Senior Manager: Income</p> <p>[Head: Supply Chain Management]</p>	<p>Sec 65(2)</p> <p>Any irregularities around/or deviations must be reported monthly to the CFO and Municipal Manager.</p> <p>Compliance to all Budget Related Policies which are annually revised</p> <ul style="list-style-type: none"> • Directors, • Deputy Directors, • Senior Manager, • Managers, • Budget Holders
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26.	<p>end of each month and reconciled with its records. Report to the council, in a format and for periods as may be prescribed, on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure as stipulated.</p>	<p>[Senior Manager: Expenditure & Assets] Senior Manager: Financial Services</p>	<p>Sec 66 (Quarterly Budget Report)</p>
27.	<p>Ensure before transferring funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that the organisation or body:—</p> <p>(a) has the capacity and has agreed —</p> <p>(i) to comply with any agreement with the municipality;</p> <p>(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;</p> <p>(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and</p> <p>(iv) to submit its audited financial statements for its financial year to the accounting officer promptly.</p> <p>(b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and</p> <p>(c) has in respect of previous similar transfers complied with all the requirements of this section.</p>	<p>Director: Economic Development Local</p>	<p>Sec 67(1)</p>
28.	<p>Enforce, through contractual and other appropriate mechanisms, compliance with section 67(1).</p>	<p>Director: Economic Development Local</p>	<p>Sec 67(3)</p>
29.	<p>Where section 67(1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor:—</p> <p>(i) takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and</p> <p>(ii) certifies to the Auditor-General that compliance by that</p>	<p>Director: Economic Development Local</p>	<p>Sec 67(4)</p>

	organisation or body with subsection (1)(a) is uneconomical or unreasonable.		
30.	(a) assist the mayor in performing the budgetary functions assigned to the mayor in terms of Chapters 4 and 7; and (b) provide the mayor with the administrative support, resources and information necessary for the performance of those functions.	[Director of Finance (CFO)] Directors	Sec 68
31.	Ensure:— (a) that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan; and (b) that revenue and expenditure are properly monitored.	[Director of Finance (CFO)] Director: Finance	Sec 69(1) Monthly I & E report and cash flow must be submitted to the [CFO] Director: Finance.
32.	Prepare when necessary an adjustments budget and submit it to the mayor for consideration and tabling in the municipal council.	Senior Manager: Financial Services	Sec 69(2) The adjustment budget must be compiled in conjunction with the [CFO] Director: Finance and Municipal Manager.
32.A	Submit no later than 14 days after the approval of an annual budget to the Executive Mayor a draft service delivery and budget implementation plan for the budget year.	Senior Manager: Strategic Services	Sec 69(3)
33.	Report in writing to the municipal council:— (a) any impending — (i) shortfalls in budgeted revenue; and (ii) overspending of the municipality's budget; and (b) any steps taken to prevent or rectify such shortfalls or overspending.	[Director of Finance (CFO)] Director: Finance	Sec 70(1)
34.	Notify the National Treasury, if a municipality's bank account, or if the municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period, in the prescribed format of:— (a) the amount by which the account or accounts are overdrawn; and (b) the reasons for the overdrawn account or accounts; and	Senior Manager: Financial Services	Sec 70(2)

35.	<p>(c) the steps taken or to be taken to correct the matter.</p> <p>Submit no later than 10 working days after the end of each month to the mayor of the municipality and the Provincial Treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:-</p> <p>(a) actual revenue, per revenue source;</p> <p>(b) actual borrowings;</p> <p>(c) actual expenditure, per vote;</p> <p>(d) actual capital expenditure, per vote;</p> <p>(e) the amount of any allocations received;</p> <p>(f) actual expenditure on those allocations, excluding expenditure on —</p> <p>(i) its share of the local government equitable share; and</p> <p>(ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and</p> <p>(g) when necessary, an explanation of—</p> <p>(i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;</p> <p>(ii) any material variances from service delivery and budget implementation plan; and</p> <p>(iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.</p>	Senior Manager: Financial Services	Sec 71(1)
36.	<p>The monthly budget statement must include:—</p> <p>(a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and</p> <p>(b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).</p>	Senior Manager: Financial Services	Sec 71(2)
37.	Submit that part of the statement reflecting the particulars referred to in section 71(1) and (f) to the national or provincial organ of	Senior Manager: Financial Services	Sec 71(5) Info of report must be scrutinized

	state or municipality which transferred the allocation referred to in section 71(1) during any particular month, by no later than 10 working days after the end of that month.		by the [CFO] Director: Finance and certified by the Municipal Manager before forwarded to National Treasury.
38.	<p>Must by 25 January of each year assess the performance of the municipality during the first half of the financial year, taking into account:—</p> <ul style="list-style-type: none"> (i) the monthly statements referred to in section 71 for the first half of the financial year; (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan; (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities. 	<p>Senior Manager: Financial Services</p> <p>Senior Manager: Strategic Services</p>	<p>Sec 72(1)(a) Info must be submitted to the Municipal Manager for signature.</p>
39.	<p>Must, as part of the review required in terms of section 72(1):—</p> <ul style="list-style-type: none"> (a) make recommendations as to whether an adjustments budget is necessary; and (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary. 	<p>[Director of Finance (CFO)]</p> <p>Director: Finance</p>	<p>Sec 72(3)</p>
40.	<p>Place on the website referred to in section 21A of the Municipal Systems Act the following documents of the municipality:</p> <ul style="list-style-type: none"> (a) the annual and adjustments budgets and all budget-related documents; (b) all budget-related policies; (c) the annual report; (d) all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act; (e) all service delivery agreements; (f) all long-term borrowing contracts; (g) all supply chain management contracts above a prescribed 	<p>Manager: Communication</p>	<p>Sec 75(1)</p>

