

MINUTES

OF A MEETING OF COUNCIL OF THE CITY OF CAPE TOWN HELD ON THURSDAY, 23 JUNE 2005 AT 10:00 IN THE COUNCIL CHAMBER, 6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, 12 HERTZOG BOULEVARD, CAPE TOWN

C 07/06/05 DELEGATIONS OF POWER

It was noted that the recommendations from the Executive Mayor as to this item had been circulated separately.

Cllr Thuynsma, duly seconded, proposed that the document entitled "Functions and Delegations of Council's Political Structures" under the heading "Powers reserved for Council", Page 305 of the agenda, paragraph 4.1.13 be amended to read as follows:

"4.1.13 Bestows civic honours, including aldermanship and the naming and renaming of public streets, places and municipal buildings after persons."

Cllr Thuynsma's proposal was supported by the majority and carried. Cllr De Vries, duly seconded, proposed that the document entitled "Rules of Order for Council" be amended as follows:

(a) Pg 463 of the agenda, by the deletion of paragraph 9.1.8

(b) Pg 465 of the agenda, that paragraph 13.3 be amended to read as follows:

"13.3 While it is accepted that the matters listed in Sub-Rules 13.1(ii) and (iii) above, are for noting by Council, the Speaker may with the consent of the Mayor, allow debate on any of these matters, upon the prior written request of a member, which shall be handed to the Speaker at least 24 hours prior to the meeting."

(c) Pg 465 of the agenda, that paragraph 14 be delete

(d) Pg 473 of the agenda, that 32.2.2 be amended to read as follows:

"32.2.2 rise/ raise his /her hand on a point of personal explanation at the end of the debate."

Cllr De Vries' proposals were supported by the majority and carried. It was also requested that it be ascertained whether on page 325 of the agenda, the reference in paragraph (l) to Section 54 of the

ADOPTED BY ORDINARY RESOLUTION

Municipal Systems Act is correct. Subsequently, it was established that it should be corrected to Section 59.

The Executive Mayor's recommendations, as amended in accordance with the above, were then put to the vote when upon a show of hands there voted :

In Favour 102

Against 62

The Executive Mayors recommendations as amended were carried.

RESOLVED that:

(a) (i) the delegations and designations as contained in Annexure A to the report; as amended in accordance with the above and

(ii) the delegations as contained in Annexures B and C to the report as amended in accordance with the above, be approved

(b) the delegations document be considered as a living document, and given that Council is required to review its performance management system and IDP annually, it be reviewed and amended on an ongoing basis to reflect changes in the organization and new legislation

(c) Council repeal all previous or current delegations which may be in conflict with the powers, duties and/or functions delegated in terms of the amended Annexures A, B and C to the report

(d) the delegations approved by Council on 29 October 2003 be hereby repealed

(e) the delegations conferred in terms of Section 16(3) of Provincial Notice No. 5588 of 22 September 2000 be hereby repealed

(f) the Rules of Order for the Council of the City of Cape Town as amended, be adopted

(g) the current Rules of Order be hereby repealed.

ADOPTED BY ORDINARY RESOLUTION

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR: 20.06.05

C 07/06/05

**PAGES 294 – 474 in Council agenda refer
DELEGATIONS OF POWER****RECOMMENDED that:**

- (a)
 - (i) the delegations and designations as contained in Annexure A to the report; and
 - (ii) the delegations as contained in Annexures B and C to the report be Approved, subject to the replacement of the Health Director's Delegations with the delegations in the attached Addendum A
- (b) the delegations document be considered as a living document, and given that Council is required to review its performance management system and IDP annually, it be reviewed and amended on an ongoing basis to reflect changes in the organization and new legislation
- (c) Council repeal all previous or current delegations which may be in conflict with the powers, duties and/or functions delegated in terms of Annexures A, B and C to the report
- (d) the delegations approved by Council on 29 October 2003 be hereby repealed
- (e) the delegations conferred in terms of Section 16(3) of Provincial Notice No. 5588 of 22 September 2000 be hereby repealed
- (f) the Rules of Order for the Council of the City of Cape Town be adopted subject to the amendment of Rule 24.1 as set out in the attached Addendum B
- (g) the current Rules of Order be hereby repealed.

THE CITY OF CAPE TOWN

FUNCTIONAL DELEGATIONS: DIRECTOR: CITY HEALTH

ADDENDUM A

Author :
 Directorate : City Health
 Telephone # :
 Date : 17 February 2005

Businesses Act 71 of 1991 repealed or amended certain laws regarding the licensing and carrying on of businesses and shop hours and made certain new provision for the licensing and carrying on of certain businesses; and for matter connected therewith.

In terms of PN 67/2003 dated 28 February 2003 the City of Cape Town was designated as a licensing authority to undertake the licensing of businesses in it Municipal area of jurisdiction

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1.	71 Of 1991	2 (4)	Issue a licence which has been properly applied for if the applicant complies with statutory requirements of Planning, Health and Safety.	Director: City Health	Manager: Environmental Health
		2 (5)	May ask the South African Police Services for a report on any previous convictions of the applicant.	Director: City Health	Manager: Environmental Health
		2 (6)(a)	May grant an application on certain conditions	Director: City Health	Manager: Environmental Health
		2 (6)(b)	May issue a licence subject to any condition	Director: City Health	Manager: Environmental Health
		2 (7)	May amend a condition, extend a period or revoke a condition, or indicate that a condition specified in the license has been complied with.	Director: City Health	Manager: Environmental Health

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		2 (8)(a)	May in case of changed circumstances in relation to a business amend a condition by way of an endorsement.	Director: City Health	Manager: Environmental Health
		2 (8)(b)	May require in writing a licence holder to produce his licence to the licensing authority	Manager: Environmental Health	Environmental Health Practitioners (EHP) & Environmental Health Assistants (EHA)
		2 (9)	May at any time withdraw or suspend a licence on the grounds stipulated in section 2 (9) (a) to (d)	Director: City Health	Not sub-delegated
		2 (10)	Grant or refuse applications for a business licence and notify the applicants in writing of such decision, provide reasons for the decision and inform applicant of his/her right to appeal under section 3 of the Act	Director: City Health	Not sub-delegated
	Regulation 786/1991	8	Keep and maintain all records and documents as required by the businesses act in respect of every business conducted within the area of the City Of Cape Town	Manager: Environmental Health	Not sub-delegated

National Health Act 61 of 2003

To provide a framework for a structured uniform Health System within the Republic, taking into account the obligations imposed by the Constitution and other laws on the National, Provincial and Local Governments with regard to health services; and to provide for matters connected therewith.

	18	Municipal Council must establish a procedure for the laying of complaints.	Director: City Health
	32	Municipal Council must ensure that appropriate Municipal Health Services are effectively and equitably provided.	Director: City Health
	76	Municipality which provides a health service must establish and maintain a Health Information System as contemplated in Section 74	Director: City Health
	80(1)(c)	The Mayor may appoint any person in the employ of the Council in question as a health officer for the municipality in question.	Director: City Health

Health Act 63 of 1977. To provide for measures for the promotion of the health of the inhabitants of the Republic; to that end to provide for the rendering of health services; to define the duties, powers and responsibilities of certain authorities which render health services in the Republic; to provide for the co-ordination of such health services; to repeal the Public Health Act, 1919; and to provide for incidental matters.

ITEM NO	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	63 OF 1977	20	Take all lawful, necessary and reasonably practicable measure as envisaged in Section 20 (1)(a) – (c).	Director: City Health	
		20(7)	May institute a prosecution for any contraventions of/or failure to comply with any provisions of this Act	Director: City Health	Environmental Health Practitioner
		27(1)	Serve a written notice in respect of conditions requiring immediate remedying	Director: City Health	Environmental Health Practitioner
		27(3)	Enter a dwelling/premises and take all steps necessary to remedy the condition and may recover the costs	Director: City Health	Environmental Health Practitioner
		28	Submit notifications of any communicable disease to the Director General: Health	Director: City Health	
+		48(2)	Remove and bury the body of a destitute person or of an unclaimed body or which no competent person undertakes to bury.	Director: City Health	
	Regulation 237 of 8 February 1985		Regulations relating to funeral Undertakers' premises promulgated in terms of the Health Act.		006
		2(1)(b)	Issue a written order where a nuisance is present.	Director: City Health	Environmental Health Practitioner
		3(1)	May with the approval of the Director-General in writing exempt any person from compliance with all or any of the regulations where in his/her opinion, non compliance does not or will not create a nuisance.	Director: City Health	Environmental Health Practitioner
		3(2)	May with the approval of the Director-General lay down and stipulate in the certificate of exemption the time period for which the exemption is valid	Director: City Health	Environmental Health Practitioner
		5(3)	When considering issuing or transferring of a certificate of competence, request	Director: City	Environmental

		any further information deemed necessary.	Health	Health Practitioner
	5(4)	Consider any application for the issue or transfer of a certificate subject to the completion of an inspection.	Director: City Health	Environmental Health Practitioner
	6	Issue or transfer certificate of competence when premises comply with all relevant requirements.	Director: City Health	Environmental Health Practitioner
	7	May endorse the transfer of a valid certificate of competence from current owner to the new owner.	Director: City Health	Environmental Health Practitioner
	8	May issue a provisional certificate of competence up to 36 months in order for applicant to comply with this regulation.	Director: City Health	Environmental Health Practitioner
	10	May suspend or revoke a certificate of competence or provisional certificate of competence.	Director: City Health	Not sub-delegated
Regulation 1256 of 27 June 1986		Regulations relating to milking sheds and the transport of milk promulgated under the Health Act		007
	2(3)	May order in writing, the owner or possessor of a milking shed here a real or immediate health hazard is present, not to remove the milk for human consumption from the shed until the matter has been remedied.	Director: City Health	Environmental Health Practitioner
	3(3)-3(5)	Consider an application for a certificate of acceptability subject to certain requirements and conditions.	Director: City Health	Environmental Health Practitioner
	4	May issue a provisional certificate of acceptability where the milk shed does not comply with all the provisions in this regulation and may revoke a provisional certificate and replace it with a certificate of acceptability upon compliance	Director: City Health	Environmental Health Practitioner
	5(a)	Grant approval for the transfer of a certificate.	Director: City Health	Environmental Health Practitioner
	5(b)	Inspect the milk shed and dairy stock.	Director: City Health	Environmental Health Practitioner
	5(b)	Examine the staff in employed at the premises.	Director: City Health	Medical Officers

	6	May endorse an existing certificate of acceptability by replacing the holders name or cancel the existing certificate and issue a new certificate in the name of a new holder	Director: City Health	Environmental Health Practitioner
	7	May suspend or withdraw the certificate of acceptability or a provisional certificate.	Director: City Health	Environmental Health Practitioner
	14	May grant an exemption in writing to any person for compliance with some of these regulations which shall be valid for a predetermined period.	Director: City Health	Environmental Health Practitioner
	15(3)	Respond within 14 days in cases where a notice of appeal has been lodged with the Minister where the applicant is of the opinion that an injustice has been done.	Director: City Health	Environmental Health Practitioner
		Regulation governing general hygiene requirements for food premises and the transport of food promulgated under the Health Act.		0008
Regulation 918 of 30 July 1999	3(6)	Issue a certificate of acceptability if the inspector is satisfied that the premises complies with standards and requirements for food premises	Director: City Health	Environmental Health Practitioner
	3(8)	Issue a new certificate of acceptability if the person in charge of the premises is replaced by another person.	Director: City Health	Environmental Health Practitioner
	4(2)(c)	May place a restriction on the use of the food premises or the facility for the handling of food if in the opinion of the inspector it constitutes a health hazard.	Director: City Health	Environmental Health Practitioner
	4(5)	Inform the person on whom the prohibition notice was served in writing of the outcome of the re-inspection.	Director: City Health	Environmental Health Practitioner
	4(6)	Levy an inspection fee as determined by Council for the re-inspection.	Director: City Health	Environmental Health Practitioner
	15	May exempt a person in charge of a food premises from any of the provisions of these regulations excluding a certificate of acceptability.	Director: City Health	Environmental Health Practitioner
Regulation 1411 of 23 Sept 1966		Regulations regarding the prevention of rodent infestation and the storage of grain, forage, etc in urban and rural areas of the Republic in South Africa		

