

**REPORT TO CORPORATE SERVICES AND HUMAN
RESOURCES PORTFOLIO COMMITTEE**



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

LC 1843

6700

1. **ITEM NUMBER : CORHR 19/08/10**

2. **SUBJECT**

**CITY OMBUDSMAN QUARTERLY REPORT: 15/03/2010 – 15/06/2010 (4th
QUARTER OF 2009/10)**

ONDERWERP

**KWARTAALVERSLAG VAN DIE STADSOMBUDSMAN: 15/03/2010 –
15/06/2010 (4DE KWARTAAL VAN 2009/10)**

ISIHLOKO

**INGXELO YEKOTA YE-OFISI KANOZAKUZAKU WEZIKHALAZO ZOLUNTU
WESIXEKO: 15/03/2010 – 15/06/2010 (IKOTA YE-4 KA-2009/10)**

LSUA4800

3. **PURPOSE**

The report is submitted to Corporate Services and Human Resources Portfolio Committee for noting purposes.

4. **FOR DECISION BY**

The report is for noting by the committee.

5. **EXECUTIVE SUMMARY**

The City Ombudsman's office issues quarterly reports to Corporate Services and Human Resources Portfolio committee on complaints received from aggrieved persons against City Administration, which have been investigated and attempted to be resolved on an amicable basis. The office then makes recommendations as corrective measures whenever necessary to line departments for redress.

This report contains statistics on the complaints received for the particular period under review and provides upward feedback so as to identify trends, issues and concerns relating to certain administrative practices, processes, by-laws and/or policies.

6. RECOMMENDATIONS

It is recommended that the City Ombudsman's report for the 4th quarter of 2009/10, be noted.

AANBEVELING

Daar word aanbeveel dat daar van die stadsombudsman se verslag vir die 4de kwartaal van 2009/10 kennis geneem word.

IZINDULULO

Kundululwa ukuba mayiqwalaselwe ingxelo ye-Ofisi kaNozakuzaku weZikhalazo zoLuntu wesiXeko yekota ye-4 kunyaka-mali ka-2009/10.

7. DISCUSSION/CONTENTS

7.1. Constitutional and Policy Implications

The Ombudsman fulfils a supportive role to uphold democracy and ensure fair administration of the functional areas which have been entrusted to the City in terms of Schedules 4 and 5 of the Constitution, i.e. to promote the effective administration of the matters which the City is empowered to administer and to assist it to discharge its functions and powers, and provide its municipal services, more efficiently. In this context the purpose of the Ombudsman's Office is to assist the City to meet its Constitutional obligation of providing accountable, democratic and transparent governance, while delivering on its mandate in relation to its Constitutional functions. The role of the Ombudsman's Office is consistent with various objects of local government as set out in s 152(1) of the Constitution, which the City is required to strive to attain in terms of s 152(2). It is designed to strengthen constitutional democracy and ensure openness, accountability and propriety in the City Administration.

The Ombudsman furthermore strengthens the effectiveness of the Public Protector and other Chapter 9 institutions, and alleviates some of the burden on the Public Protector and like institutions, especially with regard to less serious complaints. A cooperative relationship exists between the Ombudsman and a number of these institutions.

7.2. **Environmental implications**

Does your report have any environmental implications: No Yes

7.3. **Legal Implications**

N/A

7.4. **Staff Implications**

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No

Yes

7.5. **Risk Implications**

N/A

7.6. **Quarterly Statistics on Complaints Received**

The Office of the City Ombudsman received a total of **210 complaints** in the last quarter of 2009/10 financial year. Statistics graphs are herein attached as **Annexures A – F**

We have managed to resolve **70%** of those complaints, which is a total of **147 complaints**. We have achieved a **73% of our recommendations accepted** by line departments as corrective measures for implementation. Our turnaround time for the **final reports was 80 days on average**, as opposed to the current benchmark of 90 days.

A decrease in transfer of tenancy complaints were noticed during this period. The two predominant directorates, in terms of the number of complaints registered with the Ombudsman were Finance and Utility services.

