

POLICY

DECLARATION OF FINANCIAL INTERESTS

APPROVED BY COUNCIL: 11 DECEMBER 2003

AMENDED BY COUNCIL: 30 AUGUST 2005
C 39/08/05

CITY OF CAPE TOWN (COCT)

PROCEDURAL CODE FOR COUNCILLORS

**DISCLOSURE OF FINANCIAL INTEREST AS
DEFINED IN ITEM 7, OF SCHEDULE 1 OF THE
MUNICIPAL SYSTEMS ACT, ACT 32 OF 2000**

(HERE IN AFTER CALLED THE CODE)

11 DECEMBER 2003

GUIDELINES PERTAINING TO THE DISCIPLINARY COMMITTEE ON DECLARATION OF FINANCIAL INTERESTS

1. Delegation

That the delegations of the Disciplinary Committee **BE EXTENDED** to include the responsibility /authority to apply the code and they **BE TASKED** with a general oversight role over the declaration of financial interest of Councillors.

2. Powers, Duties and Functions of the Rules Committee

2.1 Rules Committee shall: -

- Supervise and manage the implementation of item 7 of Schedule 1 of the Municipal Systems Act, Act 32 of 2000
- Comply with the confidentiality requirements of this code.
- Serve as an advisory and consultative body, both generally and to members, concerning the implementation and interpretation of this Code.
- Submit a report to Council on the implementation of this code as soon as possible after an election and annually before 1 August.
- Regularly review the Code and make recommendations to Council for its amendment; and
- Perform other functions and exercise other powers reasonably assigned to the Committee by this the Code or Council.

2.2 The Committee must report to both the Mayoral Committee and Council at least annually on the effectiveness of this Code.

3. Public Access

The meeting of the Disciplinary Committee may be held in closed session when the Committee considers a matter affecting a specific Council member and that the matter may be confidential, in terms of this Code.

4. **Decisions**

That the rules of order governing the Disciplinary Committee, will apply.

5. **Confidentiality**

The responsible person (Executive Director: Governance and Integration) appointed in terms of the Code and each member of the staff assigned for the work of the Committee must swear of affirm, before either the Speaker or the Mayor of the Council, to comply with the requirements of confidentiality set out in the Code and Item 6 of the Code of Conduct for Municipal Staff Members shall apply.

CODE FOR DISCLOSURE OF FINANCIAL INTEREST

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PROCEDURE ON DISCLOSURE OF FINANCIAL INTEREST

Note : This procedure must be read in conjunction with the Code of Conduct of Councillors and Item 7 of Schedule 1, of the Municipal Systems Act, Act 32 of 2000

1. Definitions

1.1 In this schedule, unless the context otherwise indicates –

“members” means – a Councillor;

“permanent companion” means a person who is publicly acknowledged by a member as that member’s permanent companion;

“registrable interests” means financial interests listed in item 7, and, in relation to a member, includes the financial interests of that member’s spouse, dependent child and permanent companion;

“Register” means the Register of Members’ Interests opened in terms of the Code;

“Remuneration” means receipt of benefits in cash or in kind

“Responsible Official” means the person refer to in item 2

1.2 Where any doubt exists as to the scope, application or meaning of any aspect of this Code, the Rules Committee shall resolve the matter

DISCLOSURE OF REGISTRABLE INTERESTS

2. Responsible Official

- 2.1 The Executive Director for Governance and Integration must appoint a senior official to be responsible for the administration of this code.
- 2.2 The Responsible Official shall be assisted by sufficient staff assigned for the work of the Committee.

3. Responsible Officials' functions

- 3.1 The Responsible Official shall –
 - (a) Open and keep a register for the purposes of this Code, called the Register of Members' Interests; and
 - (b) Record in the register particulars of members' registrable interests;
 - (c) Amend any entries in the Register when necessary; and
 - (d) Perform the other duties in connection with the implementation of this Code as required by the Committee
- 3.2 The Responsible Official performs the functions of office in accordance with the directions of the Committee.
- 3.3 The Responsible official for all intent and purposes, for the City of Cape Town, shall be the responsibility of the Office of the Speaker, in conjunction with a senior official in Councillor Support (administrative support).

4. The Register of Members' Interests

The Register must: -

- (a) have a confidential part and a public part;
- (b) contain the information regarding the members' registrable interests in the relevant part as determined by the Council.

- (c) be in a format as approved by the Committee

5. Disclosure of registrable interests

- 5.1 Members must disclose to the Responsible Official, on the form prescribed in Annexure "A", particulars of all their registrable interests
- 5.2 The first disclosure must be within 30 days of election or appointment as a member. If a member has no registrable interests, a "nil" return must be submitted.
- 5.3 After the first disclosure members must disclose annually by 1 April.
- 5.4 Or, any time when a material change occurs.

6. Kinds of interests to be disclosed

Subject to Item 7, the following kinds of financial interests are registrable interests:

- (a) shares and securities in any company;
- (b) membership of a close corporation;
- (c) interest in any trust;
- (d) Directorships;
- (e) Partnership;
- (f) Other financial interest in any business undertaking;
- (g) Employment and remuneration;
- (h) Interest in property;
- (i) Pension; and
- (j) Subsidies, grant and sponsorships by any organisation.