	5	Issue an order for the destruction of rodents and should the person fail to carry out the terms of the order, execute the work and recover the costs.	Director: City Health	Environmental Health Practitioner
	6	Make orders for the prevention of rodent infestation and should the person fail to carry out the order, execute the work and recover the costs.	Director: City Health	Environmental Health Practitioner
	7	May make orders for the collection, removal etc of refuse in such a manner as to safeguard against rodent infestation or harborage.	Director: City Health	Environmental Health Practitioner
Regulation 2438 of 30 Oct 1987		Regulations relating to communicable diseases and the notification of notifiable medical conditions		
	2(1)	By written order and subject to conditions (a) Close any institution; (b) Regulate or restrict attendance thereto; (c) Regulate, restrict or prohibit the holding or attendance of any meeting there, and (d) Quarantine such premises.	Director: City Health	009
	2(2)(a)	Notice referred to in 2(1) shall be signed by the Chief Administrative Officer and shall be served on a specific person.	City Manager	Medical Officer of Health
	2(2)(b)	Where a notice has been served in terms of 2(1) the Chief Administrative Officer is obliged to make it known.	City Manager	Director: City Health
	5	Shall inform the Director: General after an order has been issued in terms of Section 2.	Director: City Health	
	8(3)	Take steps to ensure proper compliance with this regulation or to prevent contravention of this regulation.	Director: City Health and Medical Officer of Health	
	3(1)	Statutory Power.	Statutory Power	
	3(3)	Submit a report to the City Manager.	Statutory Power	
	6(1)	Statutory Power.	Medical Officer of Health	
	6(2)	Report to the City Manager.	Medical Officer of Health	
	8(4)	Powers vested in terms of Section 53 of the Act allows for a person who is not complying with the provisions of an order or has left an area without	Statutory Power	Statutory Power

			authorization, to be detained and handed over for medical observation.		
		11	Issue a written notice.	Medical Officer of Health	
		14(1)	May instruct a person to undergo medical examination.	Medical Officer of Health	
		14(3)	Statutory Power.	Statutory Power	
		14(5)	Submit a comprehensive report after issuing an order as stipulated in 14(3)	Medical Officer of Health	
		15(a)	Statutory Power	Statutory Power	
		15(b)	Supervise the disinfection.	Medical Officer of Health	Environmental Health Practitioner
		16(1)	Issue a written compulsory evacuation order.	Medical Officer of Health	
		16(3)	Take all measures to ensure proper implementation of this regulation or to prevent any contravention thereof.	Medical Officer of Health	
		18	Subject an infested person to compulsory removal, cleansing and disinfection if ordered to do so.	Medical Officer of Health	Professional Nurses
		19(3)	Forward weekly reports to the Director General.	Director: City Health	

010

Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972)

To control the sale, manufacture and importation of foodstuffs, cosmetics and disinfectants and to provide for incidental matters.

Act 54 of 1972	23	The Minister has by notices in Gazettes authorized the various Administrations to administer the provisions of this Act in its areas of jurisdiction, through its duly authorized officers	Director: City Health	Environmental Health Practitioner
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Regulation 975 of 29 September 2000. Notice relating to smoking of tobacco products in Public Places and promulgated in terms of the Tobacco Products Control Act 1993 as amended.

Reg. 975		Prohibit or restrict smoking in public places(include workplaces) – SEE CITY POLICE	Director: City Health	Environmental Health Practitioner
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					And Environmental Health Assistants
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Child Care Act 74 of 1983

Regulation 2612 dated 12 Dec 1986		Regulation promulgated in terms of the Child Care Act 74 of 1983		
	30(2)(b)	Issue a health suitability report.	Director: City Health	Environmental Health Practitioner

Environment Conservation Act 73 of 1998

Regulations 627 of 20 Nov 1998		Noise Control Regulations promulgated in terms of the Environment Conservation Act 73 of 1998		011
	2(a)	May at any reasonable time enter a premise without prior notice to conduct any appropriate examination, enquiry or inspection and to take any steps it may deem necessary. - ALSO SEE PLANNING AND ENVIRONMENT AND CITY POLICE	Director: City Health	Environmental Health Practitioner
	2(c)	Instruct in writing the person who causes a disturbing noise or a noise nuisance to discontinue the disturbance or the nuisance. - ALSO SEE CITY POLICE	Director: City Health	Environmental Health Practitioner
	2(d)	May request a submission of a noise impact assessment prior to the erection of new buildings or where changes are to be made to buildings or land. ALSO SEE PLANNING AND ENVIRONMENT.	Director: City Health	Environmental Health Practitioner
	2(e)	Order in writing the discontinuance of music where a noise nuisance or a disturbing noise is generated. - ALSO SEE CITY POLICE	Director: City Health	Environmental Health Practitioner
	2(i)	May impose appropriate conditions when granting permission or exemptions	Director: City Health	Environmental Health Practitioner

		2(k)	May place measuring instruments at any place it may deem necessary.	Environmental Health Practitioner and Engineering Assistant	
		7(3)	Grant in writing an exemption and stipulate conditions and period for which the exemption is granted.	Director: City Health	

National Building Regulations and Standards Act 103 of 1977

	Act 103 of 1977	SABS 0400 of 1990 Part O ventilation	To administer the application of ventilation to spaces which will enable such spaces to be used without detriment to health or safety or causing any nuisance and to ensure that such ventilation systems adhere to minimum requirements.	Director: City Health	Senior Mechanical Engineer
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Regulation 346 of 1953: BY-LAW

	Regulation 1954		Regulation 1954 promulgated in terms of the provisions of Ordinance 19 of 1951		
			This regulation places a restriction on persons not to use loudspeakers in such a way that it causes a noise nuisance. In order to ensure compliance a written notice may be served on the relevant person.	Director: City Health	Environmental Health Practitioner

012

Atmospheric Pollution Prevention Act 45 of 1965

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	APPA 1965	15(1)	Decide whether an appliance or fuel complies with the requirements of the Act	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		15(2)	Consider an application for installation of a fuel burning appliance	Director: City Health	Environmental Health

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
					Practitioners and Air Pollution Officers
		16	Consider and application after due consideration of the siting and construction of chimney and control equipment.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		17	Serve notice on a person who is responsible for a nuisance and take legal action in consultation with Legal Services.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		19	Serve a notice and take legal action in consultation with Legal Services where Section 18 has been contravened.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		23	Authority to enter premises	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		24	Call for information from fuel supplier and occupier of premises from which smoke is emitted.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		37	Perform smoke test on diesel vehicles stopped by the relevant authority and serve the owner with a notice and take legal action in the case of non-compliance with notice - ALSO SEE CITY POLICE	Director: City Health	Environmental Health Practitioners and Air Pollution Officers

014 ADDENDUM **B**

A motion or proposal, other than a recommendation of the Mayor, affecting the making or amendment of a By-Law, shall, before the Council adopts a resolution thereon, be submitted to the Speaker for a report thereon.

23 QUESTIONS

- 23.1 Any member may submit a question(s) relating to any matter in order to solicit views, opinions, intentions, explanations or information.
- 23.2 The member must ensure that the question(s) is (are) submitted to the Speaker at least 10 working days before the date of the meeting.
- 23.3 The Speaker must ensure that the question(s) is (are) included in the agenda of the Municipal Council meeting.
- 23.4 The Speaker must decide which member must respond to a question(s) and if the member is unavailable to respond immediately, when such response must be put before the Council.
- 23.5 No member may re-submit a question(s) relating to any matter if that (those) question(s) was (were) considered during the previous three (3) months.

24 RECONSIDERATION OF RESOLUTIONS

- 24.1 The Municipal Council must reconsider any decision taken if a least 25% of members of the Municipal Council lodge such a request in writing with the Municipal Manager, provided that such reconsideration will not adversely affect existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 19.
- 24.2 Notwithstanding the provision of this Rules of Order, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

25 AMENDMENTS TO RECOMMENDATIONS

- 25.1 An amendment which is moved:
 - 25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
 - 25.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and
 - 25.1.3 may only be moved by a member while he / she is speaking on a recommendation, motion or proposal under debate.

COUNCIL OF THE CITY OF CAPE TOWN**23 JUNE 2005**

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

1 ITEM NUMBER : C 07/06/05

2 SUBJECT: DELEGATIONS OF POWER

3 PURPOSE

Seeking Council approval for political and administrative delegations

4 STRATEGIC INTENT

To promote effective and efficient service delivery by expediting the decision-making processes.

5 FOR DECISION / CONSIDERATION BY

Council.

6 EXECUTIVE SUMMARY

To provide a uniform set of delegations for the City of Cape Town and to repeal all current delegations.

To align Council's Rules of Order with the revised delegations.

7 RECOMMENDATIONS

Recommended that:

- a) (i) the delegations and designations as contained in Annexure A; and
 (ii) the delegations as contained in Annexures B and C attached to this report be approved
- b) the delegations document be considered as a living document, and given that Council is required to review its performance management system and IDP annually, it be reviewed and amended on an ongoing basis to reflect changes in the organisation and new legislation

- c) Council repeal all previous or current delegations which may be in conflict with the powers, duties and/or functions delegated in terms of Annexures A, B and C
- d) the delegations approved by Council on 29 October 2003 be hereby repealed
- e) the delegations conferred in terms of Section 16(3) of Provincial Notice No. 5588 of 22 September 2000 be hereby repealed.
- f) the Rules of Order for the Council of the City of Cape Town be adopted
- g) the current Rules of Order be hereby repealed.

8 DISCUSSION/CONTENTS

8.1 Background

The delegations of the political structures and office bearers of Council were approved by Council on 29 October 2003. While the delegations have been amended from time to time, recent legislation (i.e. the Municipal Finance Management Act) and the implementation of the organisational structure has necessitated a review of the political, generic and administrative functional delegations to enable them to be cascaded down to ensure the optimal operation of the organisation and expeditious decision-making at the appropriate levels.

When Council approved delegations on 29 October 2003 it did not repeal operational powers and functions within the previous 7 administrations which exist in terms of the establishment proclamation No. 5588 of 22 Sept. 2000. This was necessary at the time to ensure that service delivery continued unimpeded.

8.1.1 Administrative Delegations

A Task Team was constituted to make recommendations on a comprehensive set of administrative delegations. The first page of Annexure C namely, the "Functional Delegations of the Administration", sets out a list of directorates consulted. It is to be noted that the delegations for Supply Chain Management Directorate will be submitted once the regulations in terms of the Municipal Finance Management Act have been promulgated. Also to be noted is that where directors have indicated that there is no need for specific functional delegations, the generic delegations apply. The proposed delegations are accordingly attached for Council approval. These delegations will replace all previous and current delegations in terms of which officials in the administration currently act, because it creates a uniform set of powers and functions for all officials and brings an end to the fragmented system created by the Provincial Notice.

8.1.2 Political Delegations

Prior to 29 October 2003 Council's delegations were based on a collective executive decision-making system. Council then chose to have an executive mayoral system combined with both a sub-council and a ward participatory system. The delegations of the political structures and office bearers approved by Council on 29 October 2003 were thus in accordance with the coalition agreement.

While Council moved from a system of joint decision-making to a singular decision-making system where executive authority is vested in the Executive Mayor, the delegations approved by Council never really reflected this change. It is now considered prudent to align the delegations with the executive mayoral system. To this end, the VRC produced a draft set of political delegations which are set out in Annexure A attached hereto. These revised political delegations are intended to underpin the strategic vision, mission and goals accepted by Council through its IDP and other pertinent documents

It should be emphasised that the intention of the revised delegations is not to change or amend the functional areas of individual Mayoral Committee members in order to bring them in line with the organisational changes. This will not negatively impact on service delivery but will continue to contribute towards the process of political integration. If need be, this matter could be revisited once the local government elections have been concluded.

It is also appropriate at this point in time to submit for approval a new set of Rules of Order for the Council of the City of Cape Town to align it with the revised delegations. These Rules of Order have been bench-marked against the Council Rules of Order for the Jo'burg and Tshwane Metropolitan Councils.

