

FREE USE OF HALLS BY COUNCILLORS

Cllr Kinahan expressed concern that Councillors would still be responsible for the cost of transporting Halls' staff home after meetings, as well as for overtime.

Cllr Van Rensburg was of the view that a report regarding the above matter should be submitted to the next meeting of the Council.

RESOLVED that:

- (a) Councillors be permitted the use of any municipal hall for a maximum of two meetings per month free of charge on the following terms and conditions:
 - proof of the purpose of the meeting (notice, letter, media release) be supplied one week prior to the letting;
 - any abuse of this privilege by Councillors be reported to the City Manager
 - where Councillors opt to use a non-municipal facility, the cost be borne by him/her; and
 - the use of halls on weekends should as far as possible be discouraged in consideration of Council's budgetary constraints
- (b) the granting of requests for additional use of the facilities by councillors who need to communicate with their constituents on matters of urgency or emergency, be at the discretion of the municipal manager or his/her nominee.
- (c) a report be submitted to the next meeting of the Council regarding the costs of transporting Halls' staff home after meetings, as well as for overtime.

HEALTH, AMENITIES AND SPORT PORTFOLIO COMMITTEE
(NO FINANCIAL IMPLICATIONS)**FREE USE OF HALLS BY COUNCILLORS 440****GRATIS GEBRUIK VAN SALE DEUR RAADSLEDE****UKUSETYENZISWA KWAMAHOLO NGAMALUNGU EBHUNGA NGAPHANDLE
KWENTLAWULO****FOR DECISION BY COUNCIL****EXCO 22/02/03****C 34/02/03**T B Mitchell
400-3037
2003-01-16**1 EXECUTIVE SUMMARY**

The purpose of this report is to initiate a policy on the free use of Municipal Halls by Councillors for Council report back sessions. The individual administrations currently exercise their respective policies independently which require corporate uniformity to ensure consistency in application of Councillor usage of facilities.

2 BUSINESS PLAN REFERENCE

Directorate: Community Facilities
Department: Civic Buildings and Maintenance Services
Business Plan Heading: Free Use of Municipal Halls

3 COMPLIANCE STRATEGIC OBJECTIVE

The report supports the Council's strategic objectives adopted by Council on 11 December

4 DELEGATED AUTHORITY

The Portfolio Committee develops and recommends policy within the functional area of the Portfolio Committee and final approval is for Council.

5 ANNEXURES/ADDENDA

None

6 POLICY:STATUS QUO

The respective Unicity Administrations comprising : Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg exercise resident policies independent of the other due to the absence of a Unicity policy on the free use of Municipal Halls by Councillors. According to certain policies halls are

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not free of charge to Councillors and in others free lettings are not permitted consistently.

7 **LEGAL REQUIREMENTS**

Schedule 1 : Local Government Municipal Systems Act 2000 (Section 12) A Councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the Municipality to which the Councillor has no right. Chapter 4 (community participation) Section 16, 17, 18 prescribes the way a Municipality must deal with community participation.

8 **BACKGROUND/INTRODUCTION**

Arising from concerns expressed at the Amenities and Community Support Portfolio dated 5 April 2002 on the above matter, it was resolved that the submission of a further report on the free use of community halls by Councillors for community meetings be made, which would stipulate the venues to be used as well as the criteria pursuant thereto.

A report formulating a policy on the free use of municipal halls by Councillors was submitted to the Amenities and Community Support Portfolio Committee meeting held on 5 June 2002 where it was resolved that the item (ACS 9/05/02) (14/1/R) (S. Sims) be deferred to the next meeting of the Committee, after consultation with the Author of the report, obtaining legal advice and input from the three caucuses of this Portfolio Committee regarding the free use of Municipal Halls and the terms and conditions attached thereto. The amended report was subsequently tabled at the Portfolio Committee meeting held on 7 August 2002 and included, in accordance with the above resolution, the supplemental information required (ACS 20/08/02 HO/4/1/R). The report follows below:

In order to formulate a comprehensive policy, a number of issues with regard to effective utilization of facilities are presented. The basis upon which the policy rests is the presumption that Councillors are obliged to report back on and/or discuss matters of community concern to or in their wards. By arrangement with the Municipal Manager the respective municipal halls shall be granted in accordance with the policy.

WHICH HALLS MAY BE RESERVED FOR THIS PURPOSE.

