

REPORT TO SUBCOUNCILS

LL23488

1. ITEM NUMBER : 24SUB 22/10/19 tariat

2. SUBJECT

PUBLIC PARTICIPATION ON THE DRAFT CONCESSION POLICY OF THE CITY OF CAPE TOWN

ONDERWERP

OPENBARE DEELNAME OOR DIE STAD KAAPSTAD SE KONSEPKONSESSIEVERORDENING

ISIHLOKO

INTATHO-NXAXHEBA YOLUNTU KUMGAQO-NKQUBO OSAYILWAYO ONGEZAPHULELO WESIXEKO SASEKAPA

3. PURPOSE

To notify subcouncils of the issuing of the draft Concession Policy for public comment, and call for input, between 01 October 2019 and 30 October 2019.

4. FOR DECISION BY

The Sub-Councils – in terms of PART 24 Clause 5(1) of the System of Delegations:

"To comment on by-laws and policies of Council within the timeframes advertised and submit comments and objections to the Executive Mayor together with the Mayoral Committee for submission to Council."

5. EXECUTIVE SUMMARY

The Public Participation Plan for the draft Concession Policy requires that the policy is tabled at all sub-council meetings. This is to ensure awareness of the draft policy and to solicit feedback from all affected communities within Cape Town.

Feedback on the draft policy is to be directed to the "haveyoursay" website, or facilitated through the Public Participation Unit who will ensure that the

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drafters take it into account before submitting a revised version of the policy to the Executive Mayor together with the Mayoral Committee, as required.

The Public Participation Period will run from 01 October 2019 – 30 October 2019.

6. RECOMMENDATIONS

That the subcouncil submit its comments on the draft Concession Policy – should it have any – within the timeframes as advertised.

AANBEVELINGS

Dat die subraad binne die geadverteerde tydperk kommentaar, indien enige, oor die konsepkonseksieversuordering voorlê.

IZINDULULO

Ukuba ibhungana malingenise izimvo zalo ezimlaunga noMgaqo-nkqubo ozaYilwayo ongeZaphulelo-ukuba zikhona-ngokwamaxesha abhengeziweyo.

7. DISCUSSION/CONTENTS

The Department of Recreation and Parks manages a number of facilities throughout the City. In order to promote the use of the facilities and to support community initiatives, the department offers concessionary rates. To date, there has been no clear policy that outlines the criteria for users and activities that are eligible for concession. Furthermore, different forms and templates are being used within the department and motivation letters are received in different formats, providing varying information. This has led to inconsistent decision-making and has been the basis for disputes arising. In the absence of an online booking system, this policy aims to provide guidance so that concessions may be more evenly and appropriately applied.

The desired outcome of this policy is:

- To balance revenue generation with concessionary usage that supports community initiatives and community use of public facilities
- To ensure that groups and organisations that focus on community development are not denied access to City facilities based on cost
- To create a consistent approach to decision making regarding concessions
- To set the criteria for concessionary use of facilities

This policy will be rolled out over a period of six months and will be supported by standard operating procedures and standardised templates. This policy will be reviewed once the online booking system is in place.

7.1. Constitutional and Policy Implications

152(1) (e) of the Constitution, 1996 requires that Local Government "must encourage the involvement of communities and community organisations in matters of local government"

7.2. Legal Implications

Section 16(1) (a) of the Municipal Systems Act requires that "A municipality must ... encourage and create conditions for the local community to participate in the affairs of the municipality"

7.3. Staff Implications

Does your report impact on staff resources or result in any additional staffing resources being required?

No ☒


Yes ☐

7.4. Other Services Consulted

ANNEXURES

Annexure A: Draft Concession Policy

FOR FURTHER DETAILS CONTACT:



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DIRECTORATE	Community Services and Health
FILE REF NO	RP 35/3/3/1 & RP35/3/P



EXECUTIVE DIRECTOR
Ernest Sass

NAME

DATE

10/10/19

Comment:



LEGAL COMPLIANCE

☒ REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

☐ NON-COMPLIANT

NAME

Jean-Mari Holt

TEL

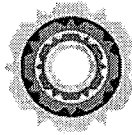
021 400 2753

DATE

11/10/2019

Comment:

Certified as legally compliant:
Based on the contents of the report. JMH



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STAD KAAPSTAD

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Concessions Policy

[Reference Codes] (The reference code will be allocated by Executive Support on submission of the policy)

Document Control:

Director/Manager Responsible	
Version Number	
Status	e.g. Approved
Next Review Date	
Previous Review Date	
Contact Details	(of relevant Line Department)