8.2 Legal Implications

The City is exposed to legal risk should it not have a comprehensive and clear set of delegations in terms of the Municipal Systems Act 32 of 2000.

8.3 Other Services Consulted

VRC and all Council departments.

ANNEXURES

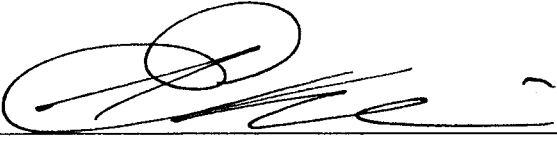
- Annexure A: Political delegations
- Annexure B: Generic delegations to the Senior Management of the Administration.
- Annexure C: Functional delegations of the Administration.
- Annexure D: The Rules of Order for the Council of the City of Cape Town

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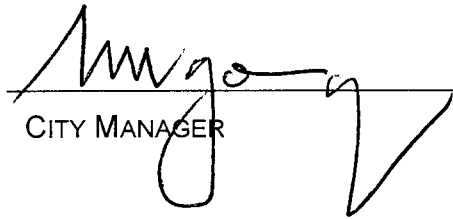
FOR FURTHER DETAILS CONTACT :

I Robson: telephone 400 3332

G Kenhardt: telephone 400 1223



EXECUTIVE DIRECTOR



CITY MANAGER

Comment:

- ☐ SUPPORTED
- ☐ REFUSED
- ☐ REFERRED BACK

DATE

ANNEXURE A
POLITICAL DELEGATIONS

***FUNCTIONS AND DELEGATIONS
OF COUNCIL'S POLITICAL
STRUCTURES***

CITY OF CAPE TOWN

CITY OF CAPE TOWN

FUNCTIONS AND DELEGATION OF POWERS
OF COUNCIL'S POLITICAL STRUCTURES

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1. DEFINITIONS

“Business Plan” means the projects and action plans of each directorate of the Council.

“Commercial Activity” means, subject to the provisions of the MFMA and regulations promulgated in terms thereof, any activity relating to the:

- (a) buying, selling, hiring, or letting of goods
- (b) the hiring or acquisition of immovable property
- (c) acquiring or providing services; and includes, without limiting the generality of the foregoing

the advertising of tenders for such goods or property and services, the awarding of such tenders, the entering into and signing of contracts, the amendment and cancellation of such contracts. The total contract price shall fall within the delegated limits of the relevant functionary.

For the purposes of this definition:

- (a) Contract includes any legal activity required by or incidental to the powers and functions outlined here; and
- (b) The value of a commercial activity in respect of a lease is the total rental due in respect of the full duration of the lease.

“Constitution” means the Constitution of the Republic of South Africa, Act 108 of 1996.

“Chief Whip” means the person elected as the Chief Whip of Council

“Delegation” in relation to a duty, includes an instruction to perform the duty, and **“delegate”** has a corresponding meaning

“Department” means a functional area accountable to a Director.

“Deputy Executive Mayor” means a person elected in terms of Section 55 of the Structures Act

“Designation” means a power designated to the Executive Mayor to be performed together with the members of the Mayoral Committee as envisaged in section 60(3) of the Structures Act.

“Director” means a manager responsible for a group of functional areas.

“Directorate” means a group of departments accountable to an Executive Director.

“Executive Director” means a manager responsible for a group of departments.

“Executive Mayor” means a person elected in terms of section 55 of the Structures Act

and in whom the executive leadership of the municipality is vested.

"MFMA" means the Local Government: Municipal Finance Management Act. No. 56 of 2003

"Generic powers" means:

- (1) in relation to the administration the uniform powers, duties and functions applicable to all executive directors and directors and which have been delegated or sub-delegated to them; and
- (2) in relation to the Members of the Mayoral Committee the uniform powers, duties and functions of the members of the Mayoral Committee.

"LUPO" means the Land Use Planning Ordinance 15 of 1985.

"Portfolio of a Mayoral Committee member" means those responsibilities and powers delegated to a member of the Mayoral Committee in terms of section 60 (1) of the Structures Act

"Speaker" means the person elected in terms of Section 36 of the Structures Act

"Structures Act" means the Local Government: Municipal Structures Act No. 117 of 1998.

"Systems Act" means the Local Government: Municipal Systems Act No. 32 of 2000.

2. FRAMEWORK

- 2.1 All delegations are subject to compliance with Council's Integrated Development Plan, by-laws and budget.
- 2.2 All delegations, and all other decisions affecting the rights of others, must be in writing.
- 2.3 All delegations and sub-delegations must be reduced to writing and recorded in the delegation register, which must be kept updated at all times by the Municipal Manager.
- 2.4 All delegates must report delegated decisions at such intervals as the delegator may require.
- 2.5 An official to whom a power, duty or function has been delegated may desist from exercising such power, duty or function and refer it for decision to the next highest level.
- 2.6 Any delegated power is subject to any limitations, conditions and directions the municipal council may impose and does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty.
- 2.7 The Municipal Manager, Executive Director or Director to whom a power or duty has been delegated by Council is, subject to the Systems Act and the MFMA, authorised to sub-delegate any of his/her powers.

3. STATUTORY OBJECTIVES, DUTIES AND FUNCTIONS OF THE COUNCIL

The Statutory duties and functions of the Council are prescribed by, inter alia:

- 3.1 The Constitution;
- 3.2 The Local Government : Municipal Structures Act;
- 3.3 The Local Government: Municipal Systems Act; and

3.4 The MFMA No. 56 of 2003.

4. POWERS RESERVED FOR COUNCIL

4.1 General Powers

- 4.1.1 Passes by-laws
- 4.1.2 Approves and amends IDP
- 4.1.3 Elects the Executive Mayor, Deputy Executive Mayor, Speaker and Chief Whip.
- 4.1.4 Delegates executive powers to Council's Executive Mayor.
- 4.1.5 Enters into service delivery agreements, for the provision of a municipal service through an external mechanism in terms of section 76 (b) of the Systems Act.
- 4.1.6 Removes the speaker, Executive Mayor and/or Deputy Executive Mayor and Chief Whip.
- 4.1.7 Establishes section 79 and 80 Committees.
- 4.1.8 Appoints members to Council's Committees.
- 4.1.9 Appoints Chairpersons of section 79 Committees.
- 4.1.10 Determines the terms of reference of Council's Committees.
- 4.1.11 Establishes subcouncils by way of a by-law.
- 4.1.12 Appoints additional members to sub-councils subject to applicable legislation.
- 4.1.13 Bestows civic honours, including aldermanship and the naming of public streets, places and municipal buildings after persons.
- 4.1.14 Determines councillor allowances and salaries.
- 4.1.15 Designates Councillors, as determined by the Provincial Minister for Local government, as full-time Councillors.
- 4.1.16 Take decisions to expropriate immovable property or rights in or to immovable property within the policy framework of Council.

- 4.1.17 Decides on the determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager and or managers directly accountable to the Municipal Manager

4.2 Financial Powers

- 4.2.1 Approves Council's budget and any amendment thereto.
- 4.2.2 Imposes rates and other taxes, levies and duties. (Housing rentals for Council housing schemes are included within the definition of "levies").
- 4.2.3 Raises loans.
- 4.2.4 Determines a rating system for levying property rates on immovable property.
- 4.2.5 Determines development levies / and contributions other than RSC levies.
- 4.2.6 Subject to these delegations, disposes of capital assets of any value, both immovable and movable.

5. EXECUTIVE MAYOR

5.1 Statutory Powers of the Executive Mayor

- 5.1.1 Delegates appropriate duties to the Deputy Executive Mayor.
- 5.1.2 Delegates specific responsibilities to each member of the Mayoral Committee; and
- 5.1.3 Delegates and sub-delegates any of the Executive Mayor's powers
- 5.1.4 In respect of the Integrated Development Plan the Executive Mayor:
 - 5.1.4.1 Receives input on the Council's IDP
 - 5.1.4.2 Receives recommendations from the members of the Mayoral Committee, relevant to their portfolio; and
 - 5.1.4.3 Submits the draft IDP to the Municipal Council for adoption and makes recommendations to Council.
- 5.1.5 Receives the Auditor-General's reports and deals with them in accordance with relevant legislation.
- 5.1.6 Performs all powers, duties and functions conferred in terms of the MFMA.

- 5.1.7 Certifies the annual budget.
- 5.1.8 Reviews the performance of the municipality in order to improve:
 - 5.1.8.1 The economy, efficiency, and effectiveness of the municipality;
 - 5.1.8.2 The efficiency of credit control and revenue and debt collection; and
 - 5.1.8.3 The implementation of the municipality's by-laws.
- 5.1.9 Guides the municipality in exercising its rights and powers over a municipal entity in which it has sole or shared control.
- 5.1.10 Oversees the executive functions of the municipality.
- 5.1.11 Oversees the provision of services to communities in the municipality in a sustainable manner.
- 5.1.12 Annually reports on the involvement of communities and community organizations in the affairs of the municipality.
- 5.1.13 Signs resolutions by the Municipal Council approving loan agreements
- 5.1.14 Receives reports on the alignment of the IDP and the budget from the relevant Member of the Mayoral Committee.
 - 5.1.14.1 Receives reports from the relevant Member of the Mayoral Committee and makes recommendations to Council where he/she cannot dispose of the matter in terms of his/her delegated powers.
- 5.1.15 Ensures that regard is given to public views and reports on the effect of consultation on the decisions of the Council.
- 5.1.16 Makes recommendations to Council regarding:
 - 5.1.16.1 The adoption of estimates of revenue and expenditure, as well as the capital budget, and the imposition of rates and other taxes, levies and duties;
 - 5.1.16.2 The passing of by-laws;
 - 5.1.16.3 The raising of loans;
 - 5.1.16.4 The approval of the IDP and any amendment thereto.
- 5.1.17 Recommends to Council the appointment and determination of the conditions of service of the Municipal Manager and managers directly accountable to the Municipal Manager.

- 5.1.18 Deals with any matter referred to the Executive Mayor by the Council.
- 5.1.19 Attends and deals with all matters delegated to the Executive Mayor in terms of the Structures Act and the Systems Act.
- 5.1.20 Appoints a chairperson from the Members of the Mayoral Committee for any section 80 Committee established by Council to assist the Executive Mayor.
- 5.1.21 Delegates any powers and duties to any section 80 Committee established by Council.
- 5.1.22 Varies or revokes any decision taken by a section 80 Committee, subject to vested rights.
- 5.1.23 Manages the development of the municipality's performance management system and submits the proposed system to the Municipal Council for adoption.
- 5.1.24 Evaluates progress against the key performance indicators.
- 5.1.25 Receives reports from Committees of the Municipal Council and forwards these reports together with a recommendation to the Council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers
- 5.1.26 When there is an appeal against a decision taken by the Municipal Manager, the Executive Mayor is the appeal authority.
- 5.1.27 Must perform a ceremonial role as the Municipal Council may determine. The following ceremonial duties are hereby determined:
 - 5.1.27.1 Opening projects, civic functions and events, and new buildings;
 - 5.1.27.2 Hosting and welcoming dignitaries;
 - 5.1.27.3 Advocating municipal policy;
 - 5.1.27.4 Representing the Council at civic events;
 - 5.1.27.5 Leading campaigns initiated by the Executive Mayor;
 - 5.1.27.6 Representing the municipality during disasters;
 - 5.1.27.7 Acting as a patron of local organizations,
 - 5.1.27.8 Or any other duties of a ceremonial nature
- 5.1.28 The Executive Mayor:

5.1.28.1 Must appoint a Mayoral Committee from among the Councillors to assist the Executive Mayor; and

5.1.28.2 May dismiss a member of the Mayoral Committee.

5.2 Powers Delegated by Council to the Executive Mayor

5.2.1 Receives and interviews representatives and delegations from the public interest groups

5.2.2 Represents the Council at meetings and functions other than those outside bodies to which councillors have been nominated.

