

**AGENDA of the
Portfolio Committee: Protection Services
5 July 2022
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

3.

A PORTION OF UNREGISTERED ERF 12212 HERMANUS (SITUATED IN MUSSEL ROAD, HERMANUS): DEVIATION FROM PARAGRAPHS 26 AND 41 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – SOUTH AFRICAN POLICE SERVICE

7/2/3/1

N Michaels

Director : Protection Services

25 May 2022

(028) 313 8054

1. Executive Summary

To obtain approval for the deviation from conditions contained in paragraphs 4, 24, 36, 40 and 41 of the Administration of Immovable Property Policy of 2015 in order to:

- (a) waive any rental/compensation payable in lieu of services that will be rendered from municipal property (paragraph 26); and
- (b) waive the Municipality's claim for the payment of rates and taxes and services charges (paragraph 41);

in order for the Municipality to enter into a memorandum of agreement the South African Police Service (hereinafter referred to as "SAPS") for the use of floor space in the Incident Command Centre (hereinafter referred to as "ICC") in the Fire Brigade Service Building, Mussel Road, Hermanus (hereinafter referred to as the "room"), for a period of 3 (three) years to be able to share in the incident command system as an integrated joint approach in the fight against crime.

See locality map attached marked Annexure A.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Property Administration

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of a safe and healthy environment

4. Delegated Authority

None

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5. Legal Requirements

- Administration of Immovable Property Policy of the Overstrand Municipality (2015).
- Local Government: Municipal Finance Management Act, 2003 Municipal Asset Transfer Regulations, 2008 (No R. 878 of 2008).

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

The Overstrand Municipality has an Incident Command Centre (ICC) situated at the Fire Brigade Services building in Mussel Road, Hermanus. The ICC is used by Hermanus Public Protection and the Overstrand Municipality as, amongst others, a control room. The ICC contains an incident command system, which is a management tool used to manage response to an emergency or non-emergency event. The ICC is therefore a fixed centre (unlike an Incident Command Post which is temporary and located on-scene or close to the scene) where all infrastructure, tools and equipment, and other resources are kept. It is the centre where all the role players identified can get together and discuss the emergency and makes provision for break-away rooms for such role players.

The request is to also accommodate SAPS in the ICC where resources can be shared in a joint approach in the fight against crime.

As SAPS will be using the room to deliver a service to the community in the fight against crime and also to assist the Municipality, it will not be recommended to enter into a lease agreement, but rather to enter into a memorandum of agreement for the use floorspace and resources within the room. This agreement is necessary to give clarity on the responsibilities of each party to the agreement.

Evaluation

The request for the necessary deviation is in terms of the following conditions of the Administration of Immovable Property Policy of the Overstrand Municipality of 2015:

- (1) Paragraph 26: “In cases where a rental amount has been approved in the annual budget of the Municipality for certain types of leases and encroachments, the approved amount will be used for purposes of determining the rental amount.”**

The only relevant tariff in this regard is as follows:

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Tariff Code	Detail	2021/2022	
		Exclude VAT	Include VAT 15%
		R	R
S46A2	Rental for office space to NGO's/NPO's/Government Departments/State Owned Enterprises irrespective of area (per m ² per month)	40,00	46,00

As SAPS is a government department who would in effect make use of “office space” rental should be charged in accordance with the tariff approved above. However, the Municipality and the community of the Overstrand stand to gain advantage from the supplementary services that will be rendered by SAPS in the joint approach to fight crime provided; and therefore it will be requested that the rental tariff be waived.

Furthermore, it must be mentioned, that the community value of this supplementary service to be rendered by SAPS cannot be quantified due to its ongoing value, but must also be taken into consideration.

- (2) Paragraph 41: “The lessee shall, as a rule, be liable for the payment of rates, taxes and service charges in respect of the leased property. In the case of leases to certain social care users and sports facilities at rentals lower than market value the Municipality may consider granting a rebate on rates in accordance with the Rates Policy of the Municipality.”**

As only a portion of a room in a building will be used by SAPS, making it difficult to quantify usage, and taking into consideration the services to be rendered by them, it is requested that no rates, taxes and service charges be levied.

Conclusion

It is proposed that the deviation from paragraphs, 26 and 41 of the Administration of Immovable Property Policy be approved in order to enter into a memorandum of agreement with SAPS for the use of floorspace in a room, identified as the Incident Command Centre, within the Fire Brigade Service Building, Mussel Road, Hermanus.

7. Financial Implications

The Municipality will not receive a minimum total rental amount of R40.00/m² (VAT excluded) per month.

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Manager: Property Administration, Ms A Le Roux - (028) 316 5623

My comments are already included in the report as I assisted with the drafting thereof.

10. Annexures

Annexure A: Locality Map

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with the South African Police Service to use a portion of a room in the Fire Brigade Service Building situated on unregistered Erf 12212 Hermanus, to install monitoring equipment for monitoring purposes as part of the incident command system in a joint approach to fight crime within the Overstrand, **be approved.**

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

31 AUGUST 2022

TARGET DATE TO INFORM APPLICANT :

10 AUGUST 2022

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THIS MATTER SERVED BEFORE THE PORTFOLIO COMMITTEE ON 5 JULY 2022, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with the South African Police Service to use a portion of a room in the Fire Brigade Service Building situated on unregistered Erf 12212 Hermanus, to install monitoring equipment for monitoring purposes as part of the incident command system in a joint approach to fight crime within the Overstrand, **be approved.**

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