1 DEFINITIONS AND ABBREVIATIONS

City	means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority.
City Manager	means an official appointed as the administrative manager of a city.
Council	means the Municipal Council of the City.
Councillor	means a member of City Council.
Facility	means halls, swimming pools, parks, sport & recreational facilities, stadia and resorts.
Feedback meeting	means a meeting between a Councillor and residents where the Councillor provides an update or feedback on pertinent issues that are of importance to residents.
Misrepresentation	means a false representation of a matter of fact—whether by words or by conduct, by false or misleading information, or by concealment of what should have been disclosed—that deceives and is intended to deceive another so that the individual will gain an advantage.
Programme	a set of activities with a focus on community development, enhancement and upliftment.
Speaker	means a councillor elected in terms of section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) to be the chairperson of Council.
Youth innovator	Anyone between the ages of 14-35 who introduces new methods, ideas, or products and who exercises initiative by organising a venture.
Weekend	means Saturday and Sunday.
Worthy cause	means a cause that merits attention, aid, or action due to an inherent goodness of values or intention.

IDP	The City's Integrated Development Plan
NGO	Non-governmental organisation
CBO	Community-based organisation
MOU	Memorandum of understanding

Comment [SCM1]: A SOP or guideline needs to be developed

2 PROBLEM STATEMENT

The Department of Recreation and Parks ("the department") manages a number of facilities throughout the City. To promote the use of the facilities and to support community initiatives, the department offers concessionary rates. To date, there has been no clear policy that outlines the criteria for users and activities that are eligible for concession. Furthermore, different forms and templates are being used within the department and motivation letters are received in different formats, providing varying information. This has led to inconsistent decision-making and has been the basis for disputes arising. In the absence of an online booking system, this policy aims to provide guidance so that concessions may be more evenly and appropriately applied.

3 DESIRED OUTCOMES

- 3.1 To balance revenue generation with concessionary usage that supports community initiatives and community use of public facilities.
- 3.2 To ensure that groups and organisations that focus on community development are not denied access to City facilities based on cost.
- 3.3 To create a consistent approach to decision making regarding concessions.
- 3.4 To set the criteria for concessionary use of facilities.

4 STRATEGIC ALIGNMENT

- 4.1 IDP: a Well Run City
- 4.2 IDP: a caring City

5 REGULATORY CONTEXT

- 5.1 Constitution of the Republic of South Africa, 1996
- 5.2 Safety of Sports and Recreational Events Act, 2010 (Act 2 of 2010)
- 5.3 Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
- 5.4 City of Cape Town: Public Parks By-law, 2010
- 5.5 City of Cape Town: Streets, Public Places and the Prevention of Noise Nuisance By-law, 2007
- 5.6 City of Cape Town Events By-law, 2009
- 5.7 City of Cape Town Events Amendment By-law, 2016
- 5.8 City of Cape Town Tariff By-law, 2007
- 5.9 City of Cape Town Recreation Policy

6 POLICY PARAMETERS

- 6.1 Applicable to halls, swimming pools, parks, sport & recreational facilities, stadia, resorts, and public open spaces.
- 6.2 Excludes, cemeteries.

7 ROLEPLAYERS AND STAKEHOLDERS

- 7.1 The Department of Recreation and Parks
- 7.2 NGOs registered on the City's database
- 7.3 CBOs registered on the City's database
- 7.4 Councillors
- 7.5 Residents of the City
- 7.6 Voluntary Associations registered on the City's database
- 7.7 Youth innovators or entrepreneurs
- 7.8 Neighbourhood watch groups
- 7.9 Pensioner associations
- 7.10 Disabled and differently abled associations
- 7.11 Ward Committees
- 7.12 Sub-Councils

8 POLICY DIRECTIVES

- 8.1 Organs of state, NGOs, community groups or voluntary associations including community bodies such as resident organisations, neighbourhood watch, peer support groups, and youth innovators registered on the City's database, are allowed 100% concessionary rate. This might include the waiving of the refundable deposit in exceptional circumstances.
- 8.2 Individuals or organisations wanting to host fund raisers for a worthy cause may qualify for a 50% concessionary rate.
- 8.3 The person or organisation making use of the facility is liable for any damage to the facility.
- 8.4 Organisations offering activities which complement the core business of the department may
 - a. apply for membership status and will then receive the discounted membership rate as set out in the tariff schedule; or alternatively,
 - b. apply for a concessionary rate on a single or series of activities during a financial year, based on a formal project plan.
- 8.5 Users who do not meet the eligibility criteria include:
 - a. Organizations established for profit.
 - b. Political parties.
 - c. Religious institution for their cultural observance or religious practices

- i. The clause above does not apply where a religious institution is arranging a programme for a worthy cause or a community development project. In instances where a project aligns to a City programme, a 100% concession is applicable, and where a religious organisation is raising funds for a worthy cause a 50% concessionary rate applies.

d. Individuals/Organisations with outstanding debt to the City.