Councillors may reserve any of the halls dependent on its availability. Where no halls in a particular ward exists, the nearest available municipal hall may in consultation with the Councillor of the ward be utilised. Where Councillors opt to use a non-municipal facility, the costs shall be borne by him/her. It is incumbent of the aforementioned to make further representation to the relevant service other than the custodian of Municipal Halls, for consideration in respect of costs incurred.

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A comprehensive list of the entire spectrum of venues is found in the tariff schedule submitted to the Executive Committee on 23 April 2002.

PLANNING AND BOOKING OF MEETINGS:

In order to procure dates for free use, Councillors are to plan and book dates in advance. Whilst most Councillors hold meetings at convenient times i.e. evenings and weekends, the use of halls on weekends may place a heavy burden on the budget for staff overtime. By illustration, use of halls on Sundays may incur 8 hours overtime should a caretaker work 4 hours, and 16 hours for more than 4 hours overtime worked. These provisions are in accordance with the Basic Conditions of Employment Act No. 75 of 1997 and the employee invariably prefers payment to time off in lieu of overtime. The use of halls on weekends should as far as possible be discouraged in consideration of Council's budgetary constraints. Weekends are also the period when the public use of the halls are at the highest and may result in loss of income if frequently used by Councillors.

WHICH MEETINGS QUALIFY FOR FREE USE?

All meetings by Councillors to report back on Council meetings and to discuss matters of community concern qualify. Meetings falling outside the description are catered for in the tariff schedule of the Council.

In all administrations within the Unicity, none had a policy whereby Councillors were permitted more than two free lettings per month. Considering that Council sits once every two months and that matters relating to community concerns are able to be accommodated on a monthly basis, the use of two free lettings per month is reasonable.

WHAT ABOUT EMERGENCY OR URGENT MEETINGS?

Requests for additional use of the facilities by Councillors to communicate with the constituents on matters of urgency or emergency, frequently occur and should be addressed to the Municipal Manager or his/her nominee for consideration.

WHAT CONSTITUTES A VALID FREE LETTING?

Councillors are obliged to avert possible misuse of the letting by submitting proof of purpose of a meeting. Within one week prior to the letting any of the following : notice, letter, media release and within one week of it having taken place, any of the following : minutes, Council official attendance register.

If a Councillor is found to have secured the premises under false pretences, the matter will be reported to the Municipal Manager for appropriate action in terms of the Code of Conduct.

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The above report was amended in accordance with the resolution adopted at the Amenities and Community Support Portfolio Committee meeting held on 7 August 2002 which read as follows:

- a) *that the legal opinion on the provisions of the Municipal Systems Act 2002 be **NOTED**;*
- b) *that the opinion of the legal adviser on this matter be accepted and incorporated into the processes referred to in this report;*
- c) *that the statutory role of the Municipal Manager be recognized in the granting of permission to use Municipal Halls;*
- d) *that the recommendation contained in the principal report ref (ACS 09/05/02) (14/1/R) be adopted with the necessary amendments in compliance with the aforesaid Act;*
- e) *that the question of public liability in respect of the free use of halls be clarified as well as the availability of the facility to all Councillors (Ward and Proportional)*

As mentioned above, the report now incorporates the resolution of the meeting held on 7 August 2002. Three references to the resolution need motivation. In the instance of provision (d) of the resolution, the recommendation contained in the principal report of (ACS 09/05/02) (14/1/R) shall also be included in the recommendation of this report. In so far as provision (e) of the resolution is concerned, the events that take place at meetings held by Councillors are covered by the insurance as advised by the Council's Insurance Section.

Lastly, the availability of the facility to all Councillors (Ward and Proportional) is a policy matter and rests with the Councillors to decide, however, the Municipal Systems Act 2000 does not distinguish between Councillors and from that fact it may be interpreted that Ward as well as Proportional Councillors have a right to use the facilities, regardless of their functional purposes.

9 DISCUSSION/MOTIVATION/PROPOSAL/EVALUATION/ASSESSMENT

The resolution above was motivated by the request put forward by the Portfolio Committee, that the author of the report communicate with the respective caucuses via electronic mail and also obtain the input of the legal adviser on the validity of the entire report with specific emphasis on the conditions attached thereto and in general the obligations placed on the Councillors in terms of the proposed policy as well as clarity on the availability of the facility to all Councillors (Ward and Proportional).

