

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 November 2022
(Also the agenda for the Mayoral Committee Meeting : 16 November 2022)**

**12.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES: MUNICIPAL MANAGER**

2/5/3

D O'Neill

Municipal Manager

18 October 2022

(028) 313 8003

1. Executive Summary

The purpose of the report is to obtain approval for amendments and additions to the Municipal Manager's delegations of powers and duties conferred on him.

2. Service Delivery and Budget Implementation Plan Reference

Directorate: Infrastructure & Planning
Property Administration

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 (Constitution)
Local Government: Municipal Systems Act (No. 32 of 2000) (Systems Act)
Local Government: Municipal Finance Management Act (No. 56 of 2003)

6. Background/Discussion

On 24 February 2009, as amended thereafter, Council adopted the Principles and Conditions of Delegation which are applicable on the municipality's system of delegation.

Section 59(4) of the Systems Act provides as follows:

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“(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).”

On 25 November 2009, as amended thereafter, Council approved the Municipal Manager’s delegations and/or sub-delegations of powers and duties conferred on him. As required from time to time, the Delegation of Powers and Duties document was amended with the last amendment approved by the Executive Mayor on 30 August 2022.

PROTECTION SERVICES

With the approval of the he Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces by Council on 29 August 2022, it was necessary to request new delegations in order for an official to be able to swiftly approve the installation of the CCTV infrastructure, after the necessary processes were followed. Subsequently the following delegations were approved by the Executive Mayor on 13 October 2022:

Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
4.2.128	<i>To approve applications to install closed circuit television cameras (CCTV) on municipal owned and private owned property.</i>	<i>Director: Protection Services</i>	<i>In accordance with the Municipality’s Closed Circuit Television Policy on municipal and privately owned property monitoring public spaces.</i>
4.2.129	<i>Framing appropriate terms and conditions and the signature of formal agreements to be entered into as a result of any approval given under the Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces.</i>	<i>Director: Protection Services</i>	<i>In accordance with the Municipality’s Closed Circuit Television Policy on municipal and privately owned property monitoring public spaces.</i>

Find attached hereto marked Annexure “A” the mentioned memorandum containing the motivation and a request for amendments and additions to the Municipal Manager’s delegation as approved by the Executive Mayor. It is recommended that Council approves same.

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OTHER DELEGATIONS:

In order to clarify the responsibilities as to municipal land and buildings, to ensure that there are no duplicated delegations and to ensure that matters/applications be attended to, it is necessary to amend certain delegations and to have new delegations approved.

New delegation:

4.2.130	<i>The drafting and signing of agreements, documents or permits in relation to delegations 4.2.8, 4.2.16, 4.2.47, 4.2.58, 4.2.59, 4.2.68, 4.2.78, 4.2.96, 4.2.104 and 4.2.120.4.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai/Stanford Administration	
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Amended delegations (amendment indicated in red):

4.2.19	<i>The signing of all contracts, documents and procurations on behalf of the municipality.</i>	Directors	Excluding those mentioned in items 4.2.3 and 4.2.130
4.2.53	<i>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.</i>	Manager: Property Administration	Excluding municipal housing rental stock, and subsidised housing and matters referred to in items 4.2.8, 4.2.16, 4.2.47, 4.2.58, 4.2.59, 4.2.68, 4.2.78, 4.2.96, 4.2.104 and 4.2.120.4.
4.2.59	<i>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.</i>	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 <i>In consultation with the Manager: Property Administration</i> <i>In conjunction with the</i>

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			<i>Events Committee</i>
4.2.104	<i>To manage the short term trade on the beaches and at picnic, caravan and camping sites or any other property owned by the municipality.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with the Senior Manager: Environmental Affairs as far as nature reserves and open spaces are concerned. In accordance with the Administration of Immovable Property Policy (use/lease >1 month).</i>
4.2.120.4	<i>Administration of the leasing of public halls.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration and Manager: Housing Administration	<i>Leasing of Halls Policy</i>

Find attached hereto marked Annexure “B” the mentioned memorandum containing the motivation and a request for amendments and additions to the Municipal Manager’s delegation as supported by the latter. It is recommended that Council approves same.

