



**ORDINARY MEETING OF THE COUNCIL**  
**GEWONE VERGADERING VAN DIE RAAD**  
**INTLANGANISO YESIQHELO YEBHUNGA**

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA : 21 FEBRUARY / FEBRUARIE /  
FEBHRUWARI 2022**

**VENUE / PLEK / INDAWO : AUDITORIUM / OUDITORIUM  
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU  
HERMANUS**

**TIME / TYD / IXESHA : 14:00**

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

16 February/Februarie/Febhruwari 2022

## **NOTICE TO ALL ALDERMEN & COUNCILLORS**

### **ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Auditorium, Civic Centre, Hermanus**, on **MONDAY, 21 FEBRUARY 2022** at **14:00** to consider the business set forth in the subjoined agenda.

*The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998).*

**D O'NEILL**  
**MUNICIPAL MANAGER**

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## **KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE**

### **GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD**

**KENNIS WORD HIERMEE GEGEE** dat 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Ouditorium, Burgersentrum, Hermanus**, op **MAANDAG, 21 FEBRUARIE 2022** om **14:00** om die sake op meegaande sakelys te bespreek.

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die Wet op Plaaslike Regering : Munisipale Strukture, 1998 (Wet 117 van 1998).*

**D O'NEILL**  
**MUNISIPALE BESTUURDER**

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## **ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA**

### **INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND**

**OKU KUKWAZISA** ukuba intlanganiso **YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iza kuba se **I-Auditorium, kwiZiko LoLUNTU, eHermanus ngoMVULO, Umhla we 21 FEBHRUWARI 2022** ngeye-**14:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

*OCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba, iShedyuli 7 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, uMthetho -1998 (uMthetho we-117 ka-1998).*

**D O'NEILL**  
**UMPHATHI KAMASIPALA**

**AGENDA/...**

**1. OPENING****2. APPLICATIONS FOR LEAVE OF ABSENCE****3. CONFIRMATION OF MINUTES**

3.1 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 23 November 2021** at **15:00**

3.2 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Thursday, 25 November 2021** at **11:00**

3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held *in committee* on **Wednesday, 22 December 2021** at **10:00**

3.4 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Thursday, 13 January 2022** at **13:00**

3.5 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 26 January 2022** at **10:00**

**4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR**

**5. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)**

**REMARK**

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Executive Mayor in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 21 February 2022 had formally sat.

**5.1**

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 226 PRINGLE BAY (PORTION OF RESIDENTENTIAL ERF) ADJACENT TO ERF 227 PRINGLE BAY SITUATED IN BELL ROAD NORTH, PRINGLE BAY, TO POPPY ICE TRADING 15 (PTY) LTD**

**(ITEM 2 PAGE 437 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of a portion of Erf 226 Pringle Bay (adjacent to Erf 227 Pringle Bay) situated at Bell Road North, Pringle Bay,  $\pm 95\text{m}^2$  in extent, to the owner of the adjoining Erf 227 Pringle Bay, Poppy Ice Trading 15 (Pty) Ltd, at an amount of R850.00/m<sup>2</sup> (EIGHT HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Erf 226 Pringle Bay can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Erf 226 Pringle Bay must be consolidated with the adjoining property of Poppy Ice Trading 15 (Pty) Ltd, being Erf 227 Pringle Bay;

5. that no structures of any kind (excluding a boundary wall or fence and gate) may be erected on the said portion of Erf 226 Pringle Bay, which condition must be registered against the title deed of the consolidated property;
6. that the alienation of said portion of Erf 226 Pringle Bay be subject to a suspensive condition that the Applicant obtains approval for the removal of restrictive conditions (if any), subdivision, rezoning and consolidation;
7. that all the costs pertaining to the transaction, e.g. application costs, valuation costs, rezoning, removal of restrictive conditions (if any), subdivision and consolidation, transfer and related costs, advertisements, etc. be paid by the Applicant, Poppy Ice Trading 15 (Pty) Ltd; and
8. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**26 MARCH 2022**

**TARGET DATE TO INFORM APPLICANT:**

**12 MARCH 2022**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.2

**TRANSFER OF UNREGISTERED ERF 9899 (A PORTION OF ERF 9894) HERMANUS (CLOSED ROAD), SITUATED IN ELEVENTH STREET, VOËLKLIP TO WL GREEF**

**(ITEM 5 PAGE 464 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of unregistered Erf 9899 (a portion of Erf 9894) Hermanus (adjacent to Erf 3505 Hermanus) situated in Eleventh Street, Voëlklip, 198m<sup>2</sup> in extent, to the owner of the adjoining Erf 3505 Hermanus, WL Greef, at an amount of R650,000.00 (SIX HUNDRED AND FIFTY THOUSAND RAND) (VAT excluded) for gardening purposes and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject unregistered Erf 9899 (a portion of Erf 9894) Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer is that the said unregistered Erf 9899 (a portion of Erf 9894) Hermanus must be consolidated with the adjoining property of WL Greef, being Erf 3505 Hermanus;
4. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of unregistered Erf 9899 (a portion of Erf 9894) Hermanus be subject to a suspensive condition that the applicant obtains approval for the relaxation of the southern (rear) building line, consolidation and rezoning and all applicable town planning approvals applicable;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, rezoning, consolidation, application for relaxation of the southern (rear) building line, transfer and related costs, advertisements, etc. be paid by the applicant; and
7. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**26 MARCH 2022**