These types of finance complaints were also of a more intricate nature and required more intense scrutiny of each and every complaint. The complaint is also then linked to various departments within revenue, i.e. billing / master data / valuations, and this created the time frame of finalization to increase.

However the goal to assist both complainant and department in finalizing, rectifying the account to avoid any future "come-backs" from the same complainant in respect of the same complaint hence the *last resort* concept of our office were maintained.

While identifying these trends in relations to administrative practices and policies, we also took the opportunity to comment on a number of policy reviews that are currently conducted by the City. These included the Water by-law and Credit Control and Debt Collection Policy which have a direct impact on customer's accounts, especially when **only estimated readings** are reflected on an account statement as opposed to **actual readings** for more than a year or even further than that.

We are hoping that line departments will take our comments from a customers' or ratepayers' point of view and accomodate what ratepayers are hoping for the City to achieve in providing the highest standards of service delivery.

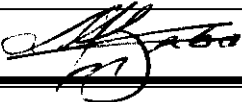
We also conducted awareness campaigns at the Brooklyn Library and Parkwood Clinic in March and June 2010 respectively, where we interacted with the communities, issued out our brochures and gave them more information about avenues they can engage in resolving their complaints with the City.

When we were in Parkwood clinic, we were honoured by Cllr G March's presence who introduced us to the community members and we intend to continue working with councillors in our future information sessions in their respective communities.

ANNEXURES

- Annexure A : Number of Complaints
- Annexure B : Number of Days Taken to Provide Final Report
- Annexure C : Percentage of Cases Resolved
- Annexure D : Percentage of Recommendations Accepted
- Annexure E : Number of Complaints per Directorate
- Annexure F : Case summaries

FOR FURTHER DETAILS CONTACT :

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FILE REF NO	
CITY OMBUDSMAN MBULELO BABA	




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

LEGAL COMPLIANCE

NON-COMPLIANT

NAME RIAANA SAIED
 TEL 021 400 3516
 DATE 14 JULY 2010

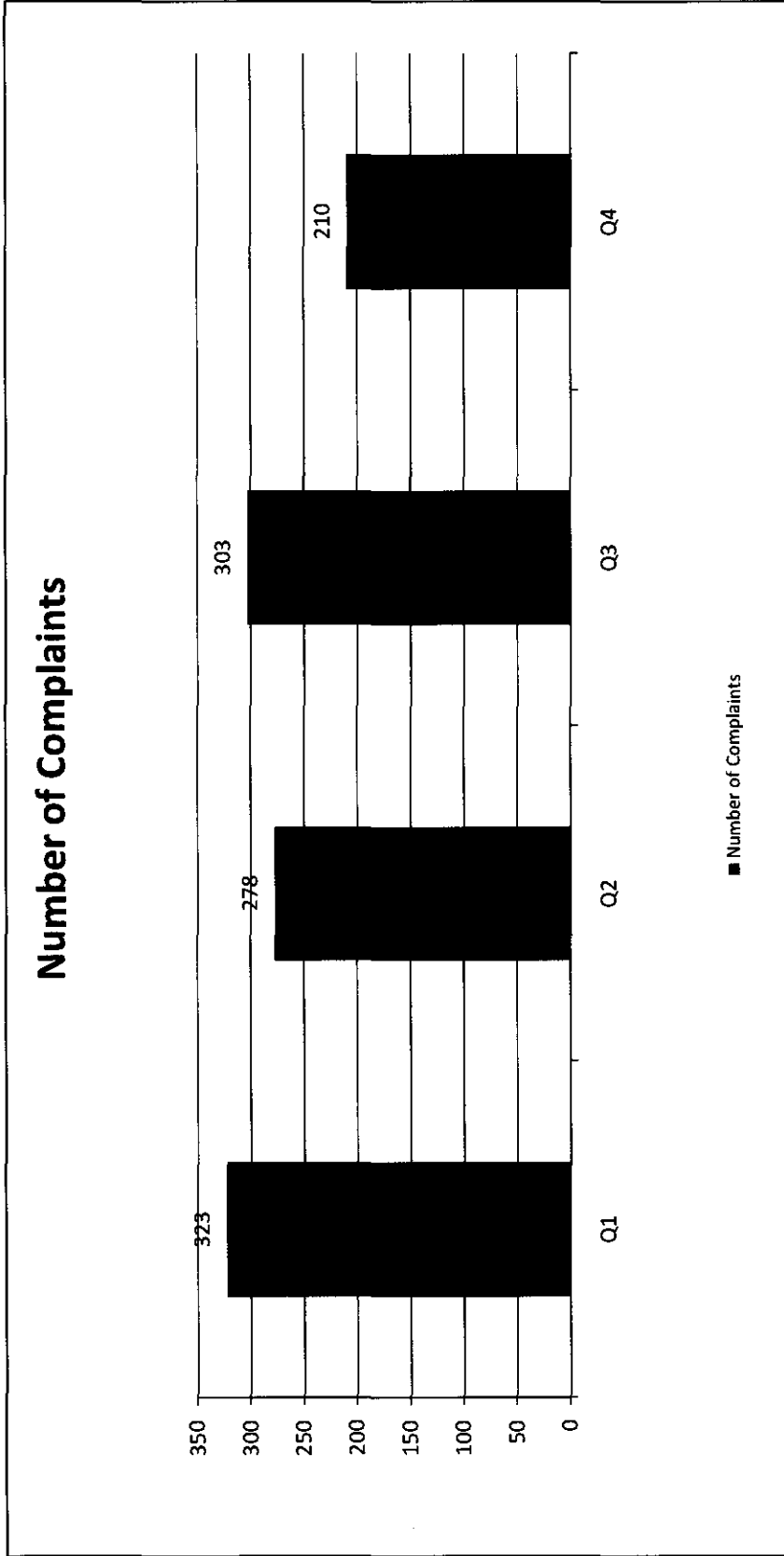
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FOR NOTING


