

REPORT TO CORPORATE SERVICES AND HUMAN  
RESOURCES PORTFOLIO COMMITTEE

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

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

2. **SUBJECT**

**CITY OMBUDSMAN QUARTERLY REPORT: 15/09/2009 – 15/12/2009 (2<sup>ND</sup>  
QUARTER OF 2009/10)**

**ONDERWERP**

**STADSOMBUDSMAN: KWARTAALVERSLAG: 15/09/2009 – 15/12/2009  
(TWEEDE KWARTAAL VAN 2009/10)**

**ISIHLOKO**

**INGXELO YARHOQO NGEKOTA KANOZAKU-ZAKU WEZIKHALAZO  
ZOLUNTU WESIXEKO: 15/09/2009 – 15/12/2009 (IKOTA YESI-2 YONYAKA-  
MALI KA-2009/10)**

3. **PURPOSE**

This report is submitted to the Corporate Services committee for information and noting purposes as resolved on the 03 November 2009 meeting under item CORHR 21/11/09.

4. **FOR DECISION BY**

To be noted by the committee as resolved at the meeting of the 03 November 2009.

5. **EXECUTIVE SUMMARY**

The current report is in line with a resolution that was taken at the Portfolio Committee on the 03 November 2009 under item CORHR 21/11/09, which needed an update on requests received by City Ombudsman's office on

implementation of the Promotion of Access to Information Act, 2000. The Office of the City Ombudsman does not deal with requests for access to information, as this function falls outside the scope of jurisdiction of this office as outlined in the Systems of Delegations as approved by Council.

The Office of the City Ombudsman investigates complaints from aggrieved persons against the City Administration, attempts to resolve on an amicable basis and whenever necessary corrective action will be recommended to line departments to address such complaints.

The City Ombudsman prepares a quarterly report to the City Manager, which contains statistics on the complaints for the particular period under review and provides upward feedback so as to identify trends, issues and concerns relating to certain administrative practices, processes 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 2009/10, be noted.

### AANBEVELINGS

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

### IZINDULULO

Kundululwe ukuba makuqatshelwe ingxelo kaNozaku-zaku wezikhhalazo zoluntu wesiXeko yekota yesi-2 yonyaka-mali ka-2009/10.

## 7. DISCUSSION/CONTENTS

### 7.1. Constitutional and Policy Implications

The City 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 City 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 City 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**

Statistics graphs are herein attached as **Annexure A to D**.

A total number of 278 complaints were dealt with in the second quarter of 2009/10. The total number of cases resolved is 194, which is equivalent to 70% of the cases received.

Currently the **turnaround time** on average for a final report on a complaint is **79 days** from the date of receipt of the complaint, which is lower than the 90 days benchmark. We also achieved a 79% of our recommendations accepted as corrective measures by line departments for implementation.



A significant portion of the complaints involved accounts related issues. Some of the account related queries were linked to the utility department i.e. incorrect meter reading therefore account will be disputed by the ratepayer. Lack of feedback, as always is the primary concern from the ratepayers.

An increase in valuation queries were noticed during the quarter. In these instances liaising with the department in order for our department to provide feedback to the complainants resolved quite a number of files.

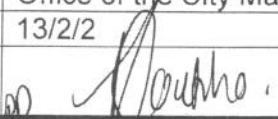
The Department: Economic Development requested our office to be part of the Tribunal for the Mitchell's Plain Traders which involves the allocation process and objections received by the department. The Tribunal convened on 4 and 9 December 2009 and a third meeting is scheduled for 9 January 2010. Feedback will be included in our next report.

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**ANNEXURES:**

- Annexure A Chart: Number of Complaints
- Annexure B Chart: Number of Days Taken to Provide Final View
- Annexure C Chart: Percentage of Cases Resolved
- Annexure D Chart: Percentage of Recommendations Accepted

**FOR FURTHER DETAILS CONTACT:**

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DIRECTORATE	Office of the City Manager
FILE REF NO	13/2/2
CITY OMBUDSMAN MBULELO BABA	 DIRECTOR CURRENTLY ON LEAVE AND RETURNING ON 25/01/2010

*Dayed*

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

NON-COMPLIANT

**LEGAL COMPLIANCE**

NAME RIANA SATED

Comment:

TEL (021) 400 - 3516

FOR NOTING

DATE 18 JANUARY 2010

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Comment:

**CITY MANAGER**

ACHMAT EBRAHIM

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DATE \_\_\_\_\_

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