**TARGET DATE TO INFORM APPLICANT:**

**12 MARCH 2022**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.3

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 1 HAWSTON (ROAD RESERVE) ADJACENT TO ERF 412 HAWSTON SITUATED IN GEORGE VILJOEN STREET, HAWSTON, TO HAWSTON SERVICE STATION (PTY) LTD**

**(ITEM 6 PAGE 473 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of a portion of Remainder Erf 1 Hawston (adjacent to Erf 412 Hawston) situated in George Viljoen Street, Hawston, ±370m<sup>2</sup> in extent, to the owner of the adjoining Erf 412 Hawston, Hawston Service Station (Pty) Ltd, at an amount of R170.00/m<sup>2</sup> (ONE HUNDRED AND SEVENTY RAND PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Remainder Erf 1 Hawston can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 1 Hawston must be consolidated with the adjoining property of Hawston Service Station (Pty) Ltd, being Erf 412 Hawston;
5. that no structures of any kind may be erected on the said portion of Remainder Erf 1 Hawston, which condition must be registered against the title deed of the consolidated property;
6. that the alienation of said portion of Remainder Erf 1 Hawston be subject to a suspensive condition that the Applicant obtains approval for the closure of portion of public road, subdivision, consolidation and rezoning;
7. that all the costs pertaining to the transaction, e.g. application fee, valuation costs subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the Applicant, Hawston Service Station (Pty) Ltd; and
8. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**26 MARCH 2022**

**TARGET DATE TO INFORM APPLICANT:**

**12 MARCH 2022**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.4

**ERF 9515 ZWELIHLE KNOWN AS “THE ZWELIHLE MALL”: DEVIATION FROM PARAGRAPH 18 AND 20.1(B) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO TEMPORARILY RENEW THE LEASE OF MUNICIPAL PROPERTY TO PEMZO CONSTRUCTION CC FOR A SHORT-TERM PERIOD - FINALISATION OF THE TENDER PROCESS**

**(ITEM 7 PAGE 483 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Pemzo Construction CC for a period of 8 (EIGHT) months or 1 (ONE) month after the award of the tender, whichever one comes first, without following a competitive process, **be approved**; and
2. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to renew for a short-term period the current lease agreement with Pemzo Construction CC for a period of 8 (EIGHT) months or 1 (ONE) month after the award of the tender, whichever one comes first, without following a public participation process, **be approved**.

**RESPONSIBLE OFFICIAL :****M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****15 MARCH 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.5

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 2672 HAWSTON (ROAD RESERVE) ADJACENT TO ERF 2823 HAWSTON SITUATED ON THE CORNER OF CATTLE AND STAFFORD STREET, HAWSTON, TO MN ANDREWS**

**(ITEM 9 PAGE 497 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of a portion of Erf 2672 Hawston (adjacent to Erf 2823 Hawston) situated on the corner of Cattle and Stafford Street, Hawston, ±71m<sup>2</sup> in extent, to the owner of the adjoining Erf 2823 Hawston, MN Andrews, at an amount of R365.00/m<sup>2</sup> (THREE HUNDRED AND SIXTY FIVE RAND PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the said portion of Erf 2672 Hawston can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the applicant;
4. that it be noted that a condition for the alienation will be that the said portion of Erf 2672 Hawston must be consolidated with the adjoining property of MN Andrews, being Erf 2823 Hawston;
5. that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Erf 2672 Hawston, which condition must be registered against the title deed of the to be consolidated property;
6. that the alienation of said portion of Erf 2672 Hawston be subject to a suspensive condition that the applicant obtains approval for the closure of the public road, subdivision, rezoning and consolidation;
7. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant, MN Andrews; and
8. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

**26 MARCH 2022**

**TARGET DATE TO INFORM APPLICANT:**

**12 MARCH 2022**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.6

**HERMANUS SPORTS CENTRE: FUNDING FOR FURTHER DEVELOPMENT:  
2021/2022 CAPITAL BUDGET****(ITEM 11 PAGE 513 : INVESTMENT & INFRASTRUCTURE  
PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY  
2022)****RECOMMENDATION TO THE COUNCIL:**

1. that Council **approves** the deviation of Clauses 5.2 and 5.3 of its Grants-in-Aid Policy;
2. that a **once off** Grant-in-Aid towards Hermanus Sports Club be made to the amount of R1,5 million and R100 000 on condition that they use the grant for further development of the Sports Club;
3. that the money be **spent as proposed** by the Sport Club on sport codes; and
4. that the HSC be fully **compliant** with the provisions of Section 67 of the Municipal Finance Management Act, 2003.

