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1. **ITEM NUMBER :** To be inserted by Executive Support

2. **SUBJECT**

**CITY OMBUDSMAN QUARTERLY REPORT: 15/09/2010 – 15/12/2010 (2<sup>nd</sup>  
QUARTER OF 2010/11)**

**ONDERWERP**

**KWARTAALVERSLAG VAN DIE STADSOMBUDSMAN: 15/09/2010 –  
15/12/2010 (2DE KWARTAAL VAN 2010/11)**

**ISIHLOKO**

**INGXELO YARHOQO NGEKOTA YE-OFISI KANOZAKUZAKU  
WEZIKHALAZO ZOLUNTU WESIXEKO: 15/09/2010 – 15/12/2010 (IKOTA YE-2  
KA-2010/11)**

**LSUA4800**

3. **PURPOSE**

The report is for noting purposes.

4. **FOR DECISION BY**

To be noted by the committee.

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5. **EXECUTIVE SUMMARY**

This is the City Ombudsman's second quarter report for 2010/11 of complaints received from aggrieved persons against the City Administration, which have been investigated and attempted to be resolved on an amicable basis. Our office then make recommendations as corrective measures to line departments for purposes of 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.

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## 6. RECOMMENDATIONS

It is recommended that the City Ombudsman's report for the 2<sup>nd</sup> quarter of 2010/11, be noted.

### AANBEVELING

Daar word aanbeveel dat daar van die stadsombudsman se verslag vir die 2de kwartaal van 2010/11 kennis geneem word.

### IZINDULULO

Kundululwa ukuba mayiqwalaselwe ingxelo ye-Ofisi kaNozakuzaku weZikhalazo zoLuntu wesiXeko yekota ye-2 kunyaka-mali ka-2010/11.

## 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 obligations 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. Cooperative relationships exist between the Ombudsman and a number of these institutions.

**7.2. Environmental implications**

Does your report have any environmental implications:	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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**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**

Our quarterly statistics have been attached as **Annexures A - C**

A total number of **350 complaints were registered with the office in the second quarter of 2010/2011**. The total number of **cases resolved calculates to 235**. The comparative statistics for last financial year is 278 new complaints and 194 of these cases were resolved.

We have achieved **73% of recommendations accepted** by the line departments as corrective measures for implementation and our **average turnaround time was 78 days** in making final reports.

The predominant directorates are Finance and Utilities Directorates. The bulk of the complaints received in the Finance Directorate were in the Revenue department and sub-sections of the department as well as Valuation Department. These complaints related to lack of feedback after consumers/ratepayers corresponds with the City or where the consumer was of the opinion that the City acted unfairly / unreasonable.

Most valuation complaints related to incorrect valuations and questions regarding the finalization of the general valuation 2009 as well as requesting that late objections to GV2009 be accepted. A few

complainants are also still waiting for the Valuation Appeal Board to again schedule hearings.

In the Integrated Human Settlement Directorate most complaints related to the transfer of tenancy (Existing Settlements) where the complainants were alleging unfairness from the City's side when allocating tenancy. Our current good working relationship with the department assists us with finalizing these complaints. In certain matters we concurred with the department and in other instances we recommended based on the merit of the case transfer to a specific person.

Three individual cases were registered against Safety and Security (Law Enforcement) and by default linking to Economic, Social Development (Business Areas Management) when containers were removed / confiscated. The containers were removed as it contravened other by-laws which were explained to the complainant. It however came to our attention that currently no specific by-law exists to guide trading in a container.

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## **ANNEXURES**

- Annexure A : Number of Complaints; Turnaround Time and Resolved cases
- Annexure B : Days Taken to Provide Final Report & Complaints per Directorate
- Annexure C : Case Summaries

## **FOR FURTHER DETAILS CONTACT:**

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<b>DIRECTORATE</b>	Office of the City Manager
<b>FILE REF NO</b>	
<b>CITY OMBUDSMAN</b> MBULELO BABA	

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

NON-COMPLIANT

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**LEGAL COMPLIANCE**

NAME

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TEL

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DATE

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Comment:

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**CITY MANAGER**

ACHMAT EBRAHIM

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DATE

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