WORKSHOP OF 28 JULY 2022

The following amendments were requested by the Councillors after a workshop was held on 28 July 2022 to discuss the Delegation of Powers and Duties document (amendments indicated in red):

4.2.6	<i>The exercise of all powers conferred upon the Council by all legislation relating to anti-social behaviour in conflict with law.</i>	Senior Manager: Traffic, Law Enforcement and Task Team	
4.2.8	<i>Exercise all powers in respect of the general</i>	Senior Manager: Hermanus	<i>In consultation with relevant role</i>

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	<i>administration of all beaches within the municipal area and to demarcate sections of beaches and inland water surfaces for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing, and boating.</i>	<i>Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration</i>	<i>players/authorities</i>
4.2.9	To demarcate sections of beaches and inland water surfaces for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing and boating.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with relevant role players/authorities. MOVED TO 4.2.8
4.2.19A	The signing of agreements and all relevant documents in respect of the sale of low cost houses.	Manager: Housing Administration Director: Community Services	Excluding contracts mentioned under item 4.2.19
4.2.21	Responsible for the monitoring of customer care in respective municipal administration areas.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Director: Management Services	
4.2.26	The administration of legislation relating to the enclosure of stoeps and verandas at business premises.	Building Inspectors Portfolio Committee	With the relevant internal departmental clearances i.e. Town Planning and Heritage Committee.
4.2.30	In expropriation of land proceedings –	Manager: Property Administration	
4.2.30.1	conducting proceedings after	Municipal	

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	<i>the Council has authorised its institution; and</i>	<i>Manager</i>	
4.2.30.2	<i>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.</i>	<i>Municipal Manager</i>	
4.2.27	<i>Approval of encroachments on road reserves and public thoroughfares.</i>	<i>Manager: Property Administration Portfolio Committee</i>	
4.2.82.3	<i>Authorisation of the erection by Telkom of telephone call boxes on portions of roadways.</i>	<i>Senior Manager: Operational Services, Hermanus Senior Manager: Operational Services, Kleinmond Senior Manager: Operational Services, Gansbaai</i>	DELETED
4.2.89	<i>Dealing with matters with regards to the management of informal settlements within the municipal area.</i>	<i>Manager: Housing Administration Director: Community Services</i>	
4.2.94	<i>Approving or refusing applications for the holding of street markets in streets and public places.</i>	<i>Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration</i>	<i>In consultation with Senior Manager: Traffic, Law Enforcement and Task Team. In consultation with the Director: Community Services</i>
4.2.95	<i>The administration of legislation relating to the</i>	<i>Senior GIS Administrator</i>	<i>In consultation with Senior Manager:</i>

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	allocation and reallocation of street numbers to properties i.t.o. By-law relating to Street, Public Places and the Prevention of Public Nuisances the Street Naming and Numbering Policy: Overstrand Municipal Area.		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: Gansbaai Administration	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. In consultation with the Director: Community Services
4.2.102	The approval or refusal of temporary structures.	Manager: Building Control Building Control Officer	In consultation with the Municipal Manager
4.2.111	The exercise of all powers conferred upon the Council by the municipality's by-laws relating to the issuing of licenses on the use of the Bot River and Klein River Estuaries.	Senior Manager: Hermanus and Stanford Administrations Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.112	Manage and administer new applications/verifications of applications to be registered on the provincial housing demand database.	Manager: Housing Administration Director: Community Services	

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4.2.113	<i>Dealing with all administration and operational matters regarding ward committees.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with the Ward Councillors</i>
4.2.114.4	<i>Appointment of a dedicated Municipal Waste Manager as required by clause 10(3) of the National Environmental Management: Waste Act, 2008.</i>	Manager: —Solid Waste Planning Director: Infrastructure and Planning	<i>Official proof of delegation in terms of NEMWA in this regard is required by DEADP.</i>

The above was supported by the Municipal Manager on 21 October 2022. Find attached hereto marked Annexure “B” the mentioned memorandum containing the motivation and a request for amendments and additions to the Municipal Manager’s delegation. It is recommended that Council approves same.