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****10 MARCH 2022****TARGET DATE TO INFORM APPLICANT :****N/A**

## 5.7

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JANUARY 2022**

**(ITEM 1 PAGE 1 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2022, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for January 2022, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for January 2022, **be noted**

**RESPONSIBLE OFFICIAL :****C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

## 5.8

**REPORT ON THE PROPOSED 4<sup>TH</sup> ADJUSTMENTS BUDGET & REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2021/2022**

**(ITEM 2 PAGE 14 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 4<sup>th</sup> Adjustments Budget for 2021/2022 **be approved** as set out in the following schedules:
  - Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
  - Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
  - Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
  - Schedule 4:** Budgeted financial position
  - Schedule 5:** Budgeted cash flow
  - Schedule 6:** Cash backed reserves and acc. surplus reconciliation
  - Schedule 7:** Asset management
  - Schedule 8:** Basic service delivery measurement;
2. that the following schedules be noted:
  - Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
  - Schedule 10:** Budgeted capital appropriations by municipal vote
3. that the changes (adjusted financial figures) to the Service Delivery and Budget Implementation Plan (SDBIP) for 2021/22 **be approved**;
4. that the revised SDBIP for 2021/22 **be made public**.

**RESPONSIBLE OFFICIAL :**

**BA KING  
RG LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**25 FEBRUARY 2022**

**5.9****SCHULPHOEK HOUSING PROJECT: ESTABLISHMENT OF A NEW SOCIAL COMPACT****(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 21 FEBRUARY 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that the current Social Compact for the Schulphoek Housing Project be abolished with immediate effect;
2. that the scope of the Schulphoek Housing Project only includes beneficiaries from Wards 4, 5, 6 and 12; and
3. that the new Social Compact for the Schulphoek Housing Project be established and to only include potential beneficiaries (informal settlement and backyard dwellers) registered on the Housing Demand Databases for Wards 4 ,5, 6 and 12 as the Community Based Partner.

**RESPONSIBLE OFFICIAL :****FW FRANS****TARGET DATE FOR IMPLEMENTATION :****1 MARCH 2022**

**5.10**

**TRAVEL POLICY FOR COUNCILLORS: AMENDMENT**

**(ITEM 6 PAGE 10 : MAYORAL COMMITTEE MEETING :  
21 FEBRUARY 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the Travel Policy for Councillors be amended retrospectively from 9 November 2021.

**RESPONSIBLE OFFICIAL :**

**DS ARRISON**

**TARGET DATE FOR IMPLEMENTATION :**

**IMMEDIATELY**

**6. CONSIDERATION OF REPORTS****6.1****APPOINTMENT OF COUNCILLORS ON SECTION 62 APPEALS COMMITTEE****3/2/3/6****H van Tonder****Manager : Council Support Services****8 February 2022****(028) 313 8037**

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**1. Executive Summary**

The purpose of this report is to grant Council an opportunity to appoint Councillors on the Section 62 Appeals Committee.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Not applicable

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

- Section 62 of the Local Government: Municipal Systems Act, No 32 of 2000 (Systems Act)
- Section 79 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)

**6. Discussion**

Section 62 of the Systems Act provides inter alia for a person whose rights are affected by a decision taken by a political structure, political office bearer or a Councillor to appeal to a Committee of Councillors who were not involved in the decision and appointed by the Municipal Council for this purpose.

Regard should also be given to section 79 of the Structures Act.

The function of the Committee shall be as provided for in section 62(3) of the Systems Act. It is proposed that five (5) Councillors be appointed on the Section 62 Appeals Committee and that a quorum of the said Committee be a simple majority of the members present.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

Annexure A : Section 62 of the Systems Act

Annexure B : Section 79 of the Structures Act

**RECOMMENDATION TO THE COUNCIL:**

1. that a Section 62 Appeals Committee consisting of five (5) Councillors **be established**;
2. that a **Chairperson** for the Section 62 Appeals Committee **be appointed**;
3. that a **secundus** for the Chairperson of the Section 62 Appeals Committee **be appointed**;
4. that the function of the Section 62 Appeals Committee be as provided for in section 62(3) of the Local Government: Municipal Systems Act, No 32 of 2000; and
5. that the **quorum** of the Section 62 Appeals Committee be a simple majority of the members present.

**RESPONSIBLE OFFICIAL:**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION:**

**21 FEBRUARY 2022**

Annexure A  
11

**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.

[Sub-s. (6) added by s. 37 of Act No. 51 of 2002.]

**79. Establishment.**—(1) A municipal council may—

Annexure B

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
  - (b) appoint the members of such a committee from among its members; and
  - (c) dissolve a committee at any time.
- (2) The municipal council—
- (a) must determine the functions of a committee;
  - (b) may delegate duties and powers to it in terms of section 32;
  - (c) must appoint the chairperson;
  - (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
  - (e) may remove a member of a committee at any time; and
  - (f) may determine a committee's procedure.

**7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)**

**8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

At the time of the closing of the agenda, no notices of motions/questions were received.

**9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)**