5.2.3 Nominates councillors to serve on outside bodies, after recommendation from the Chief Whip

5.2.4 Makes press statements on behalf of the Council.

5.2.5 Leads the City Development Strategy process.

5.2.6 Comments on national and provincial legislation.

5.2.7 The public relations and communication function.

5.2.8 Approves leave for the Municipal Manager.

5.2.9 Approves international, national and local participation of meetings/conferences/seminars by the Municipal Manager.

5.2.10 When the Council goes into recess, the Executive Mayor in consultation with the Municipal Manager takes decisions on behalf of the Council or any of its Committees, where the failure to exercise such delegated authority as a matter of urgency would, in the view of the Executive Mayor, prejudice the Council and/or its services.

5.2.11 Appoints an acting municipal Manager for periods from 6-20 working days.

5.2.12 Appoints, after consultation with the Municipal Manager, acting managers directly accountable to the Municipal Manager. (for periods in excess of 30 working days)

5.2.13 The Executive Mayor or Acting Executive Mayor, can appoint an acting Member of the Mayoral Committee to perform the functions of any Member of the Mayoral Committee who is absent on official business, on leave, or any other reason. The acting Member of the Mayoral Committee must be a member of the Mayoral Committee and once appointed, will have the full powers and authority of the absent Mayoral Committee Member. The acting appointment made by the Executive Mayor must be in writing.

- 5.2.14 Establishes ad-hoc task-teams or sub-committees of the Mayoral Committee and appoints members and chairpersons thereof.
- 5.2.15 Institutes and defends any court action in the High Court or court of equal stature, with the exception of claims relating to recovery of debt owed to the Council, in consultation with the Director: Legal Strategy and the Municipal Manager (for the purpose of this clause, institute and defend includes the processing of any action to an appeal body).
- 5.2.16 Institutes and defends arbitration proceedings in matters where it otherwise would have been dealt with in the High Court or a court of equal or higher stature.
- 5.2.17 Settles any action instituted in any competent court or forum recognized by law should it be deemed in the interest of Council.
- 5.2.18 The Legal Services and City Secretariat Function.
 - 5.2.18.1 Intervene in any Court process on humanitarian grounds and where such intervention will not compromise the integrity of Council.
- 5.2.19 Appoints or authorises Councillors to attend international, national and local meetings/conferences/seminars and study tours.
- 5.2.20 Grants leave of absence to the Members of the Mayoral Committee from Mayoral Committee Meetings.
- 5.2.21 Determines the functional area for each portfolio of the Members of the Mayoral Committee.
- 5.2.22 Assigns portfolios to the Members of the Mayoral Committee.
- 5.2.23 Assigns strategic objectives to the Members of the Mayoral Committee for implementation and oversight.
- 5.2.24 Determines the amount of loss suffered by Council, where the Municipal Manager or any other manager directly accountable to him/her, has been responsible for such loss or damage and recovers the loss or damage from him/her.
- 5.2.25 Establishes and oversees the management of a capital development fund, consolidated capital development and loan fund and/or consolidated loan fund.
- 5.2.26 Considers and deals with external audit reports and replies thereto and receives quarterly internal audit reports.
- 5.2.27 Appoints an acting Executive Mayor in the absence of both the Executive and Deputy Executive Mayor.

5.2.28 Authorised to sub-delegate any of his/her powers.

5.3 Financial Powers of the Executive Mayor

- 5.3.1 Decides on any commercial activity within the budget of Executive Mayor's office.
- 5.3.2 Approves the virement of funds of any operating budget amount within the Executive Mayor's budget.
- 5.3.3 Decides to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance, and the investment of surplus funds in terms of Council policy.

6. **POWERS OF THE EXECUTIVE MAYOR DESIGNATED IN TERMS OF SECTION 60(3) OF THE STRUCTURES ACT TO BE PERFORMED TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE**

6.1 Designated Powers

- 6.1.1 Recommend to the Municipal Council strategies, programmes and services to address priority needs through the IDP, and the budget.
- 6.1.2 Recommend to the Municipal Council or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- 6.1.3 Identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in paragraph 6.1.2 can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.
- 6.1.4 The determination of policy after recommendations from the Executive Mayor.
- 6.1.5 The determination of which policies will be processed into by-laws.
- 6.1.6 Determines policy for the use of Council's facilities by members of Council.
- 6.1.7 Recommends to Council policies where the power to determine policy cannot be delegated.
- 6.1.8 Makes recommendations to Council on proposed political structures of the Council.
- 6.1.9 Gives political direction to the City Manager and the Executive Directors.

- 6.1.10 Determines strategic approaches, guidelines and growth parameters for the draft budget including tariff structures.
- 6.1.11 Determines a policy framework in respect of the staff establishment, post description, conditions of service and evaluation of the staff establishment of the municipality.

6.2 Financial Powers

Subject to the provisions of the MFMA, approves virement of budgeted operational funds of an amount above R 1m, but not exceeding R10m.

7. THE SPEAKER

7.1 Statutory Powers of the Speaker

- 7.1.1 Presides at meetings of the Council and signs the minutes of the Council meetings.
- 7.1.2 Ensures that the Council meets at least quarterly.
- 7.1.3 Maintains order during meetings of the Council and ensures that the meetings are conducted in compliance with the Council's Rules of Order.
- 7.1.4 Performs all other duties assigned to him/her in the Council's Rules of Order.
- 7.1.5 Ensures compliance in the Council with the Code of Conduct as set out in Schedule 1 to the Act.
- 7.1.6 Initiates any investigation or enquiry into suspected or alleged impropriety by Councillors or any alleged breaches of the Council's Code of Conduct.

7.2 Powers Delegated to the Speaker

- 7.2.1 Chairs the Rules Committee, Planning Appeals committee and any other committee which he/she is appointed by Council to chair.
- 7.2.2 Oversees the use of Council facilities by members of the Council in accordance with the policy of the Executive Mayor.
- 7.2.3 The following functions are the responsibility of the Speaker:
 - 7.2.3.1 Sub-council Co-ordination;
 - 7.2.3.2 Ward Committees administration
 - 7.2.3.3 Committee Services in respect of the legislative function

7.2.4 Is the appeal authority in terms of the Promotion of Access to Information Act.

8. CHIEF WHIP

8.1 Institutional Role and Functions Include

- 8.1.1 Informing Councillors of Council, Committee, and other meetings (except the meetings of the Mayoral Committee) as determined by the Speaker and Executive Mayor, of important items on the relevant agendas.
- 8.1.2 Advise the Speaker and Executive Mayor in what order important issues should be dealt with and if some councillors must leave early or attend the relevant meetings late and how much time should preferably be allocated thereto.
- 8.1.3 Arrange the allocation of times for speakers and the order in which such speakers may be permitted to address the Council on an item after consulting other whips and then supplying a list of scheduled speakers to the Speaker or Executive Mayor. (Liaise with Speaker).
- 8.1.4 Ensuring that Councillors' motions are prepared and timeously given to the Council in terms of the Rules of Order or that the Executive Mayor and the Speaker are advised of urgent motions in writing prior to the commencement of the meeting.
- 8.1.5 Deciding how to deal with important items not disposed of at a meeting pending its resolution or the withdrawal of items that need political clarity or which need to be caucused or investigated.
- 8.1.6 Liaising with other whips in respect of items to be added to a meeting agenda, debates on motions and, what matters should be interrupted to give precedence to others, etc.
- 8.1.7 Allocating official seats to Councillors or parties after consultation with opposition whips.
- 8.1.8 In consultation with the Speaker, the preparation of Council's calendar of meetings and the approval of any amendment thereto.
- 8.1.9 Approval in consultation with the relevant Chairperson of the change of meeting time and/or date.
- 8.1.10 The granting of leave of absence to Councillors
- 8.1.11 The approval of the use of office space by Councillors, subject to policy.
- 8.1.12 Assisting the Speaker with counting of votes and other delegated matters.

- 8.1.13 Ensuring that there is constant liaison between the various whips and constant communication channels are kept open amongst themselves and other parties.
- 8.1.14 Liaison with the Chief Whip in the Provincial Legislature.
- 8.1.15 Contribute to the development of institutional policies, procedures and strategies, insofar as this relates to the functions of the office of the Chief Whip.

9. SECTION 79 COMMITTEES

9.1 POWERS DELEGATED BY COUNCIL TO THE SPATIAL PLANNING, ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE

Delegations to the Spatial Planning, Environment and Land Use Management Committee

The following powers are conferred upon the Spatial Planning and Environment and Land Use Management Committee and this shall include the power to sub-delegate any of the powers conferred:

- 9.1.1 Decides on all applications made in terms of the following legislation as amended, where there is no delegated authority to officials in terms of the delegation documents applicable to individual administrations, in cases where objections have been received, or where the official does not wish to exercise the delegated power conferred upon him or her:
 - 9.1.1.1 LUPO and the Zoning Scheme Regulations and Town Planning Schemes promulgated in terms of the Black Communities Development Act No 4 of 1984 applicable in Council's area of jurisdiction, and where applicable, the applications are in accordance with the General Structure Plan, a Section 4(6) Structure Plan, and the Urban Structure Plan for the Cape Metropolitan area of 1988, including, but not limited to rezoning, subdivision, departures (temporary or permanent), consents, conditional uses, the waiving, amendment or imposition of additional conditions of approval, amendment or cancellation of an approved plan of subdivision or general plan or diagram, determination of zonings, extensions of time for rezoning, subdivision and departure applications; provided that the Committee may depart from a Section 4(10) Structure Plan and approved policies for local area spatial planning, environmental, heritage and land use management which are used to guide decision-making in respect of the above matters if reasons are furnished for such departure.
 - 9.1.1.2 National Building Regulations and Building Standards Act no: 103 of 1977 (the "National Building Regulations and Building Standards Act");
 - 9.1.1.3 National Heritage Resources Act no: 25 of 1999 ("the National Heritage Resources Act");

- 9.1.1.4 Section 13 of the Legal Succession to South African Transport Services Act; No. 9 of 1989.
- 9.1.1.5 National Environmental Management Act no: 107 of 1998
- 9.1.1.6 The Outdoor Advertising and Signage By-law no 5801 of 5 December 2001 and
- 9.1.1.7 Other laws, by-laws, regulations, policies and agreements in respect of spatial planning, environmental, heritage, building and land use management.
- 9.1.2 Comments to the relevant Section 80 Committee on policies and amendments thereto for local area spatial planning and environmental, heritage and land use management, which are used to guide decision-making in respect of these matters.
- 9.1.3 Makes recommendations to National or Provincial spheres of government where Council does not have delegated authority (nor competency conferred upon it) in terms of the following legislation as amended from time to time, and in cases where there is no delegated authority to officials, in cases where objections have been received, or where the official does not wish to exercise the delegated power conferred upon him or her:
 - 9.1.3.1 LUPO, including, but not limited to land use applications (where the application does not comply with the General Structure Plan, a Section 4(6) Structure Plan and /or the Urban Structure Plan for the Cape Metropolitan area of 1988) and ad hoc amendments to zoning schemes regulations;
 - 9.1.3.2 Removal of Restrictions Act 84 of 1967;
 - 9.1.3.3 The National Building Regulations and Building Standards Act no: 103 of 1977;
 - 9.1.3.4 National Heritage Resources Act no: 25 of 1999;
 - 9.1.3.5 Less Formal Township Establishment Act no: 113 of 1991;
 - 9.1.3.6 The National Environmental Management Act no: 107 of 1998 and Environment Conservation Act no: 73 of 1989
- 9.1.4 Makes determinations, issues directives, designates areas, confirms the deeming provisions, exercises all other powers conferred upon Council, in terms of the following legislation in cases where there is no delegated authority to officials, in cases where objections have been received, or where the official does not wish to exercise the delegated power conferred upon him or her:
 - 9.1.4.1 LUPO;
 - 9.1.4.2 The National Building Regulations and Building Standards Act no: 103 of 1977, including but not limited to Section 10 and 12;

- 9.1.4.3 National Heritage Resources Act no: 25 of 1999;
- 9.1.4.4 Less Formal Township Establishment Act no: 113 of 1991;
- 9.1.4.5 Legal Succession to South African Transport Services Act no: 9 of 1989;
- 9.1.4.6 The National Environmental Management Act no: 107 of 1998 and Environment Conservation Act no: 73 of 1989
- 9.1.4.7 The Outdoor Advertising and Signage By-law no 5801 of 5 December 2001
- 9.1.4.8 Section 27(1)(c) of the Physical Planning Act No 125 of 1991 and
- 9.1.4.9 Other laws, by-laws, regulations, policies and agreements in respect of spatial planning, environmental, heritage, building and land use management

9.1.5 Appeals

In cases where there is no delegated authority to officials in terms of the delegation documents applicable to individual administrations or where the official does not wish to exercise the delegated power conferred upon him/her the Committee may:

- 9.1.5.1 Comment on appeals lodged in terms of section 44 of the Land Use Planning Ordinance no. 15 of 1985 as well as the regulations promulgated in terms thereof
- 9.1.5.2 Comment on appeals lodged in terms of section 9 of the National Building Regulations and Building Standards Act no. 103 of 1977 as read with the regulations thereto and authorizing officials to appear at the Review Board Hearing of the appeal

Note: Reference to legislation includes amendments to the legislation, which take place from time to time as well as regulations promulgated in terms of such legislation.