7. Details of registrable interests to be disclosed

The following details of registrable interests must be disclosed:

- (a) Shares and other financial interests in companies and other corporate entities:
 - (i) The number, nature and nominal value of shares of any type in any public or private company;
 - (ii) The name of that company; and
 - (iii) The nature and value of any other financial interests held in a private or public company or any other corporate entity
- (b) Membership of a close corporation:
 - (i) The name of the Close Corporation
 - (ii) The nature and the value of any financial interest
 - (iii) The nature of business of the Close Corporation
- (c) Interest of any Trust
 - (i) The name of the Trust
 - (ii) The nature and the value of any financial interest
- (d) Remunerated employment outside Council (includes Self Employment):
 - (i) The type of employment;
 - (ii) The name, and type of business activity, of the employer; and
 - (iii) The amount of the remuneration received for such employment
- (e) Directorships and partnerships:
 - (i) The name, and type of business activity, of the corporate entity or partnership; and
 - (ii) The amount of any of remuneration received for such directorship or partnership
- (f) Consultancies:
 - (i) The nature of the consultancy or any relationship of any kind;

- (ii) The name, and type of business activity, of the client concerned; and
 - (iii) The amount of any remuneration or other benefits received for such consultancy or retainership
- (g) Sponsorships:
 - (i) The source and description of direct financial sponsorship or assistance from non-party sources; and
 - (ii) The value of the sponsorship or assistance
- (h) Gifts and hospitality
 - (i) A description and the value and source of a gift with a value in excess of R1000;
 - (ii) A description and the value of gifts from a single source which cumulatively exceed the value of R1000 in any calendar year, and
 - (iii) Hospitality intended as a gift in kind
- (i) Benefits:
 - (i) The nature and source of any other benefit of a material nature; and
 - (ii) The value of that benefit
- (j) Foreign travel for which the councillor/municipality did not pay:
 - (i) A brief description of the journey abroad; and
 - (ii) Particulars of the sponsor
- (k) Land and property:
 - (i) A description and extent of the land or property;
 - (ii) Area in which it is situated;
 - (iii) Nature of interest,
 - (iv) Properties outside the Republic

- (l) Pensions:
 - (i) The source of the pension; and
 - (ii) The value of the pension

8. Entries in Register

8.1 Public entries in Register

The Responsible Official shall record all relevant details other than those in 8.2 of registrable interest in the public part of the Register.

8.2 Confidential entries in the Register

The Responsible Official shall record the following registrable interest in the confidential part :

- (a) The value of financial interests in a corporate entity other than a private or public company
 - (b) The amount of any remuneration for any employment outside Council,
 - (c) The amount of any remuneration for any directorate or partnership
 - (d) Address of private residence,
 - (e) The value of any pension and any amount paid,
 - (f) Details of all financial interests of a member's spouse, dependent child or permanent companion to the extent that a member is aware of
- 8.3 Despite sub item (8.2) the Disciplinary Committee may on good cause, which shall **BE MINUTED**, instruct the Responsible Official to record any details of a member's registrable interests in the confidential part of the register.

9. Confidential part of Register

- 9.1 Only a Disciplinary Committee member, the Responsible Official and his/her assigned staff has access to the confidential part of the register

- 9.2 No person who has access to the confidential part of the Register, may disclose particulars of any entry in the confidential part except to the Speaker as part of a report in respect of an alleged irregularity or when a court so orders
- 9.3 A committee member who contravenes this code and the guidelines in respect of the code:
- (a) is liable to a reduction of up to 30 days' salary; and
 - (b) becomes ineligible to continue as a Committee member of this committee
- 9.4 The Responsible Official or a staff member who contravenes this code is subject to disciplinary action applicable to municipal staff.

10. Access to Public part of Register

Any person has access to the public part of the Register on a working day during office hours at the offices of Councillor Support Services in terms of the application procedure as required by the provisions of the Promotion of Access of Information Act.

CITY OF CAPE TOWN**Declaration of Financial Interest****COUNCILLOR/ALDERMAN'S DETAILS**

Surname First name.....

Date of birth..... ID number

Home Address

.....

.....

Phone number Fax number

E-mail address

SPOUSE'S DETAILS

Surname First name.....

Date of birth ID number

BACKGROUND OF INFORMATION

- In terms of Section 5 of the Code of Conduct for Councillors as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000, a councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.
- In terms of Section 7 of the Code of Conduct for Councillors as set out in Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, a Councillor is legally obliged to declare his/her financial interest within 60 days of being elected or appointed.
- "registrable interest" means financial interest listed in item 7, and, in relation to a member, includes the financial interest of the member's spouse, dependent child or permanent companion.
- Any change in the nature or detail of the financial interest of a Councillor must be declared in writing to the City Manager annually by 30 June or from time to time as material change occurs.