 CITY MANAGER
 ACHMAT EBRAHIM

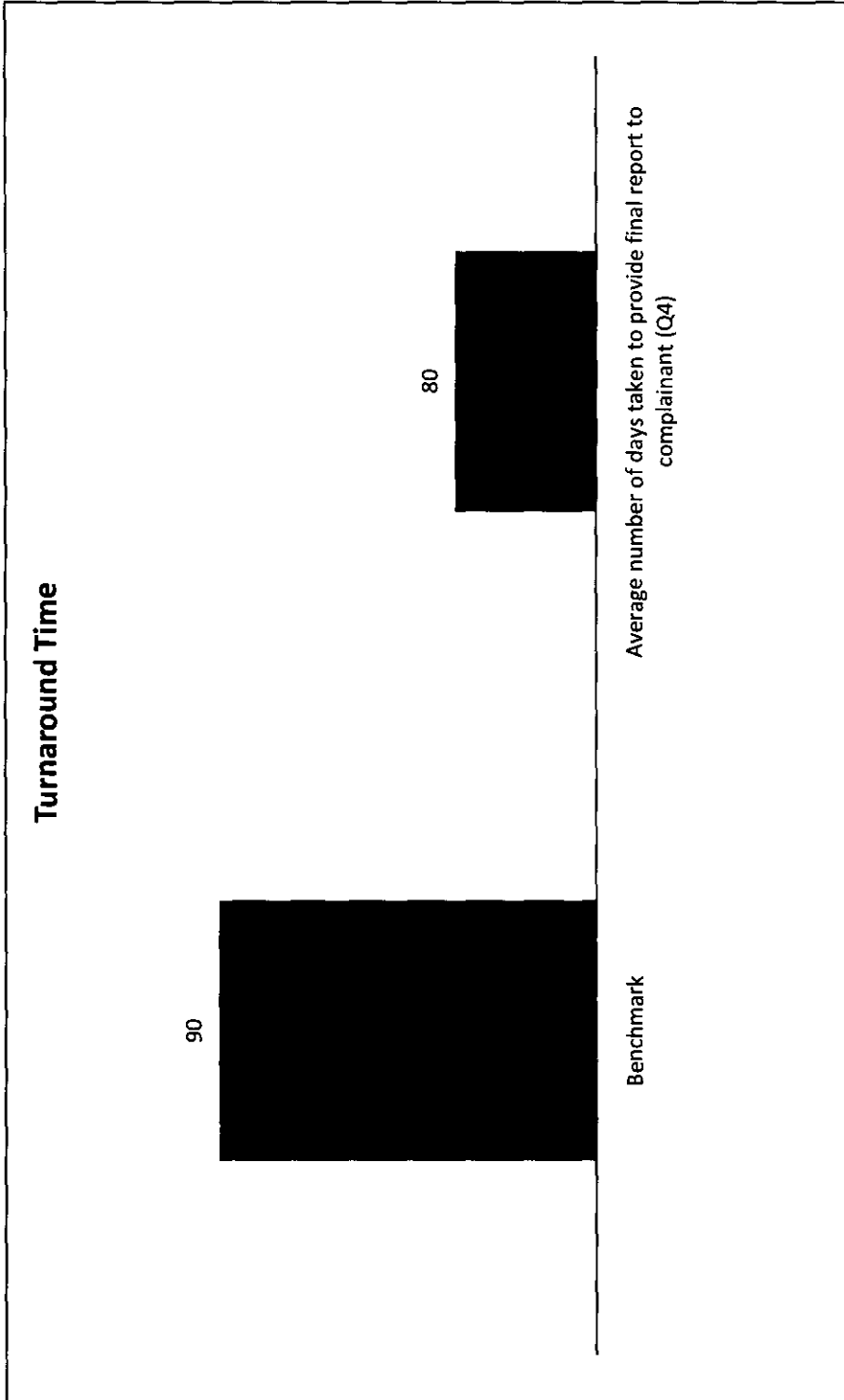
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Annexure A:

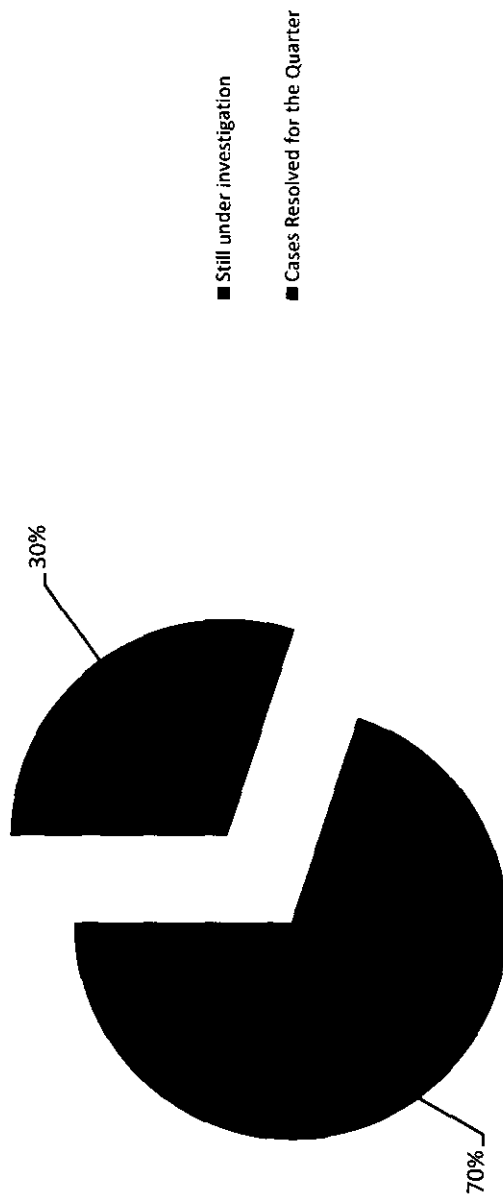


Annexure: B

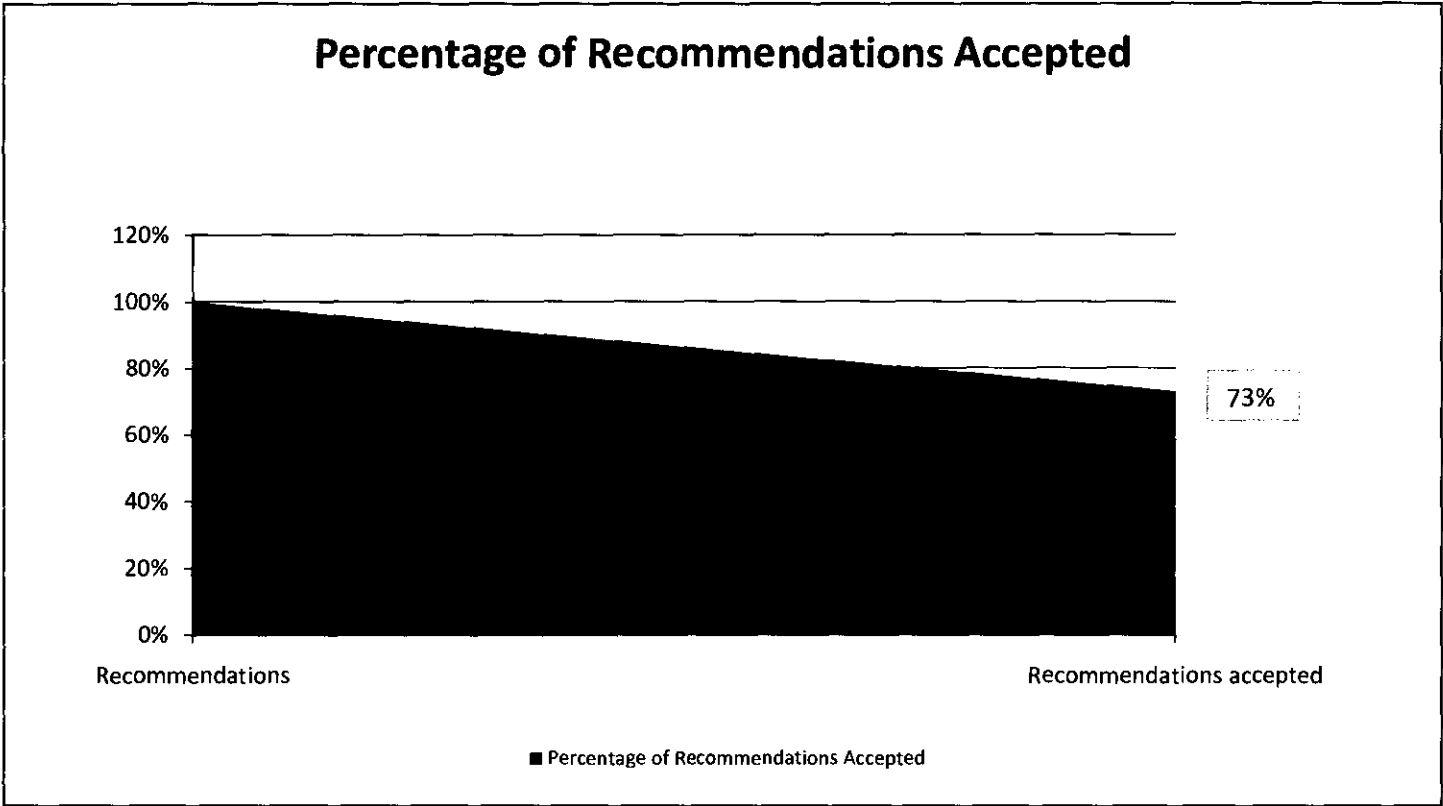


Annexure: C

Percentage of Lodged Cases Resolved

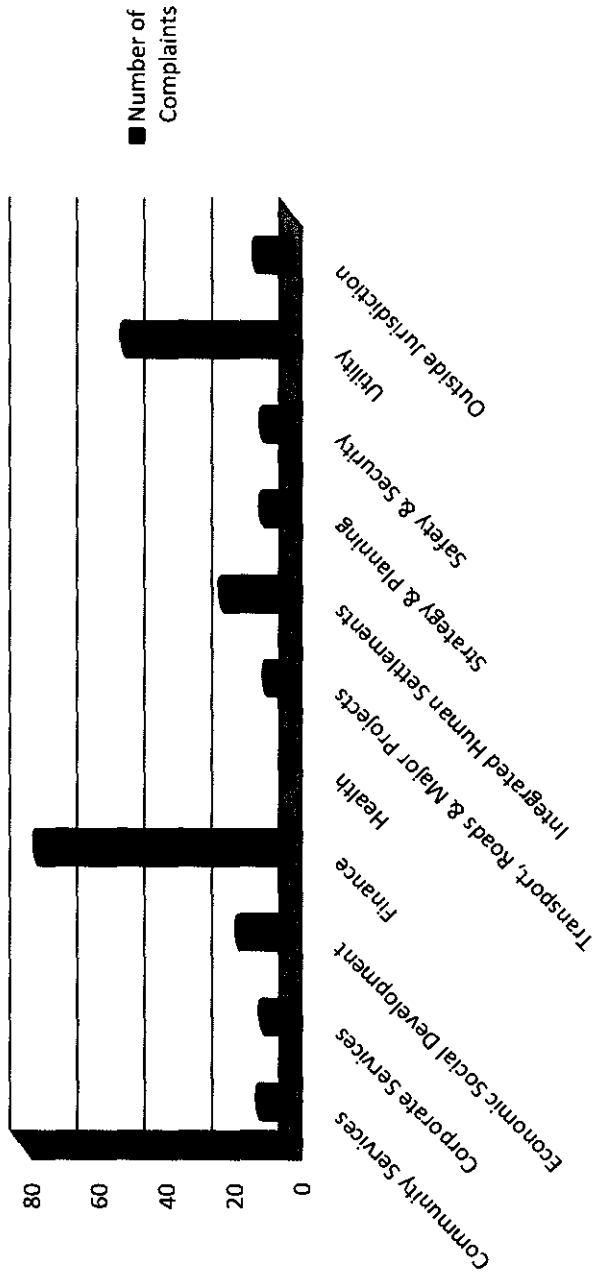


Annexure: D



Annexure: E

Number of Complaints per Directorate



Case Summaries: April 2010 - June 2010

A total number of 210 complaints were registered with the office in the fourth and last quarter of 2009/2010. The total number of cases resolved calculates to 147.

The following is a summary of cases received in the office:

1. DIRECTORATE: FINANCE

Complaints received related to the correctness of the amounts claimed or the validity of the debt. Walk-in queries were received as a result of the cash hall redirecting complainant to our office and/or customers that could not be assisted by the staff in the cash hall.

Other matters related to Lack of response / correctness of the amounts claimed / the validity of the debt and inadequate reasons given to complainants were received.

Case Summary 1:

The complainant was struggling for 2 years to address an issue regarding an outstanding account. After receiving final demands the complainant attended our office as he had exhausted all the internal avenues without success. This office played a role in establishing a direct link of communication and facilitating a response which led to the account being rectified and adjusted with interest being reversed.

Matter was resolved within 2 months.

Case summary 2:

This complaint was initially forwarded to the Office of the Revenue Director and was responded to by the specific department but the complainant was still not satisfied and approached our office.

A final demand was received for an outstanding amount of R 5 670.91 excl interest which was transferred from an account of a property sold in 2005. On receipt of this complaint our office requested the Clearance documents to establish what was paid when transfer took place. When scrutinising the documents it became evident that there was a mix-up of the erf numbers and the cheque for rates clearance was receipted to the wrong account. Account has subsequently been rectified and reflects a credit balance. Complainant was more than satisfied with our office's intervention and assistance.

Annexure F

Case summary 3:

Complainant received an account indicating an "inter-adjustment transfer" amount of R 1 285.47. Upon enquiring he was advised that it was in respect of a property he sold in 2005.

Our office then investigated and established that the amount was billed in respect of rates for 2004/2005 financial year and the incorrect move-in date was used, resulting in the full rates being charged to his account. However the property was registered in his name on 25/8/2004 and he was therefore only liable for 55 days.

With the assistance of Charmaine De Wet of the Master Data department this account was rectified and the complainant was pleased with the outcome.

Case summary 4:

After several months of trying to resolve this issue the complainant approached our office for assistance. He purchased a property in August 2005 and never received any rates or services accounts until approximately 12 months after moving in.