10 STAFF IMPLICATIONS

None

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11 COMMENTS FROM OTHER DIRECTORATES

Sport and Recreation

12 PUBLICITY IMPLICATIONS

None

13 RECOMMENDATION

It is recommended that:

1. Councillors be permitted the use of any municipal hall for a maximum of two report back meetings per month free of charge on the following terms and conditions:
 - 1.1 That proof of the purpose of the meeting (notice, letter, media release) be supplied one week prior to the letting; and (minutes, Council official attendance register) be supplied within one week of the meeting having taken place;
 - 1.2 That any abuse of this privilege by Councillors be reported to the Municipal Manager;
 - 1.3 That where Councillors opt to use a non-municipal facility, the cost be borne by him/her; and
 - 1.4 That the use of halls on weekends should as far as possible be discouraged in consideration of Council's budgetary constraints.
2. That the granting of requests for additional use of the facilities by Councillors who need to communicate with their constituents on matters of urgency or emergency, be at the discretion of the Municipal Manager or his/her nominee.

13. AANBEVELING:

Daar word aanbeveel dat:

1. Raadslede toegelaat word om, onderworpe aan die volgende bepalinge en voorwaardes, enige munisipale saal gratis vir 'n maksimum van twee terugvoervergaderings per maand te gebruik:

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- 1.1 Dat bewys van die doel van die vergadering (kennisgewing, brief, persverklaring) een week voor die verhuring verskaf word; en ('n notule, amptelike bywoningsregister van die Raad) een week nadat die vergadering plaasgevind het, verskaf word;
 - 1.2 Dat enige misbruik van hierdie voorreg deur Raadslede by die Munisipale Bestuurder aangemeld word;
 - 1.3 Dat waar Raadslede verkies om 'n niemunisipale fasiliteit te gebruik, hy/sy die koste moet dra; en
 - 1.4 Dat die gebruik van sale oor naweke so ver as moontlik ontmoedig moet word met inagneming van begrotingsbeperkings.
2. Dat die toestaan van versoeke vir die bykomende gebruik van fasiliteite deur Raadslede wat met hul kiesers oor dringende sake of noodgevalle wil kommunikeer, by die Munisipale Bestuurder of sy/haar benoemde berus.

13 ISINDULULO

Kucetywa isindululo sokuba:

1. AmaLungu eBhunga avunyelwe ukuba asebenzise naliphina iholo likamasipala kwiintlanganiso zogqithiso lwengxelo ezimbini ubuninzi ngaphandle kwentlawulo kwinyanga nganye phantsi kwale migaqo nezi meko zilandelayo:

1.1 Isiqinisekiso senjongo yentlanganiso (isaziso, ileta, iingxelo yonoondaba) inikezwe kwiveki yokuqala engaphambi kolu qeshiso; kwakunye (nemizuzu, irejista yeBhunga eseburhulumenteni yabazimasa oku) igqithiswe kwiveki enye phambi kokuba kubanjwe le ntlanganiso;

1.2 Ukuba nakuphina ukusetyenziswa ngendlela engafanelekanga kweli lungelo ngamaLungu eBhunga kugqithiswe kuManejala kaMasipala;

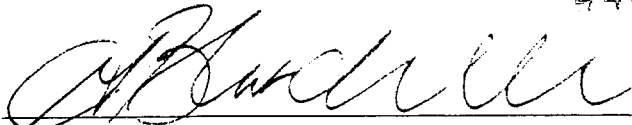
1.3 Ukuba xa ethe amaLungu eBhunga akhetha ukusebenzisa isibonelelo esingesiso esikaMasipala, intlawulo yoku ihlawulwe lilungu elo; kwakunye nokuba

1.4 Ukusetyenziswa kwamaholo ngeempela-veki kufuneka kungakhuthazwa konke-konke ekuqwalaseleni unyanzeliso kuhlalo lwabiwo-mali lweBhunga.

2. Unikezelo lwezicelo zokusetyenziswa okongeziweyo kwezibonelelo ngamaLungu eBhunga afuna ukuqhagamshelana namalungu awo malunga nemiba ebalulekileyo okanye engxamisekileyo, oko kube yingqiqo kaManejala kaMasipala okanye umntu amonyulileyo ekuqwalaseleni umba onjalo.

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AUTHOR OF REPORT

DATE

27/1/2003



HEAD OF DEPARTMENT/INTERIM MANAGER

TELE NO

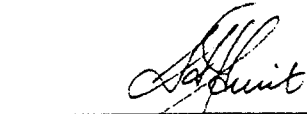
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supported.