Note: Reference to the LUPO and the Removal of Restrictions Act no 84 of 1967 includes the reference to legislation which may supersede and repeal the LUPO and which provides for the same or similar applications.

9.2 RULES COMMITTEE

9.2.1 Functions of the Rules Portfolio Committee

- 9.2.1.1 Recommends on rules of order.

9.2.2 Delegations to the Rules Committee

- 9.2.2.1 Summonses members of Council and officials to appear before the committee to give evidence or to enable the committee to perform its functions.

9.3 DISCIPLINARY COMMITTEE

9.3.1 Statutory Functions of the Disciplinary Committee

9.3.1.2 Conducts disciplinary enquiries into Councillor transgressions and makes a finding in respect thereof.

9.3.2 Delegated Powers of the Disciplinary Committee

9.3.2.1 Summonses members of Council and officials to appear before the Committee to give evidence.

9.3.2.2 Imposes sanctions in terms of sections 14(2) (a) and (b) of Schedule 1 of the Systems Act.

9.3.2.3 Recommends to Council sanctions in terms of section 14(2)(c), (d) and (e) of Schedule 1 of the Systems Act.

10. MEMBERS OF THE MAYORAL COMMITTEE

Members of the Mayoral Committee are responsible for the following portfolios and portfolio committees:

Health, Amenities and Sport,
Corporate Services,
Economic, Social Development and Tourism,
Finance,
Human Resources
Housing,
Planning and Environment,
Infrastructure and Services
Transport, Roads and Stormwater,
Safety and Security.

10.1 In terms of Section 80(1), these committees are established to assist the Executive Mayor.

10.2 The members of the Mayoral Committee make recommendations to the Executive Mayor and may be advised by his/her respective committee herein.

10.3 Generic powers of the Members of the Mayoral Committee to make recommendations to the Executive Mayor

- 10.3.1 Develop and recommend policy within the functional area of their respective portfolio.
- 10.3.2 Develop and recommend on the content and drafting of by-laws within the functional area of their respective portfolio.
- 10.3.3 Comment on and recommend the business plans within the functional area of their respective portfolio.
- 10.3.4 Make recommendation in regard to the draft IDP and budget within the functional area of their respective portfolio.
- 10.3.5 Make recommendation in regard to the setting or revision of tariffs, levies, taxes and duties within the functional area of their respective portfolio.
- 10.3.6 Facilitate public participation in the development of policy, legislation, IDP's and budget within the functional area of their respective portfolio.
- 10.3.7 Monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes within the functional area of their respective portfolio.
- 10.3.8 Assess the performance of service delivery generally within the functional area of their respective portfolio.
- 10.3.9 Receive recommendations from the Section 80 Committees of which he/she is the Chairperson and make recommendations on any matter to the Executive Mayor.
- 10.3.10 Recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- 10.3.11 The identification of the needs of the Municipality in respect of his/her portfolio.
- 10.3.12 The review and evaluation of those needs referred to in paragraph 10.3.11 above in order of priority.
- 10.3.13 The preparation of reports as required by the Executive Mayor, on the involvement of communities and community organizations in respect of his/her portfolio
- 10.3.14 To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council.

- 10.3.15 To recommend comments on National and Provincial legislation that affects their portfolios.

11. THE FOLLOWING ARE THE SECTION 80 (PORTFOLIO) COMMITTEES ESTABLISHED BY COUNCIL:

- 11.1 Health, Amenities and Sport
- 11.2 Corporate Services
- 11.3 Economic, Social Development and Tourism
- 11.4 Finance
- 11.5 Human Resources
- 11.6 Housing
- 11.7 Planning and Environment
- 11.8 Infrastructure and Services
- 11.9 Transport, Roads and Stormwater
- 11.10 Safety and Security Services

TERMS OF REFERENCE SPECIFIC TO PORTFOLIOS AND PORTFOLIO COMMITTEES

11.1 Health, Amenities & Sport

The Health, Amenities and Sport functions include but are not limited to:

- The Health function – including District Health Services and specialized health services and environmental health
- Community facilities – including halls, beaches, nodal points and resorts, public bath houses, toilets, museums, monuments and tidal pools
- Nursery School and Retirement Centers
- Libraries
- Sports and Recreation including such facilities
- City Parks and Nature Conservation
- Cemeteries
- Crematoria

11.2 Corporate Services

The Corporate Services functions include but are not limited to:

- Information Technology function – including WAN, PC Co-ordination, Architecture and Software
- Corporate Administration
- Shared Services
- Business Improvement
- ERP
- Strategic Information

- Councillor Support

11.3 **Economic and Social Development and Tourism**

The Economic and Social Development and Tourism functions include but are not limited to:

- The Economic Development function – including SMME, empowerment support and job creation, the support and regulation of informal trading, sector support, investment and export, trade promotion and facilitation, the facilitation of partnerships between the City and public, private and community groups, economic co-ordination and facilitation, business area management and community skills development
- Municipal Property Management function
- Tourism function
- Major Events
- Social Development including Arts and Culture

11.4 **Finance**

The Finance functional areas include but are not limited to:

- Revenue and Debt Management,
- Procurement and Stock Management,
- Expenditure,
- Budgets and Budgetary Control, Accounting,
- Finance, Financial Administration,
- Insurance;
- Housing Finance;
- General and Interim Valuations function

11.5 **Human Resources**

The Human Resources functions include but are not limited to:

- Human Resources function
- Metropolitan Labour Forum in respect of labour disputes (other than that related to salary and wage disputes)
- Labour Relations
- Employment Equity
- Collective Bargaining Strategy
- Corporate Restructuring

11.6 **Housing**

The Housing functional areas include but are not limited to:

- The housing services function – including housing services co-ordination

- Existing housing
- New housing and management of informal settlement (design of houses and management of informal settlements)
- The provision of the housing information service
- Facilitate the provision of housing for the homeless, and
- The Housing planning function

11.7 Planning and Environment

The Planning and Environment functional areas include but are not limited to:

- The Planning function – including Spatial Planning and growth management, design services, land use management, building development management, development projects, land information and planning legislation and enforcement
- The Spatial Data Management (including geographic information systems)
- The Environment Planning function – including environmental planning, environmental planning policy, environmental impact assessment, coastal planning, outdoor advertising and signage (environmental controls), heritage resource management and nature reserve planning
- The Housing Planning function

11.8 Infrastructure and Services

The Infrastructure and Services functions include but are not limited to the following:

- The Electricity and Energy function – including network operations, generation, distribution and sales and customer services and street lighting
- The Water and Sanitation function – including bulk water, wastewater treatment, water and wastewater reticulation, water and sanitation technical services
- The Solid Waste Management function – including refuse removal, refuse disposal, illegal dumping and street sweeping
- The Abattoir function
- The Markets function

11.9 Transport, Roads and Stormwater

The Transport, Roads and Stormwater functional areas include but are not limited to:

- Transport Planning – project identification, transportation planning, traffic assessments and integrated transport plans
- Systems monitoring and information management
- Demand and access management

- Infrastructure Budgeting
- Infrastructure construction and project and asset management
- Public transport service design, contracts and regulations
- Public transport and management
- Customer information and marketing
- Road traffic infrastructure management
- Road traffic signalization and management
- Transportation fund management
- Regulatory and direction signage
- Receiving and considering reports from outside bodies
- Catchment, Stormwater and river management

11.10 Safety & Security Services

The Safety functions include but are not limited to:

- the Emergency Services and Disaster Management function – including disaster management, fire services, ambulance services and the 107 call centre
- the City Police Traffic Control, Law Enforcement and Security Services function – including traffic law enforcement, passenger security, traffic licensing, security services and law enforcement and crime prevention

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ANNEXURE B

**GENERIC DELEGATIONS
TO THE SENIOR
MANAGEMENT
OF THE ADMINISTRATION**

THE CITY OF CAPE TOWN
THE MUNICIPAL MANAGER

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	STATUTORY POWER	DELEGATED
1	Statutory Functions of the Municipal Manager		
	The Municipal Manager has the following functions in terms of the Municipal Structures Act: (a) Calls the first meeting of the Municipality in terms of Section 29(2) of the Municipal Structures Act. (b) Presides over the election of the Speaker.	City Manager	
	The Municipal Manager, as head of administration of the Municipality, has the following functions in terms of the Municipal Systems Act: (a) Forms and develops an economical, effective, efficient, accountable and performance driven Administration. (b) Manages the Municipality's administration in accordance with this Act and other legislation applicable to the Municipality. (c) Implements the Municipality's Integrated Development Plan and monitors the progress of the implementation of the plan. (d) Manages the provision of services to communities, residents and ratepayers, in a sustainable manner. (e) Controls, manages, effective utilisation and training of staff.	City Manager	324
	(f) Maintains the discipline of staff. (g) Promotes sound labour relations and compliance by the Municipality with	City Manager	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY		
	applicable labour legislation. (h) Advises the structures and functionaries of the Municipality. (i) Manages communications between the Municipality's administration and its structures and functionary. (j) Carries out the decisions of the structures and functionaries of the Municipality. (k) Administers and implements the Municipality's By-laws and other legislation. (l) Exercises any powers and performs any duties delegated by the Municipal Council, or sub-delegated by other delegating authorities of the Municipality, to the Municipal Manager in terms of Section 54. (m) Implements National and Provincial legislation applicable to the Municipality. (n) Facilitates participation by communities, residents and ratepayers in the affairs of the Municipality; and (o) Performs any other function that may be assigned by the Municipal Council. (p) Decides on appeals in respect of decisions taken by other officials		325
	The Municipal Manager has the following function in terms of the Promotion of Access to Information Act: (a) Appoint Deputy Information Officers.	City Manager	Director: Governance Support
	In terms of the Municipal Finance Management Act the Municipal Manager must, as a financial year progresses, submit regular reports in the prescribed format on the state of the Municipality's budget to the: (a) National Treasury and the relevant Provincial Treasury, in the case of a Metropolitan or a District Municipality; and	City Manager	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY		
	The Municipal Manager must, in writing, inform the National Treasury and the relevant Provincial Treasury of: (a) Any unauthorised expenditure that has occurred in the Municipality; and (b) The steps taken to recover or rectify the unauthorised expenditure and to prevent a recurrence of such expenditures.	City Manager	
2	Powers delegated to the Municipal Manager	DELEGATED	SUB-DELEGATED
	General Powers (a) Determines policy on any matter falling within his/her delegated authority and the delegated authority of the Executive below him/her. (b) May sub-delegate on any of his/her powers. (c) Decides on the instituting or defending of any action in the Lower Court or court of similar stature, or any arbitration and mediation which would otherwise have been heard in a Lower Court. (d) Decides on the instituting of legal action in the High Court or court of similar stature, for the recovering of debt owed to Council, provided that the institution of such proceedings is in accordance with an approved Debt Recovery Policy. (e) Institutes or defends any action in a High Court in respect of the recovery of debt, if not the delegatee lower down cannot recover, in terms of the credit control and debt collection policy. (f) Settle any legal action in any competent court or forum recognized by law, in respect of the recovery of debt to Council should it be in the interest of Council.	City Manager	326