At the said meeting notes were made on several other delegations. Once clarity is obtained regarding these notes and what is required, a separate memorandum will serve alternatively it will be addressed in a report to Council.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Memorandum with regards to new delegations – Protection Services

Annexure B: Memorandum with regards to the amendment of delegations as well as new delegations

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RECOMMENDATION TO THE COUNCIL:

that the amendments and additions (as indicated on Annexures A and B to this report) to the Municipal Manager's delegations of powers and duties conferred on him, **be approved.**

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2022

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**12.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES: MUNICIPAL MANAGER**

2/5/3

D O'Neill

Municipal Manager

18 October 2022

(028) 313 8003

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 2 NOVEMBER 2022, WHICH COMMITTEE
RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions (as indicated on Annexures A and B to the report) to the Municipal Manager's delegations of powers and duties conferred on him, **be approved.**

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2022



MEMORANDUM

KANTOOR VAN DIE DIREKTEUR: BESKERMINGSDIENSTE
OFFICE OF THE DIRECTOR: PROTECTION SERVICES

FROM : NEVILLE MICHAELS
Director: Protection Services

TO : DEAN O'NEILL
Municipal Manager
ALD A RABIE
Executive Mayor

DATE : 11 October 2022

RE: REQUEST FOR NEW DELEGATIONS ITO THE CLOSED CIRCUIT TELEVISION POLICY ON MUNICIPAL AND PRIVATELY OWNED PROPERTY MONITORING PUBLIC SPACES

The Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces was approved by Council on 29 August 2022. This policy sets the processes and requirements that must be followed before any CCTV infrastructure can be installed within the Overstrand and thereafter the operation of the said infrastructure. This policy was approved by Council to ensure that Overstrand Municipality (OS), its employees, and relevant stakeholders comply with good practise, transparency, responsibility and accountability in respect of the requirements of the Protection of Personal Information Act, Act No 4 of 2013 when operating municipal LPR and CCTV data storage, security and signage.

The said policy makes provision for the following approvals:

- "10.11 CCTV information access by individuals*
- 10.12 CCTV information or request to have a copy of footage by Council personnel*
- 10.12.1 Such requests will be forwarded and approved by the Municipal Manager only and forwarded to the Director Protection Services."*
- "18.5 If the department responsible for this structure is satisfied with the load test and tolerances, the Senior Manager Fire & Emergency Services, Disaster management and Security services shall approve the request. If the application is rejected the applicant can object to such decision via the office of the Director Protection Services."*

For the above, there must be approved delegations in terms of the System of Delegation and Powers of the Municipality as required by the Municipal Systems Act. Mentioning the approval powers in a policy is thus not sufficient but is a basis for the approval of a formal delegation.

The policy further makes provision for the signature of various types of agreements relating to the CCTV infrastructure. For the signature of these types of agreements, a new delegation must also be approved.

For paragraph 10.12.1 the following approved delegation as approved by Council on 30 August 2022 can be used, but if needed, a new more specific delegation can be drafted for approval:

<i>Item No</i>	<i>Cryptic description of Power or Duty</i>	<i>Lowest level sub-delegated to</i>	<i>Remarks, Limitations or Conditions</i>
4.2.18	<i>To determine and make a ruling as to whether documents in possession and custody of the municipality are to be treated as confidential and therefore not subject to disclosure.</i>	<i>Municipal Manager</i>	<i>Subject to the provisions of the Promotion of Access to Information Act, No 2 of 2000, the Protection of</i>

			<i>Personal Information Act, No 4 of 2013 and the rules pertaining to the discovery of documents in legal proceedings.</i>
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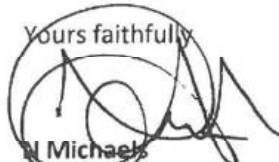
For paragraph 18.5, it is requested that new delegations be approved as to allocate the power to approve the application to the Director Protection Services rather than the Senior Manager Fire & Emergency Services, Disaster Management and Security Services as the latter attends to the application and makes the recommendation for approval. This is to ensure that there is objectivity in each of the applications received. Any objection against the approval must follow the formal appeal process in terms of the Systems Act.

Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
4.2.128	To approve applications to install closed circuit television cameras (CCTV) on municipal owned and private owned property.	Director: Protection Services	In accordance with the Municipality's Closed Circuit Television Policy on municipal and privately owned property monitoring public spaces.
4.2.129	Framing appropriate terms and conditions and the signature of formal agreements to be entered into as a result of any approval given under the Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces.	Director: Protection Services	In accordance with the Municipality's Closed Circuit Television Policy on municipal and privately owned property monitoring public spaces.

It is thus requested that the above new delegations be approved in order to give effect to the Closed Circuit Television Policy on Municipal and Privately Owned Property Monitoring Public Spaces.

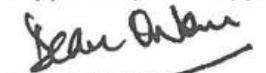
Your favourable consideration will be appreciated.

Yours faithfully



N Michaels
DIRECTOR: PROTECTION SERVICES

Supported / ~~Not Supported~~



Dean O'Neill
MUNICIPAL MANAGER
Date: 11/10/2022

Approved / ~~Not approved~~



Ald A Rabie
EXECUTIVE MAYOR
Date: 13/10/22



Memorandum

TO: MUNICIPAL MANAGER: MR D O'NEILL

FROM: ANJA LE ROUX (MANAGER: PROPERTY ADMINISTRATION)

DATE: 29 SEPTEMBER 2022

RE: REQUEST FOR NEW DELEGATIONS AND AMENDMENT OF CURRENT DELEGATIONS

Delegations in relation to municipal immovable property

In order to clarify the responsibilities as to municipal land and buildings, to ensure that there are no duplicated delegations and to ensure that matters/applications be attended to, it is necessary to amend certain delegations and to have new delegations approved. This will also ensure that Managers on a Senior level have the necessary delegations to perform their allocated functions in terms of their respective job descriptions.

The "Area Managers" have the following delegations with regards to municipal land:

Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
4.2.8	<i>Exercise all powers in respect of the general administration of all beaches within the municipal area.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with relevant role players.</i>
4.2.16	<i>Exercise all applicable powers, in respect of the legislation/by-laws 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.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>Excluding land zoned as Public Open Space 1</i>
4.2.47	<i>To administer legislation and Municipal policy relating to informal trading and the control of hawkers.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with Manager: LED</i>
4.2.58	<i>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.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	

4.2.59	<i>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.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration (Events Co-ordinator)	<i>For public Open Space Zoned 1 and nature reserves in consultation with Senior Manager: Environmental Management Services In conjunction with the Events Committee</i>
4.2.68	<i>The exercise of all the powers conferred upon the municipality by or in connection with legislation and existing policies relating to parks and public places of recreation, sport and pleasure, public spaces, public thoroughfares and road verges and to initiate the processes for the removal of any encroachments thereon.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with the Manager: Building Control, the Manager: Property Administration and the relevant Senior Town Planner.</i>
4.2.78	<i>The exercise of all powers conferred on the municipality by legislation relating to public meetings, gatherings and marches in public places.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.96	<i>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.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>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.</i>
4.2.104	<i>To manage the short term trade on the beaches and at picnic, caravan and camping sites or any other property owned by the municipality.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with the Senior Manager: Environmental Affairs as far as nature reserves and open spaces are concerned.</i>
4.2.120.4	<i>Administration of the leasing of public halls.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration and Manager: Housing Administration	<i>Leasing of Halls Policy</i>

The abovementioned delegations, in most of the cases, requires that an agreement or permit be issued stating the terms and conditions relating to the use/lease of municipal land and/or buildings. It is therefore necessary for a new more specified delegation to be approved in order for the mentioned Senior Managers to finalise an application. It is thus requested that the following new delegation be approved:

4.2.130	The drafting and signing of agreements, documents or permits in relation to delegations 4.2.8, 4.2.16, 4.2.47, 4.2.58, 4.2.59, 4.2.68, 4.2.78, 4.2.96, 4.2.104 and 4.2.120.4.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai/Stanford Administration	
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If the above is approved, the following delegations will have to be amended accordingly (amendment indicated in red):

4.2.19	The signing of all contracts, documents and procurations on behalf of the municipality.	Directors	Excluding those mentioned in items 4.2.3 and 4.2.130
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.	Manager: Property Administration	Excluding municipal housing rental stock, and subsidised housing and matters referred to in items 4.2.8, 4.2.16, 4.2.47, 4.2.58, 4.2.59, 4.2.68, 4.2.78, 4.2.96, 4.2.104 and 4.2.120.4.