- 8.6 All Councillors (Ward and PR), are subject to the following conditions which apply to the use of halls:
- 8.6.1 100% discount for feedback meetings or community-based programmes or activities limited to 4 occasions per month from Mondays to Fridays excluding Public holidays.
 - 8.6.2 One Saturday morning (up until 12 noon) per month for a feedback session if the facility is not already booked.
 - 8.6.3 One Saturday morning (up until 12 noon) per month for a community-based programme or activity provided the facility is not already booked.
 - 8.6.4 Time may be extended beyond 12 noon upon request to the Area Head Recreation and Parks provided the facility is not already booked.
 - 8.6.5 Bookings over a weekend will only be processed provided that the facility is not already booked.
 - 8.6.6 Additional bookings beyond 4 per month, for a feedback session, will require authorisation from the Area Head Recreation and Parks.
 - 8.6.7 In addition to the feedback meetings of community-based activities, Councillors may block book a facility for a period not exceeding three months, for a community-based programme or activity, provided that the facility is not already booked and supporting documentation is forwarded to the Director Department Recreation and Parks.
 - 8.6.8 Community-based programmes or activities, organised by Councillors should wherever possible compliment or link in with programmes or projects that are being offered by City line departments.
 - 8.6.9 Councillors may not make bookings on anyone else's behalf in order for them to be granted a concessionary rate for personal use.
 - 8.6.10 Councillors may make bookings on behalf of organisations or community groups in urgent circumstances, and if in the public interest, and where the urgency can be supported by relevant documentation.
 - 8.6.11 Councillors will be required to provide all relevant documentation to comply with auditing requirements.
 - 8.6.12 Facilities that are block booked may have their booking adjusted to accommodate Council feedback sessions, provided ten working days notice is provided to the department recreation and parks.
 - 8.6.13 Councillors may undertake feedback meetings through community organisations and make bookings on their behalf as long as the councillor or his/ her representative is present.

- 8.7 Companies (Commercial organisations or Sole Traders) are eligible to apply for a 50% discount only if they meet the following additional criteria:
- 8.7.1 They are offering a programme which complements existing City programmes (their application needs to be supported or endorsed by the relevant City department to qualify for the concession or it must be governed by a formal MOU).
 - 8.7.2 They are not involved in any activities which are generally inconsistent with the Council's values or policies, or that may affect the Council's public image or reputation.
 - 8.7.3 They are not charging participants or attendees for participation.
- 8.8 City departments may book a facility at a 50% concessionary rate for use of a community-based project or programme provided that the Director Recreation and Parks provides authorisation.
- 8.9 Departments may use a facility at a 100% concessionary rate to house residents during a flood, fire or any other disaster. In such cases, the relevant Department requesting the use for emergencies, must take full control of said facility.
- 8.10 Departments that use a facility at a concessionary rate must return the facility in its original state. An assessment of the facility must be done prior to use to ensure that the facility is maintained and returned in good order.
- 8.11 Appropriate facilities must be booked. This will be determined by the size and nature of the gathering or event so as to prevent larger facilities needlessly or inappropriately being reserved.
- 8.12 An official may inspect an event to verify the information provided in the booking form.
- 8.13 Block bookings may not exceed a period of three months, and must be supported by relevant documentation and submitted to the department Recreation and Parks for approval by the Area head.
- 8.14 A concessionary rate for resorts is only applicable outside of high season and during the week. Any exception must be motivated and submitted to the Director Recreation and Parks for approval.
- 8.12 Any misrepresentation or misuse by a councillor will be referred to the Speakers Office for investigation and possible disciplinary action.
- 8.13 Any misrepresentation or misuse of a facility by a City official will be referred to the City Managers office for investigation and possible disciplinary action.
- 8.14 Examples of misuse and misrepresentation include but are not limited to booking the facility at a concessionary rate only to use the facility for a private function, falsifying documents, booking a facility but having no intention of using the facility.

9 IMPLEMENTATION PROGRAMME

- 9.1 This policy will be rolled out over a period of six months and will be supported by standard operating procedures and standardised templates.

10 MONITORING, EVALUATION AND REVIEW

10.1 An annual report will serve before the relevant section 79 committee that will detail

10.1.1 The concession offered to Councillors for report back sessions

10.1.2 The concession offered to Councillors for community-based programmes and projects;

10.1.3 The concession offered to City departments for community-based programmes and projects;

10.1.4 The concession offered to City departments for housing residents in times of flood, fire or any other disaster;

10.1.5 Concessions offered to NGOs, CBOs and voluntary organisations; and

10.1.6 Concessions applied to organisations that have membership status.

10.1.7 Any instances of misuse by City officials that were reported to the City Manager or instances of misuse by Councillors that were reported to the Speaker's office

10.2 This policy will be reviewed once the online booking system is in place