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY		
	(g) Grants authority for officials to attend international conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings (h) Appoints officials to represent Council on outside bodies (i) Appoints Secretary and/or Acting Secretary of Valuation Courts, as and when necessary (j) Exercises all powers provided for in the Property Valuation Ordinance 148 of 1993 and its Regulations. (k) Administers Scholarships and Bursaries awarded by the Council. (l) Concludes or renews Lease Agreements, without inviting tenders, for periods not exceeding 12 months.	City Manager	
3	Human Resources Powers	DELEGATED	SUBDELEGATED
	(a) Appoints staff excluding those managers directly accountable to him/her. (b) Determines, subject to policy, the staff establishment, post descriptions and the evaluation of the staff of the establishment of the Council, excluding the Municipal Manager and officials directly accountable to him/her. (c) Approves job evaluations. (d) Makes statutory appointments of a Chief of Civil Defence, Deputy/s of Civil Defence, a Chief Fire Officer, a Medical Officer of Health and any acting appointments to these positions.	City Manager	327

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY		
	(e) Suspends staff, pending the finalisation of disciplinary action of any staff member reporting directly to him/her. (f) Appoints an Acting Municipal/City Manager for periods of up to 5 working days, in consultation with the Executive Mayor. (g) Considers <i>ex gratia</i> categories of leave. (h) Creates and fills posts.	City Manager	
	(i) Organisational rights: Considers requests for additional time off beyond that provided for in the Organisational Rights Agreement.	City Manager	Director: Human Resources Management and Development
Para 6.1 SALGBC Disciplinary Code	(j) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	City Manager	328
4	Financial Powers	DELEGATED	SUBDELEGATED
	(a) Decides on any commercial activity with a value up to R200 000 and to consider any commercial activity falling within the delegated authority of a Level 1 Manager (Executive Director), where such official does not recommend the acceptance of the most financially beneficial offer to Council. (b) Subject to the provisions of the Municipal Finance Management Act, authorises the virement of funds of any operational amount up to R1m on the budget. (c) Authorises officials to sign cheques on behalf of the Council. (d) Authorises the virement of funds within the operational budget allocated to his/her office.	City Manager	Executive Directors Managers

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY		
	(e) Determine the upper limit of virement within the operational budget of Executive Directors, Directors and Managers		
	(f) Writes off bad debts or other assets up to a value of R5 million and subject to Section 14 (2)(a)(b) of the MFMA.	City Manager	To be subdelegated
5	Emergency Powers	DELEGATED	SUBDELEGATED
	Decides on and acts in cases requiring an immediate decision, in consultation with the Executive Mayor or Acting Executive Mayor. If the Executive Mayor or Acting Executive Mayor is not available, then the Municipal Manager may act on his/her own initiative.	City Manager	
	The above delegation is subject to the following conditions (a) Council should be able, legally, to cope with any emergency without detracting from the principle of accountability. (b) Whenever this power is executed, a comprehensive report must be tabled with the Council Executive Mayor.	City Manager	329

THE CITY OF CAPE TOWN

DELEGATION OF POWERS AND DUTIES TO THE CHIEF FINANCIAL OFFICER

Municipal Finance Management Act, 2003 (Act 56 of 2003)

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	8(5)	Submit to the National Treasury, the Provincial Treasury and the Auditor-General, in writing, the name of the bank where the primary bank account of the municipality is held, and the type and number of the account.	Chief Financial Officer	Level 2 : Treasury
2	8(5)	Inform the National Treasury and the Auditor-General, in writing, at least 30 days before changing the municipality's primary bank account.	Chief Financial Officer	Level 2 : Treasury
3	9	Submit to the Provincial Treasury and the Auditor-General, in writing— (a) within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened, and the type and number of the account; and (b) annually before the start of a financial year, name of each bank where the municipality holds a bank account, and the type and number of each account.	Chief Financial Officer	Level 2 : Treasury
4	10(1)(a)	Administer all the municipality's bank accounts, including a bank account referred to in section 12 or 48(2)(d).	Chief Financial Officer	Level 2 : Treasury
5	10(1)(b)	Accountable to the municipal council for the municipality's bank accounts.	Chief Financial Officer	Level 2 : Treasury
6	11(4)	Within 30 days after the end of each quarter— (a) table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1)(b) to (j) during that quarter; and (b) submit a copy of the report to the Provincial Treasury and the Auditor-General.	Chief Financial Officer	Level 2 : Treasury
7	12(4)	Grant authority to withdraw money from a bank account envisaged in section 12(2) without appropriation in terms of an approved budget.	Chief Financial Officer	To be sub-delegated
8	22	Immediately after an annual budget is tabled in a municipal council— (a) in accordance with Chapter 4 of the Municipal Systems Act— (i) make public the annual budget and the documents referred to in section 17(3); and (ii) invite the local community to submit representations in connection	Chief Financial Officer	Level 2 : Budgets

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		with the budget; and (b) submit the annual budget— (i) in both printed and electronic formats to the National Treasury and the Provincial Treasury; and (ii) in either format to any prescribed national or provincial organs of state and to other municipalities affected by the budget.	Chief Financial Officer	Level 2 : Budgets
9	24(3)	Submit the approved annual budget to the National Treasury and the Provincial Treasury.	Chief Financial Officer	Level 2 : Budgets
10	32(1)(a)	Advise a political office-bearer of a municipality that any anticipated expenditure is likely to result in unauthorised expenditure;	Chief Financial Officer	Level 2 : Budgets
11	32(3)	Inform the council, the mayor or the executive committee, in writing, that the expenditure that would result from a decision taken is likely to be unauthorised, irregular or fruitless and wasteful expenditure.	Chief Financial Officer	
12	32(4)	Inform the mayor, the MEC for local government in the province and the Auditor-General, in writing, of— (a) any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality; (b) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and (c) the steps that have been taken— (i) to recover or rectify such expenditure; and (ii) to prevent a recurrence of such expenditure.	Statutory Power of the Accounting Officer	
13	32(6)	Report to the South African Police Service all cases of alleged— (a) irregular expenditure that constitute a criminal offence; and (b) theft and fraud that occurred in the municipality.	Relevant Level 1	Relevant Level 2
14	33(1)(a)	Make public and invite comment for contracts that will impose financial obligations beyond three years.	Relevant Level 1	
15	37(2)	Notify the receiving municipality of the projected amount of any allocation proposed to be transferred to that municipality during each of the next three financial years, no later than 120 days before the start of its budget year.	Chief Financial Officer	Level 2 : Budgets
16	45(2)(b)	Sign the agreement or other document that creates or acknowledges the creation of short-debt for a municipality.	Statutory Power of the Accounting	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
17	45(3)(b)(iii)	Notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of a credit facility that is limited to emergency use, as well as options for repaying such debt.	Officer	
18	46(2)(b)	Sign the agreement or other document that creates or acknowledges the creation of long-debt for a municipality.	Chief Financial Officer	
19	46(3)(a)	To incur long-term debt — has, in accordance with section 21A of the Municipal Systems Act— (i) at least 21 days prior to the meeting of the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and (ii) invited the public, the National Treasury and the Provincial Treasury to submit written comments or representations to the council in respect of the proposed debt.	Statutory Power of the Accounting Officer	
20	46(3)(b)	To incur long-term debt — Submitted a copy of the information statement to the municipal council at least 21 days prior to the meeting of the council, together with particulars of — (i) the essential repayment terms, including the anticipated debt repayment schedule; and (ii) the anticipated total cost in connection with such debt over the repayment period.	Chief Financial Officer	Level 2 : Treasury
21	54(2)(a)	Propose any remedial or corrective steps to the mayor, if the municipality faces any serious financial problems, which may include— (i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget; (ii) the tabling of an adjustments budget; or (iii) steps in terms of Chapter 13.	Statutory Power of the Executive Mayor	
22	60(b)	Must provide guidance and advice on compliance with this Act to— (i) the political structures, political office-bearers and officials of the	Chief Financial Officer	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
23	61(1)	municipality; and (ii) any municipal entity under the sole or shared control of the municipality. Must— (a) act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs; (b) disclose to the municipal council and the mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the council or the mayor; and (c) seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the municipality.	Statutory Power of the Accounting Officer	
24	62(1)	Responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure— (a) that the resources of the municipality are used effectively, efficiently and economically; (b) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards; (c) that the municipality has and maintains effective, efficient and transparent systems— (i) of financial and risk management and internal control; and (ii) of internal audit operating in accordance with any prescribed norms and standards; (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented; (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15; and (f) that the municipality has and implements—	Chief Financial Officer Chief Financial Officer Statutory Power of the Accounting Officer Level 1 : Internal Audit Appropriate Level 2	Level 2 : Treasury

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(i) a tariff policy referred to in section 74 of the Municipal Systems Act; (ii) a rates policy as may be required in terms of any applicable national legislation; (iii) a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act; and (iv) a supply chain management policy in accordance with Chapter 11.	Relevant Level 1 Chief Financial Officer	Relevant : Level 2 Level 2 : Revenue Level 2 : Revenue Level : 2 Supply Chain Management
25	62(2)	Responsible for and must account for all bank accounts of the municipality, including any bank account opened for— (a) any relief, charitable, trust or other fund set up by the municipality in terms of section 12; or (b) a purpose referred to in section 48(2)(d).	Chief Financial Officer	Level 2 : Treasury
26	63(1)	Responsible for the management of— (a) the assets of the municipality, including the safeguarding and the maintenance of those assets; and (b) the liabilities of the municipality.	Directly to Level 1s Directly to Level 1s	Appropriate Level 2 Appropriate Level 2
27	63(2)	Ensure — (a) that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality; (b) that the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and (c) that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.	Chief Financial Officer	Level 2 : Treasury Level 2 : Treasury Level 2 : Treasury
28	64(2)	Take all reasonable steps to ensure— (a) that the municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the municipality's credit control and debt collection policy; (b) that revenue due to the municipality is calculated on a monthly basis;		Level 2 : Revenue Level 2 : Revenue

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(c) that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;		Level 2 : Revenue
		(d) that all money received is promptly deposited in accordance with this Act into the municipality's primary and other bank accounts;		Level 2 : Revenue
		(e) that the municipality has and maintains a management, accounting and information system which—		
		(i) recognises revenue when it is earned;		
		(ii) accounts for debtors; and	Chief Financial Officer	Level 2 : Revenue
		(iii) accounts for receipts of revenue;		
		(f) that the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;		Level 2 : Revenue
		(g) that the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and		Level 2 : Revenue
		(h) that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.		Level 2 : Revenue
29	64(3)	Inform the National Treasury of any payments due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Chief Financial Officer	Level 2 : Revenue
30	64(4)	Take all reasonable steps to ensure— (a) that any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and (b) that such funds are not used for purposes of the municipality.	Chief Financial Officer	Level 2 : Revenue Not sub-delegated
31	65(2)	Take all reasonable steps— (a) that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds; (b) that the municipality has and maintains a management, accounting and information system which— (i) recognises expenditure when it is incurred;	Chief Financial Officer Chief Financial Officer Chief Financial Officer	Level 2 : Supply Chain Management Level 2 : Treasury

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(ii) accounts for creditors of the municipality; and	Officer Chief Financial Officer	
		(iii) accounts for payments made by the municipality;	Chief Financial Officer	
		(c) that the municipality has and maintains a system of internal control in respect of creditors and payments;	Chief Financial Officer	Level 2 : Supply Chain Management
		(d) that payments by the municipality are made—	Chief Financial Officer	
		(i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and	Officer Chief Financial Officer	Level 2 : Supply Chain Management
		(ii) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit;	Chief Financial Officer	Level 2 : Supply Chain Management
		(e) that all money owing by the municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure;	Relevant Level 1	Relevant Level 2
		(f) that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;	Chief Financial Officer	Not sub-delegated
		(g) that any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state;		Not sub-delegated
		(h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;	Chief Financial Officer	Level 2 : Treasury
		(i) that the municipality's supply chain management policy referred to in section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and		Level 2 : Supply Chain Management
		(j) that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.		Level 2 : Treasury