	<p>value;</p> <p>(h) an information statement containing a list of assets over a prescribed value that have been disposed of in terms of section 14(2) or (4) during the previous quarter;</p> <p>(i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section;</p> <p>(j) public-private partnership agreements referred to in section 120;</p> <p>(k) all quarterly reports tabled in the council in terms of section 52(d); and</p> <p>(l) any other documents that must be placed on the website in terms of this Act or any other applicable legislation, or as may be prescribed.</p>		
41.	<p>Must:—</p> <p>(a) implement the Supply Chain Management Policy of the municipality; and</p> <p>(b) take all reasonable steps to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices.</p>	<p>{Head: <u>Supply Chain Management</u> Deputy Director: <u>Finance & SCM</u></p>	<p>Sec 115(1)</p>
42.	<p>Must:—</p> <p>(a) take all reasonable steps to ensure that a contract or agreement procured through the Supply Chain Management Policy of the municipality is properly enforced;</p> <p>(b) monitor on a monthly basis the performance of the contractor under the contract or agreement;</p> <p>(c) establish capacity in the administration of the municipality</p> <p>—</p> <p>(i) to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and</p> <p>(ii) to oversee the day-to-day management of the contract or agreement; and</p> <p>(d) regularly report to the council of the municipality on the management of the contract or agreement and the</p>	<p><u>Manager: Contract-Logistics Management.</u> Relevant Directors</p> <p>As contract owners: <u>Deputy-Directors,</u> <u>Senior Managers,</u> <u>Managers</u></p> <p>(d) Deputy Director:</p>	<p>Sec 116(2) <u>Read with the provisions of the Municipality's Contract Management Policy.</u></p> <p>(Quarterly SCM Implementation.</p>

	performance of the contractor.	<u>Finance & SCM</u>	<u>Report</u>
43.	<p>Must when a feasibility study has been completed:—</p> <p>(a) submit the report on the feasibility study together with all other relevant documents to the council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership;</p> <p>(b) at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act —</p> <p>(i) make public particulars of the proposed public-private partnership, including the report on the feasibility study; and</p> <p>(ii) invite local community and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership; and</p> <p>(c) solicit the views and recommendations of —</p> <p>(i) the National Treasury;</p> <p>(ii) the national department responsible for local government;</p> <p>(iii) if the public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed, the responsible national department; and</p> <p>(iv) any other national or provincial organ of state as may be prescribed.</p>	<p><u>[Relevant] Directors</u></p>	<p>Sec 120(6)</p>
44.	<p>Must:—</p> <p>(a) prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing; and</p> <p>(b) in addition, in the case of a municipality referred to in section 122(2), prepare consolidated annual financial</p>	<p>Senior Financial Services Manager:</p>	<p>Sec 126(1) <u>In accordance with the Year-End Programme; and</u> <u>In conjunction with Directors, Deputy Directors, Senior Managers, Managers.</u></p>

	statements in terms of that section and, within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.		
45.	<p>Must immediately after an annual report is tabled in the council in terms of section 127(2):—</p> <p>(a) in accordance with section 21A of the Municipal Systems Act</p> <p>—</p> <p>(i) make public the annual report; and</p> <p>(ii) invite the local community to submit representations in connection with the annual report; and</p> <p>(b) submit the annual report to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.</p>	Senior Manager: Strategic Services	Sec 127(5)
46.	<p>Must:—</p> <p>(b) submit copies of the minutes of those meetings to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.</p>	Senior Manager: Strategic Services	Sec 129(2)
47.	Make public an oversight report referred to in section 129(1) within seven days of its adoption in accordance with section 21A of the Municipal Systems Act.	Senior Manager: Strategic Services	Sec 129(3)
48.	Submit the documents referred to in section 132(1)(a) and (b) to the provincial legislature within seven days after the municipal council has adopted the relevant oversight report in terms of section 129(1).	Senior Manager: Strategic Services	Sec 132(2)