The following delegations must also be amended as follows (amendment indicated in red):

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 consultation with the Manager: Property Administration In conjunction with the Events Committee
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.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with the Senior Manager: Environmental Affairs as far as nature reserves and open spaces are concerned. In accordance with the Administration of Immovable Property Policy (use/lease >1 month).
4.2.120.4	Administration of the leasing of public halls.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration and Manager: Housing Administration	Leasing of Halls Policy

Please note that with the proposed amendment to the whole Delegation document, the post titles of most of the delegated authorities will have to be amended to be in line with approved post titles as per the Task Organogram.

Amendments requested after workshop held on 28 July 2022

The following amendments were requested by the Councillors after a workshop was held on 28 July 2022 to discuss the Delegation document (amendments indicated in red):

4.2.6	<i>The exercise of all powers conferred upon the Council by all legislation relating to anti-social behaviour in conflict with law.</i>	Senior Manager: Traffic, Law Enforcement and Task Team	
4.2.8	<i>Exercise all powers in respect of the general administration of all beaches within the municipal area and to demarcate sections of beaches and inland water surfaces for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing, and boating.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with relevant role players/authorities</i>
4.2.9	<i>To demarcate sections of beaches and inland water surfaces for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing and boating.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	<i>In consultation with relevant role players/authorities.</i>
4.2.19A	<i>The signing of agreements and all relevant documents in respect of the sale of low cost houses.</i>	Manager: Housing Administration Director: Community Services	<i>Excluding contracts mentioned under item 4.2.19</i>
4.2.21	<i>Responsible for the monitoring of customer care in respective municipal administration areas.</i>	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Director: Management Services	
4.2.30	<i>In expropriation of land proceedings –</i>	Manager: Property Administration	
4.2.30.1	<i>conducting proceedings after the Council has authorised its institution; and</i>	Municipal Manager	
4.2.30.2	<i>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.</i>	Municipal Manager	

	committees.	Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.114.4	Appointment of a dedicated Municipal Waste Manager as required by clause 10(3) of the National Environmental Management: Waste Act, 2008.	Manager: Solid Waste Planning Director: Infrastructure and Planning	Official proof of delegation in terms of NEMWA in this regard is required by DEADP.

Once clarity is obtained regarding ***notes** on the following delegations, a separate memorandum will serve alternatively it will be addressed in a report to Council.

4.2.7	To approve applications to undertake portrait painting and art exhibition stands. *Note: Legal opinion on wording	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
4.2.10	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	*Note: Look at Senior Manager for ? (writing unclear)
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.	Manager: Building Control *Note: Change	
4.2.12	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.	Manager: Building Control	In consultation with Town Planning and Legal Services *Note: Enforce
4.2.13	The administration of legislation relating to the accumulation, dumping, storage or depositing of building refuse and the like.	Building Inspectors Manager: Solid Waste Planning	*Note: Challenge. Administration of building rubble.
4.2.14	The approval of the temporary retention of building shed structures on a site until a new house has been completed or occupied whichever is the sooner.	Building Inspectors	*Note: Wording
4.2.19	The signing of all contracts, documents and procurations on behalf of the municipality.	Directors *Note: Clarity	Excluding those mentioned in item 4.2.3
4.2.25	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. *Note: Domestic animals bylaw	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Senior Manager: Traffic, Law Enforcement and	

		<i>Task Team</i>	
4.2.28	<i>The exercise of all powers conferred upon the Council by Environmental Legislation. *Note: Too wide.</i>	<i>Senior Manager: Environmental Management Services</i>	<i>Excluding Sec 30 of NEMA. In consultation with Senior Manager: Fire and Rescue, Disaster Management and Security Services i.t.o. roles.</i>

A validity of a delegation regarding the approval for quadbikes to cross roads will be investigated as the prohibition is stipulated in National legislation.

Your favourable consideration of the above will be appreciated for submission to the Executive Mayor and Council

Regards



Anja Le Roux
Manager: Property Administration

Municipal Manager - Comments (if any)

21/10/2022
DATE


SIGNATURE