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
32	66	Report to the council, in a format and for periods as may be prescribed, on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure as stipulated.	Level 1	Level 2 : Human Resources Management & Development
33	67(1)	Ensure before transferring funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that the organisation or body— (a) has the capacity and has agreed— (i) to comply with any agreement with the municipality; (ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement; (iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and (iv) to submit its audited financial statements for its financial year to the accounting officer promptly; (b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (c) has in respect of previous similar transfers complied with all the requirements of this section.	Level 1	Relevant Level 2
34	67(3)	Enforce , through contractual and other appropriate mechanisms, compliance with section 67(1).	Level 1	Relevant Level 2
35	67(4)	Where section 67(1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor,	Level 1	Relevant Level 2
36	68	(i) takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and (ii) certifies to the Auditor-General that compliance by that organisation or body with subsection (1)(a) is uneconomical or unreasonable. (a) assist the mayor in performing the budgetary functions assigned to the mayor in terms of Chapters 4 and 7; and	Chief Financial Officer	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(b) provide the mayor with the administrative support, resources and information necessary for the performance of those functions.		
37	69(1)	Ensure— (a) that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan; and (b) that revenue and expenditure are properly monitored.	Level 1 Level 1	Relevant Level 2 Relevant Level 2
38	69(2)	Prepare when necessary an adjustments budget and submit it to the mayor for consideration and tabling in the municipal council.	Chief Financial Officer	Level 2 : Budgets
39	69(3)	Submit no later than 14 days after the approval of an annual budget to the mayor— (a) a draft service delivery and budget implementation plan for the budget year; and (b) drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the municipal manager and all senior managers.	Statutory Power of the Accounting Officer	
40	70(1)	Report in writing to the municipal council— (a) any impending— (i) shortfalls in budgeted revenue; and (ii) overspending of the municipality's budget; and (b) any steps taken to prevent or rectify such shortfalls or overspending.	Relevant Level 1	
41	70(2) & (3)	Notify the National Treasury, if a municipality's bank account, or if the municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period, in the prescribed format of— (a) the amount by which the account or accounts are overdrawn; (b) the reasons for the overdrawn account or accounts; and (c) the steps taken or to be taken to correct the matter.	Chief Financial Officer	
42	71(1)	Submit no later than 10 working days after the end of each month to the mayor of the municipality and the Provincial Treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following	Chief Financial	Level 2 : Budgets

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		particulars for that month and for the financial year up to the end of that month: (a) Actual revenue, per revenue source; (b) actual borrowings; (c) actual expenditure, per vote; (d) actual capital expenditure, per vote; (e) the amount of any allocations received; (f) actual expenditure on those allocations, excluding expenditure on— (i) its share of the local government equitable share; and (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and (g) when necessary, an explanation of— (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote; (ii) any material variances from service delivery and budget implementation plan; and (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.	Officer	
43	71(2)	The monthly budget statement must include— (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).	Chief Financial Officer	Level 2 : Budgets
44	71(5)	Submit that part of the statement reflecting the particulars referred to in section 71(1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation referred to in section 71(1)(e) during any particular month, by no later than 10 working days after the end of that month.	Chief Financial Officer	Level 2 : Budgets
45	72(1)(a)	Must by 25 January of each year— (a) assess the performance of the municipality during the first half of the financial year, taking into account— (i) the monthly statements referred to in section 71 for the first half of the financial year;	Statutory Power of the Accounting Officer	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan; (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities.		
46	72(1)(b)	Submit a report on such assessment required in terms of section 72(1) to— (i) the mayor of the municipality; (ii) the National Treasury; and (iii) the Provincial Treasury.	Statutory Power of the Accounting Officer	
47	72(3)	Must, as part of the review required in terms of section 72(1)— (a) make recommendations as to whether an adjustments budget is necessary; and (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.	Chief Financial Officer	
48	73	Inform the provincial treasury, in writing, of— (a) any failure by the council of the municipality to adopt or implement a budget-related policy or a supply chain management policy referred to in section 111; or (b) any non-compliance by a political structure or office-bearer of the municipality with any such policy.	Statutory Power of the Accounting Officer	
49	74	(a) Submit to the National Treasury, the provincial treasury, the department for local government in the province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required. (b) If the accounting officer of a municipality is unable to comply with any of the responsibilities in terms of this Act, he or she must promptly report the inability, together with reasons, to the mayor and the provincial treasury.	Chief Financial Officer	Relevant Level 2 No Sub-delegation
50	75(1)	Place on the website referred to in section 21A of the Municipal Systems Act the following documents of the municipality:	Chief Financial Officer	Level 2 : Budgets

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(a) The annual and adjustments budgets and all budget-related documents; (b) all budget-related policies; (c) the annual report; City Manager	Level 2 : Communication	Level 2 : Budgets
		(d) all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act; (e) all service delivery agreements; (f) all long-term borrowing contracts; (g) all supply chain management contracts above a prescribed value;		Relevant Level 2 Relevant Level 2 Level 2 : Treasury Level 2 : Supply Chain Management
		(h) an information statement containing a list of assets over a prescribed value that have been disposed of in terms of section 14(2) or (4) during the previous quarter;	Chief Financial Officer	Relevant Level 2
		(i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section;		Relevant Level 2
		(j) public-private partnership agreements referred to in section 120;		Mayoral office Relevant Level 2
		(k) all quarterly reports tabled in the council in terms of section 52(d); and (l) any other documents that must be placed on the website in terms of this Act or any other applicable legislation, or as may be prescribed.	Relevant Level 1	Relevant Level 2
51	101(2)	Table a report referred to in section 101(1) in the municipal council at its next meeting.	Relevant Level 1	
52	114	If a tender other than the one recommended in the normal course of implementing the supply chain management policy of a municipality or municipal entity is approved, must, in writing, notify the Auditor-General, the Provincial Treasury and the National Treasury, of the reasons for deviating from such recommendation. Does not apply if a different tender was approved in order to rectify an irregularity.	Chief Financial Officer	Level 2 : Supply Chain Management
53	115(1)	Must— (a) implement the supply chain management policy of the municipality or municipal entity; and (b) take all reasonable steps to ensure that proper mechanisms and separation of duties in the supply chain management system are in place	Chief Financial Officer	Level 2 : Supply Chain Management

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices.		
54	116(2)	Must— (a) take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality or municipal entity is properly enforced; (b) monitor on a monthly basis the performance of the contractor under the contract or agreement; (c) establish capacity in the administration of the municipality or municipal entity— (i) to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and (ii) to oversee the day-to-day management of the contract or agreement; and (d) regularly report to the council of the municipality on the management of the contract or agreement and the performance of the contractor.	Level 1 Level 1 Level 1 Level 1 Level 1	Relevant Level 2 Relevant Level 2 Relevant Level 2 Relevant Level 2 Relevant Level 2
55	120(6)	Must when a feasibility study has been completed— (a) submit the report on the feasibility study together with all other relevant documents to the council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership; (b) at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act— (i) make public particulars of the proposed public-private partnership, including the report on the feasibility study; and (ii) invite local community and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership; and (c) solicit the views and recommendations of— (i) the National Treasury; (ii) the national department responsible for local government;	Relevant Level 1	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(ii) if the public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed, the responsible national department; and (iv) any other national or provincial organ of state as may be prescribed.		
56	124	Include a statement to the notes to the annual financial statements whether or not the salaries, allowances and benefits of political office-bearers and councillors of the municipality, whether financial or in kind, are within the upper limits of the framework envisaged in section 219 of the Constitution.	Chief Financial Officer	
57	126(1)	Must— (a) prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing; and (b) in addition, in the case of a municipality referred to in section 122(2), prepare consolidated annual financial statements in terms of that section and, within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.	Chief Financial Officer	Level 2 : Treasury
58	127(5)	Must immediately after an annual report is tabled in the council in terms of section 127(2)— (a) in accordance with section 21A of the Municipal Systems Act— (i) make public the annual report; and (ii) invite the local community to submit representations in connection with the annual report; and (b) submit the annual report to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.	Statutory Power of the Accounting Officer	
59	128	Must— (a) monitor whether the accounting officer of any municipal entity under the sole or shared control of the municipality has complied with sections 121(1) and 126(2); (b) establish the reasons for any non-compliance; and (c) promptly report any non-compliance, together with the reasons for such	Relevant Level 1	

ITEM NO.	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		non-compliance, to the council of the parent municipality, the Provincial Treasury and the Auditor-General.		
60	129(2)	Must— (a) attend council and council committee meetings where the annual report is discussed, for the purpose of responding to questions concerning the report; and (b) submit copies of the minutes of those meetings to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.	Statutory Power of the Accounting Officer	
61	129(3)	Make public an oversight report referred to in section 129(1) within seven days of its adoption in accordance with section 21A of the Municipal Systems Act.	Statutory Power of the Accounting Officer	
62	132(2)	Submit the documents referred to in section 132(1)(a) and (b) to the provincial legislature within seven days after the municipal council has adopted the relevant oversight report in terms of section 129(1).	Statutory Power of the Accounting Officer	

These powers cannot be sub-delegated

Item No.	Section	Cryptic Description of Power or Duty	
1	10(1)(c)	Enforce compliance with sections 7, 8 and 11.	Chief Financial Officer

Item No.	Section	Cryptic Description of Power or Duty
1	11(1)	Withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts, subject to stipulated provisos (a) to (j).

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THE CITY OF CAPE TOWN

GENERIC DELEGATIONS TO ALL EXECUTIVE DIRECTORS

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	General Powers (a) Decides on any matter falling within the functional areas of the Executive Directorate concerned, subject to the constraints of its budget, its business plan and relevant policies. (b) Determines the operational procedures and formulate policy in respect of all matters falling within the functional areas of the Executive Directorate concerned and within his/her delegated authority, where such authority is not delegated to any other level.	Executive Director	
2	Human Resource Powers To decide on any human resource and related matter in respect of staff reporting directly to him/her and which matter is not reserved for decision at any other level, including but not limited to the following: (a) Approves all leave of absence including special leave of all staff reporting directly to him/her. (b) Approves vacation, sick and special leave of all staff reporting directly to him/her.	Executive Director	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
Para 6.1 SALGBC Disciplinary Code	(c) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	Executive Director	
	(d) Grants authority for officials to attend conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings in the Western Cape and nationally. (e) Authorises the suspension of an employee pending the finalisation of disciplinary action. (f) Approves payment of overtime and/or time off <i>in lieu</i> of overtime for staff reporting directly to him/her. (g) Accepts notices of resignation, which are less than the period prescribed in respect of staff reporting directly to him/her. (h) Authorises the encashment of accumulated leave in respect of staff reporting directly to him/her.	Executive Director	347

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	(i) Authorises an acting Executive Director in his/her Executive Directorate to act during his/her absence for a period not exceeding 30 working days. (j) Authorises the appointment of Directors in acting capacities. (k) Authorises the transfer of staff from one department to another within the Executive Directorate. (l) Authorises the provision of official telephones, cell phones and PC modems at the residence of a staff member. (m) Approves participation in motor vehicle essential user schemes for staff reporting directly to him/her. (n) Provides a member of staff within his/her directorate with legal representation in consultation with the Director: Legal Services.	Executive Director	348 3

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
3	Financial Powers (a) Decides on any commercial activity up to R200 000,00 in respect of his/her Executive Directorate, subject to compliance with Council's Procurement Policy, and acceptance of the most beneficial offer to Council in terms thereof. (b) Decides on any commercial activity falling within the delegated authority of the Director where such Director does not accept the most financially beneficial offer to the Council. (c) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget allocated to his/her office. (d) Manages and certifies the annual stocktaking of Council's assets within his/her office.	Executive Director	349