Act. STRATEGIC EXECUTIVE/EXECUTIVE
DIRECTOR/DIRECTOR

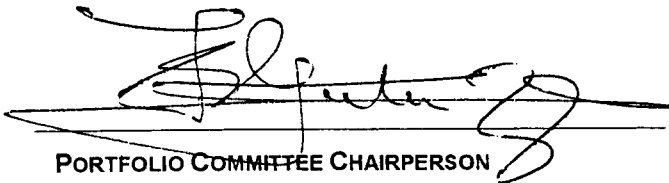
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PORTFOLIO COMMITTEE CHAIRPERSON

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EXECUTIVE COMMITTEE

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RECOMMENDATION FROM THE HEALTH, AMENITIES AND SPORT PORTFOLIO COMMITTEE – 10 FEBRUARY 2003

HAS 19/02/03

FREE USE OF HALLS BY COUNCILLORS

RECOMMENDED

- (a) that Councillors be permitted the use of any municipal hall for a maximum of two report back meetings per month free of charge on the following terms and conditions:
 - (i) that proof of the purpose of the meeting (notice, letter, media release) be supplied one week prior to the letting; and (minutes, Council official attendance register) be supplied within one week of the meeting having taken place;
 - (ii) that any abuse of this privilege by Councillors be reported to the Municipal Manager;
 - (iii) that where Councillors opt to use a non-municipal facility, the cost be borne by him/her; and
 - (iv) that the use of halls on weekends should as far as possible be discouraged in consideration of Council's budgetary constraints.
- (b) that the granting of requests for additional use of the facilities by Councillors who need to communicate with their constituents on matters of urgency or emergency, be at the discretion of the Municipal Manager or his/her nominee.

AANBEVELING

Daar word aanbeveel dat:

- (a) Raadslede toegelaat word om, onderworpe aan die volgende bepalings en voorwaardes, enige munisipale saal gratis vir 'n maksimum van twee terugvoervergaderings per maand te gebruik:
 - (i) dat bewys van die doel van die vergadering (kennisgewing, brief, persverklaring) een week voor

die verhuring verskaf word; en ('n notule, amptelike bywoningsregister van die Raad) een week nadat die vergadering plaasgevind het, verskaf word;

- (ii) dat enige misbruik van hierdie voorreë deur Raadslede by die Munisipale Bestuurder aangemeld word;
 - (iii) dat waar Raadslede verkies om 'n nie-munisipale fasiliteit te gebruik, hy/sy die koste moet dra; en
 - (iv) dat die gebruik van sale oor naweke so ver as moontlik ontmoedig moet word met inagneming van begrotingsbeperkings.
- (b) dat die toestaan van versoëke vir die bykomende gebruik van fasiliteite deur Raadslede wat met hul kiesers oor dringende sake of noodgevalle wil kommunikeer, by die Munisipale Bestuurder of sy/haar benoemde berus.

ISINDULULO

Kucetywa isindululo sokuba:

- (a) AmaLungu eBhunga avunyelwe ukuba asebenzise naliphina iholo likamasipala kwiintlanganiso zogqithiso lwengxelo ezimbini ubuninzi ngaphandle kwentlawulo kwinyanga nganye phantsi kwale migaqo nezi meko zilandelayo:
 - (i) Isiqinisekiso senjongo yentlanganiso (isaziso, ileta, iingxelo yonoondaba) inikezwe kwiveki yokuqala kolu qeshiso; kwakunye (nemizuzu, irejista yeBhunga eseburhulumenteni yabazimasa oku) igqithiswe kwiveki enye phambi kokuba kubanjwe le ntlanganiso;
 - (ii) Ukuba nakuphina ukusetyenziswa ngendlela engafanelekanga kweli lungelo ngamaLungu eBhunga kugqithiswe kuManejala kaMasipala;
 - (iii) Ukuba xa ethe amaLungu eBhunga akhetha ukusebenzisa isibonelelo esingesiso esikaMasipala, intlawulo yoku ihlawulwe lilungu elo; kwakunye nokub;
 - (iv) Ukusetyenziswa kwamaholo ngeempela-veki kufuneka kungakhuthazwa konke-konke ekuqwalaseleni unyanzeliso kuhlalo lwabiwo-mali lweBhunga.
- (b) Unikezelo lwezicelo zokusetyenziswa okongeziweyo kwezibonelelo ngamaLungu eBhunga afuna ukuqhagamshelana namalungu awo malunga nemiba eblulekileyo okanye engxamisekileyo, oko kube yingqiqo kaManejala kaMasipala okanye umntu amonyulileyo ekuqwalaseleni umba onjalo.

Chairperson of Portfolio Committee

Date 10.02.03

Executive Member NMLangen

Date 10/02/03