CITY OF CAPE TOWN**Declaration of Financial Interest****COMPLETION OF FORM:**

- Please ensure that **EVERY QUESTION IS ANSWERED** by placing a tick on the "yes" or "no" box, even if the details have remained unchanged from previous financial interest form submission.
- Please attach **ADDITIONAL DETAILS** if there is insufficient space to fill in an answer, with the appropriate referencing.

DECLARATION FORM

1. Do you/your spouse/your dependant own shares or securities in any company?
(this includes listed shares obtained on the Stock Exchange and debentures)

Yes**No**

If yes, please provide details by completing the table below: -

Company(s) where shares/securities are held	Nature of shares (e.g. ordinary, preference, etc)	Number of shares	Nominal value of shares	Total value of shares

2. Are you/your spouse/your dependant a member of any close corporation?

Yes**No**

If yes, please provide details by completing the table below: -

Name of Close Corporation	Type of business	Reg. number	Details of ownership (i.e. sole member of 50% share etc.)	Remuneration received from membership	Does the CC do business with the City?	
					YES	NO

CITY OF CAPE TOWN**Declaration of Financial Interest**

3. Do you/your spouse/your dependant have an interest in any trust?

☐ **Yes**
☐ **No**

If yes, please provide details by completing the table below: -

Name of Trust	Nature of Interest

4. Are you/your spouse/your dependant a director of a company?

(This includes executive and non-executive directorship of companies, parastatals, NGO'S, Section 21 companies, etc.)

☐ **Yes**
☐ **No**

If yes, please provide details by completing the table below: -

Name of company	Type of business activity	Reg. number	Details of ownership	Remuneration received from directorship	Does the Company do business with the City?	
					YES	NO

5. Do you/your spouse/your dependant have financial interest in any partnerships?

☐ **Yes**
☐ **No**

If yes, please provide details by completing the table below: -

Name of partnership	Type of business activity	Reg. number	Details of ownership	Remuneration received from partnership	Does the partnership do business with the City?	
					YES	NO

CITY OF CAPE TOWN

Declaration of Financial Interest

6. Do you/your spouse/your dependant have financial interest in any business undertaking? (e.g. trader, consultancy)

Yes

No

If yes, please provide name by completing the table below: -

Name of business undertaking	Type of business	Remuneration received from undertaking	Does the undertaking do business with the City?		Does the undertaking do business with City Vendors?		Who is primary client?
			YES	NO	YES	NO	

7. Are you currently in paid employment over and above that of being a City Official?

Yes

No

If yes, please provide details by completing the table below: -

Name of business	Type of business activity	Designation	Remuneration received for such employment	Does the organisation do business with the City?	
				YES	NO

8. Are you receiving any financial interests from businesses, other than what was defined in questions 2 – 7 above?

Yes

No

If yes, please provide details by completing the tables above: -

Name of organisation	Type of business	Nature of benefit	Reason for benefit	Does the organisation do business with the City?		Expected life span of benefit?
				YES	NO	

CITY OF CAPE TOWN**Declaration of Financial Interest**

9. Do you have a financial interest in any property?

Yes**No**

If yes, please provide details by completing the tables below: -

Type/description of property (i.e. residential, flat, vacant land, industrial, commercial, etc.)	Area	Address	Nature of interest (owner, landlord, lessor, etc.)	Is City making use of property?	
				YES	NO

Other properties outside of South Africa	Where is the property situated – Country

10. Are you receiving a pension of any kind?

Yes**No**

If yes, please provide details by completing the table below: -

Source of the pension	Value of the pension

11. Are you the beneficiary of any subsidies, grants or sponsorships by any organisation?

Yes**No**

If yes, please provide details by completing the table below: -

Source of subsidy(s), grant(s) or sponsorship(s)	Description of subsidy(s), grant(s) or sponsorship(s)	Is assistance from a non- party source?		Value of subsidy(s), grant(s) or sponsorship(s)
		YES	NO	

12. Did you receive any gifts / benefits exceeding R1000 or hospitality as

Yes**No**

CITY OF CAPE TOWN**Declaration of Financial Interest**

a gift for the past financial year?

If yes, please provide details by completing the table below: -

Description of gift	Source of gift	Value of gift

Did you declare gifts exceeding R1000?

☐ Yes☐ No

If yes, was authority obtained to enjoy the gift?

☐ Yes☐ No

13. Did you travel abroad during the last financial year?
(Foreign travel for which the councillor/municipality did not pay)

☐ Yes☐ No

If yes, please provide details by completing the table below?

Where	Reason	Sponsor (incl. Self name)	Authority obtained	
			YES	NO

I, Councillor/Alderman.....
(Insert name)

declare that the information furnished by myself in this declaration is, to the best of my knowledge is a true and correct reflection of my financial interest as at the date of my signature.

.....
SIGNATURE

.....
DATE

CITY OF CAPE TOWN

Declaration of Financial Interest

FOR OFFICE USE ONLY

I, the delegated administrator
(print name)

hereby acknowledge receipt of the Declaration of Financial Interest for the Financial Year

.....
SIGNATURE

.....
DATE