In September 2009 he received he's a rates account of R20 188 which merely stated adjustment. When contacting the call centre he was advised that it was transferred from the seller's accounts.

Upon our office's investigation it was established that the 2005/2006 rates were incorrectly debited with R20 188.00. The error was rectified and the complainant account was adjusted accordingly.

Case summary 5:

This complainant's attorney approached our office for assistance in this matter. An account was received for rates of which according to the complainant never owned or leased from the City.

Our offices requested Property Management to investigate and provide the lease agreement as the complainant was billed for rates since 2003. It was established that the client was billed in error and the account was rectified.

2. **DIRECTORATE: UTILITY SERVICES**

Case summary 1:

Complainant signed an undertaking to pay monthly installments and this was accepted by COCT. However the installment plan was never

Annexure F

logged on the system. His electricity was disconnected and on discussing the fact that he has a signed installments arrangement fell of deaf ear.

He attended our office and we contacted the utility service department and forwarded all the relevant documentation to the department.

They arranged for immediate reconnection and reversal of disconnection / reconnection fee.

Case summary 2:

Body corporate was taken over by new members. Correspondences dating back to 2007 without any feedback were handed in to substantiate his complaint. In the various correspondences to the City the chairperson requested clarity from the department as to why estimations were done for quite a number of months and then received a bill for an exuberant amount as well as a disconnection notification.

He attended our office and we arranged a dunning lock on the account in order to avoid being disconnected while we are busy investigating his complaint.

Our office requested that a meeting with all the relevant stakeholders and requested the department to provide the complainant with a reconciliation of the account due to rebilling of his account.

Further issues relating to the meter not being accessible were discussed but the complainant still felt aggrieved due to the estimations that were done but no notification was sent to him informing him of the problem. Department referred to the Tariff policy and again was not in agreement with the content and the fact that no-one has informed him of the tariff policy since his initial query that started in 2007.

In order to resolve the issue our office recommended that the meter be moved to a more accessible position. That the interest be reversed from 2002 – 2005 and that the account be settled by the complainant by the end of the City's financial year end.

All parties agreed to the recommendation.

3. **DIRECTORATE: INTEGRATED HUMAN SETTLEMENT SERVICES**

Case summary 1:

Complainant lodged a complaint with the City Ombudsman's office of alleged City's intention to transfer tenancy to her Cousin, who is apparently a property owner in Khayelitsha.

Annexure F

The complaint was based on the following facts:

- 1. That when complainant's grandmother passed away her father moved in from a Wendy House where he stayed with complainant's mother, brother and herself.*
- 2. After the father's death, her Cousin moved out of the property to stay with a boyfriend for 4 years. On her return she threatened to evict the complainant.*
- 3. That based on the documents submitted to the Ombudsman's office, her Cousin is a registered owner of a subdivided property.*

A deed search by the Ombudsman's office revealed that the property was indeed owned by her cousin. The Department of Housing advised however that the property owner is not aware of the above property and denies every being allocated / purchasing the property. The department confirmed that they have afforded the person time to rectify the mistake. This was without any specific time frame. The complainant felt that this was unfair and our office recommended that a specific time frame should be attached to finalize the matter.

The department agreed and confirmed that she would be granted 90 days to clear her name at the deeds office and that should her name not be cleared within the prescribed period the department will have to consider the other occupants for the tenancy in terms of the relevant policy.

Case summary 2:

Eldest daughter (complainant) came to the office for assistance as according to her the department intended to transfer tenancy to her stepmother after the death of her father. The background to the matter is as follows: Originally the tenancy was in the name of the complainant's mother. Her mother and her four siblings stayed in the house. The mother however remarried and later passed away leaving the stepfather and the siblings in the house. The stepfather also remarried and a year later passed away leaving the stepmother in the property. The stepmother threatened the (original) siblings with eviction as the property was to be transferred to her.

After various meetings with the department it was established that the stepmother has vacated the property and therefore the siblings can be taken into consideration for transferring the tenancy. Confirmation received that tenancy to be transferred to eldest sibling and all siblings will therefore be accommodated with a place to stay.