SUBJECT MATTER	INDEX	ITEM NUMBER	PAGE NO
	A		
Acquisition of land		4.2.1	
Advertising on Roads		4.2.2	
Agreements		4.2.3	
Aircraft		4.2.4	
Amusement parks		4.2.5	
Anti-social behaviour		4.2.6	
Art exhibition stands		4.2.7	
Assets		5.1.3(a)	
		5.1.3(b)	
Authorisation of requests for orders		4.2.81.3	
	B		
Beaches		4.2.8	
Beaches and inland water surfaces		4.2.9	
Bench		4.2.3	
		4.2.3C	
Botanical gardens		4.2.10	
Bot River and Klein River Estuaries		4.2.111	
		4.2.111A	
Building plan applications		4.2.11	
Building plan (approval)		4.2.12	
Building refuse		4.2.13	
Building Shed		4.2.14	
Businesses Act 71 of 1991		4.2.15	
	C		
Camping sites and caravan stands		4.2.16	
Caravanning sites		4.2.67	
Cemeteries		4.2.119	
Circus		4.2.5	
Coat-of-Arms		4.2.17	
Code of Ethics		5.1.7	
Communication		5.1.6(a)	
		5.1.6(b)	
Confidential documents		4.2.18	
Contracts (signing)		4.2.19	
Contractors		5.1.5	
Conveyancing, notarial and survey costs		4.2.117	
Customer care		4.2.21	
	D		
Damage to municipal property		4.2.22	
Debt collection		5.1.4(a)	
		5.1.4(b)	
Demolition of vacant buildings		4.2.23	

Demolition of dilapidated buildings/structures	4.2.24
Deviations (approval)	4.2.81.2
Documents	5.1.15
Dogs and cats	4.2.25
Drainage system – obstruction	4.2.125

E

Enclosure of stoeps and verandas	4.2.26
Encroachments	4.2.27
Environmental Legislation	4.2.28
Event applications	5.1.8
Eviction	4.2.29
Expropriation of land proceedings	4.2.30
Extension	4.2.31
Extensions of time	4.2.32

F

Fencing of property	4.2.33
Fire Brigade Services	4.2.34

G

Grants-in-aid	5.1.9
Gifts	5.1.10

H

Hawker licences	4.2.36
Housing demand database	4.2.40
Housing demand database	4.2.112
Housing project – certification	4.2.38A
Housing Selection Policy	5.1.11
Housing schemes	4.2.41
Housing units – municipal rental & eviction	4.2.41A

I

Illegal encroachments	4.2.43
Illegal shacks	4.2.44
Illegal structures (squatters)	4.2.45
Informal trading	4.2.47
Informal settlements	4.2.89

J

Job Evaluation	5.1.15
----------------	--------

L

Land ceded to or vesting in the municipality	4.2.49
	4.2.49.1
Land invasion	4.2.41B
Land use By-Law/Scheme	4.2.118
Land use planning	4.2.50
Launching sites	4.2.87

Lease agreements	4.2.51
Legal actions and proceedings	4.2.52
Letting all Municipal land	4.2.53
Libraries	4.2.54
M	
Matters of exigency	4.2.56
Minor traffic engineering works	4.2.57
Municipal halls	4.2.58
Municipal land	4.2.59
Municipal properties	4.2.60
N	
Nightsoil	4.2.84.4
O	
Occupation and possession of land	4.2.62
Official houses	4.2.63
Orders and notices	4.2.65
P	
Parking areas	4.2.66
Parks and public places of recreation	4.2.68
Payment of the nett rentals	4.2.69
Peace Officers	4.2.70
Personnel matters	5.1.1
Plot clearing	4.2.71
Press statements	4.2.73
Problem buildings	5.1.17
Property rates	4.2.75
Prosecutions (Building Regulations)	4.2.76
Public amenities	4.2.120
Public meetings, gatherings and marches	4.2.78
Public participation	5.1.12
Q	
Quotations (approval/award/cancellation)	4.2.81.1
R	
Rebates on rates	4.2.80
Recover costs/expenses	4.2.121
Removal of restrictive conditions	4.2.3D
Roads	4.2.82
S	
Servitudes	4.2.85
Sewer extensions	4.2.84.2
Sewer – repairs and replacement	4.2.84.3
Signage By-laws	4.2.86

Sign posts and distance indicators	4.2.122
Social functions	4.2.88
Stadiums	4.2.90
Stormwater drainage	4.2.91
Street or sidewalk	4.2.123
Street collections	4.2.92
Street lighting	4.2.93
Street markets	4.2.94
Street numbers	4.2.95
Street theatre performances	4.2.96
Sub-let of property	4.2.97
Subscriptions to organisations	4.2.98
Supply of electricity	4.2.99
T	
Tariffs, fees, charges and levies	5.1.14(a)
Tariff Policy	5.1.14(b)
Temporary closing of streets	4.2.100
Temporary closure	4.2.101
Temporary structures	4.2.102
Title deeds	4.2.3D
	4.2.3E
Trade on beaches	4.2.104
Traffic matters	4.2.105
Trees (obstructive)	4.2.107
Trees (removal)	4.2.108
V	
Veranda	4.2.110
W	
Ward committees	4.2.113
	5.1.16
Waste management	4.2.114
Water	4.2.115
Water discharging	4.2.124
Water meter – damages	4.2.126

Policy Section	Council Support Services
Current update	26 February 2020
Previous review (EM)	12 September 2019
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