THE CITY OF CAPE TOWN

GENERIC DELEGATIONS TO ALL DIRECTORS

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	General Powers (a) Decides on any matters falling within his/her area of the Department concerned. (b) Determines operational procedures and formulates policy in respect of all matters falling within the functional area of the Department concerned and within his/her delegated authority and where such authority is not delegated to another level. (c) Enters into and signs contracts that have arisen out of the relevant approval processes falling within his/her Department.	Director	
2	Human Resource Powers Decides on any human resource matters in respect of staff reporting to him/her, including but not limited, to the following: (a) Approves the filling of vacant posts within budgetary constraints. (b) Appoints staff reporting directly to him/her. (c) Approves payment of overtime and/or time off <i>in lieu</i> of overtime in his/her Directorate. (d) Accepts notices of resignation which are less than the period prescribed, in respect of staff reporting directly to him/her. (e) Approves the allocation of Council-owned houses to staff, required for the	Director	350

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	performance of his/her duties to be resident at the specific location.		
	(f) Authorises the provision of official telephones, cell phones and PC modems at staff residences. (g) Authorises the encashment of accumulated leave in respect of staff. (h) Authorises the training of members of staff reporting directly to him/her. (i) Authorises the transfer of staff, in consultation with the Director: Human Resource Management and Development, within one functional unit to another. (j) Grants authority for officials to attend conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings in the Western Cape. (k) Authorise the performance of private work by staff within his/her department. (l) In concurrence with the Director: Supply Chain Management approve home loan-applications and bank guarantees for members of staff within his/her directorate. (m) Recommends applications for study allowances/bursaries for staff within his/her department. (n) Enters into and signs contracts that have arisen out of the relevant approval processes falling within his/her department and after consultation with Legal Services. (o) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	Director	351
Para 6.1 SALGBC Disciplinary Code		Director	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	Director: Human Resource Management and Development		
	(a) Following the prescribed processes, settles disputes in concurrence with the Head: Labour Relations, involving cases of misconduct, incapacity, poor performance, ill health, injury, employment equity or an outcome of the grievance lodged by an employee below the level of functional head. (b) Approves additional sick leave where an employee has exhausted all sick leave (c) Adjusts the running costs of the Essential User's Scheme in accordance with the AA tables on a quarterly basis and/or approves implementation of the tariffs provided by the Bargaining Council.	Director : Human Resources	
3	Financial Powers		
	(a) Decides on any commercial activity as determined by the Executive Director in respect of his/her Directorate, subject to compliance with Council's Procurement Policy, and acceptance of the most beneficial offer to Council in terms thereof. (b) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget allocated to his/her office. (c) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget of his/her Department.	Director	352 Not to be sub-delegated

THE CITY OF CAPE TOWN

GENERIC DELEGATIONS TO ALL MANAGERS

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	General Powers (a) Decides on any operational matters falling within his/her Branch and within the constraints of his/her delegated authority, the relevant budget, business plan and policies. (b) Determines operational procedures and formulates policy in respect of all matters falling within his/her Branch and within his/her delegated authority and where such authority is not delegated to another level. (c) Institutes access control to municipal premises falling within his/her Branch. (d) Authorises the use of Council vehicles and assets under his/her control. (e) Enters into and signs contracts that have arisen out of the relevant approval processes falling within his/her Branch area and after consultation with Legal Services. (f) Deposits to affidavits, authorises Powers of Attorney in respect of matters relevant to his/her Branch after consultation with the Legal Services.	Manager	353
2	Human Resource Powers Decides on any human resource and related matters in respect of staff reporting directly to	Manager	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	him/her and not reserved for decision at any other level, including but not limited to the following: (a) Appoints and determines employment offers in respect of all staff (permanent and non-permanent) within his/her Branch. (b) Approves special leave of absence of all staff within his/her Branch and all other leave, in respect of staff reporting directly to him/her. (c) Authorises officials at an appropriate level to approve leave, other than special leave within his/her Branch, in respect of staff not reporting to them. (d) Accepts notices of resignations which are less than the period prescribed, in respect of staff within his/her Branch. (e) Transfers of staff from one geographic location to another within his/her Branch. (f) Approves the performance of standby duties and where applicable, the payment of a standby allowance. (g) Authorises the encashment of accumulated leave in respect of staff. (h) Authorises the appointment of staff in acting capacities in respect of staff. (i) Authorises re-imbursement for occasional use of an employee's own car on official business. (j) Authorises the training of members of staff within his/her branch.	Manager	354
Para 6.1 SALGBC Disciplinary Code	(k) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	Manager	

ITEM NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	Financial Powers		
	(a) Decides on any commercial activity as determined by the Director in respect of his/her Branch, subject to compliance with Council's Procurement Policy, and acceptance of the most beneficial offer to Council in terms thereof		
	(b) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget allocated to his/her office.	Manager	Not to be sub-delegated
	(c) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget of his/her Branch.		
	Manager Employee Relations		
Para 6.4.1 & 6.4.2 SALGBC Disciplinary code	Appoints a Chairperson and an Initiator for disciplinary tribunals.	Manager : Employee Relations	355
	Appoint a Chairperson to convene an ill health investigation.	Manager : Employee Relations	

ANNEXURE C

**FUNCTIONAL DELEGATIONS
OF THE ADMINISTRATION**

ANNEXURE C

Supply Chain Management	
▪ Expenditure	Only generic delegations apply
▪ Procurement	Delegations will be submitted once the Supply Chain Management regulations are promulgated
▪ Payroll	Attached
Budget	Only generic delegations apply
Valuations	Attached
Revenue	Attached
Treasury	Attached
Legal Strategy	Attached
External Relations	Only generic delegations apply
Collective Engagement	Only generic delegations apply
Marketing and Communication	Only generic delegations apply
Performance Management	Attached
IDP and Business Planning	No document submitted
Governance Support	Only generic delegations apply
Spokesperson	No document submitted
City Health	Attached
Social Development	
▪ Sport and recreation	Only generic delegations apply
▪ Amenities & facilities	
▪ Libraries	
▪ Social Development	
City Parks	Only generic delegations apply
City Police	
▪ Municipal Police	Attached
▪ Traffic	
▪ Law Enforcement	
▪ CCTV	
Emergency Services	Attached
Citizen Relationship Management	Only generic delegations apply
Information Systems & Technology	Only generic delegations apply
Human Settlement	Attached
Electricity	Only generic delegations apply
Water	
▪ Water	Attached
▪ Waste Water Treatment	
Solid Waste	Attached
Programme Management	Only generic delegations apply
Transport	Attached

Roads & Stormwater	Attached
Town Planning ▪ Building Regs ▪ Town Planning	Attached
City Secretariat	Only generic delegations apply
Support Services	Only generic delegations apply
Legal & Administration ▪ Legal ▪ Administration	Only generic delegations apply
Human Resources Management & Development	Attached
Corporate Services ▪ Facility Management ▪ Fleet & Mechanical Services ▪ Radio Trunking	Only generic delegations apply OUTSTANDING
Technical Information	Only generic delegations apply
Spatial Development ▪ Urban Design ▪ City Spatial Planning	Only generic delegations apply
Property	Attached
Economic & Human Development	Attached
Environmental Planning ▪ Nature Conservation ▪ Environmental Strategy & Management	Attached
Tourism and Development	Only generic delegations apply
Innovation, information & knowledge management (GIS)	Attached
Audit	Only generic delegations apply together with Charter approved by Council
City Ombudsperson	Attached

THE CITY OF CAPE TOWN

DIRECTOR: PAYROLL

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Local Government Municipal Finance (MFMA)	64 (2)(g)	The de-accrual of interest	Manager Payroll	N/A
2	MSA	96	Activate/De-activate arrangements	Manager Payroll	Admin Manager Staff Loans
3	MSA	Schedule 2 10	Activation of salary/allowance deductions for staff	Manager Payroll	Admin Manager Staff Loans
4	MSA	96	Activate/De-activate recovery processes	Manager Payroll	Admin Manager Staff Loans
5	MSA	96	a. Decides on the instituting or defending of any action in the Lower Court or court of similar stature or any arbitration and mediation which would otherwise have been heard in a Lower Court		

[illegible]

THE CITY OF CAPE TOWN

DIRECTOR: VALUATIONS

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Property Valuation Ordinance, 1993	S. 3(7)	Authorisation of payment to Valuation Board members	Director Valuations	Manager: Valuations
2	Property Valuation Ordinance, 1993	S 3(8)	Appoint Valuation Board Secretary	Director Valuations	Not delegated
3	Property Valuation Ordinance, 1993	S. 6	Appoint valuers	Director Valuations	Not delegated
4	Property Valuation Ordinance, 1993	S. 16(2)	Submit objections by the City in respect of provisional valuation roll	Director Valuations	Manager: Valuations
5	Property Valuation Ordinance, 1993	S. 16(3)	Submit objections by the City in respect of additional provisional valuation roll	Director Valuations	Manager: Valuations
6	Property Valuation Ordinance, 1993	S 22	Submit an appeal against a decision of the Valuation Board	Director Valuations	Not delegated
7	Property Valuation Ordinance, 1993	S31	Keep a register of all property within the city's jurisdiction	Director Valuations	Manager: Valuations

THE CITY OF CAPE TOWN

DIRECTOR: REVENUE

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	LG Municipal Systems (MSA)	118	Section 118 prescribed certificates	Director Revenue	Head Rates Clearance Rates Clearance Staff
2	Regional Services Council (RSCA)	12 (1) (b) read with Reg GN R340 Sec 12	Refunds of amounts in excess of the stipulated commercial value in terms of the RSC Act.	Director Revenue	Manager Specialized Services Head RSC Levies
3	RSCA	12 (11)	Appointment of collection agents on adhoc basis subject to the Preferential Procurement Policy.	Director Revenue	Manager Specialized Services Head RSC Levies
	MSA	96			
4	RSCA	13A (1)	Approve general ledger and debtor journals.	Director Revenue	Head RSC Levies Admin Managers RSC Levies
5	Local Government Municipal Finance (MFMA)	64 (2) (g)	The de-accrual of interest.	Director Revenue	Manager Debt Management
5.1	RSCA	12 (10)	The de-accrual of interest.	Director Revenue	Head RSC Levies
6	MSA	96	Activate/De-activate arrangements	Director Revenue	Manager Debt Management Admin. Managers RSC Levies
6.1	MSA	Schedule 2 10	Activation of salary/allowance deductions for staff.	Director Revenue	Manager Debt Management

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
7	MSA	96	Activate/De-activate recovery processes.	Director Revenue	Manager Debt Management Head RSC Levies
8	MSA	96	a. Decides on the instituting or defending of any action in the Lower Court or court of similar stature or any arbitration and mediation which would otherwise have been heard in a Lower Court. b. Decides on the instituting of legal action in the High Court or court of similar status for the recovering of debt owed to Council provided that the institution of such proceedings is in accordance with an approved debt collection policy. c. Settle or withdraw any legal action in competent court or forum recognised by law in respect of the recovery of debt to Council should it be in the interest Council. d. Sign/Submit all legal documents. e. Acceptance of full and final settlements. f. Affidavits for legal actions and recessions of judgements.	Director Revenue	Manager Debt Management Head RSC Levies
9	MSA	96	Employment of tracing agents subject to the Preferential Procurement Policy.	Director Revenue	Manager Debt Management Head RSC Levies
10	MSA	96	Listing/De-listing of debtors with credit bureaus.	Director Revenue	Manager Debt Management Head RSC Levies

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
11	Debt Management Policy	96	Write-off bad debts.	City Manager	Chief Finance Officer Director Revenue Manager Debt Management Manager Specialized Services Head RSC Levies Admin Managers (Debt Management)

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THE CITY OF CAPE TOWN

DIRECTOR: TREASURY

MFMA = Municipal Finance Management Act No. 56 of 2003

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	MFMA	10(1)(a)	Concludes forward exchange contracts as and when required.	Director: Treasury & Accounting	Head: Treasury

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CITY OF CAPE TOWN

DIRECTOR: LEGAL STRATEGY

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1			In relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any City employee, agent, contractor, supplier, service provider and/or the like of any municipal entity as defined in the Local Government : Municipal Systems Act which is owned-controlled and/or effectively managed by the City: 1.1 Conduct forensic investigations and submit reports in respect of such investigations, with appropriate recommendations, to the Municipal Manager or Acting Municipal Manager : provided that, where the Municipal Manager is the subject of the investigation, prior authority for such investigation must be obtained from the Executive Mayor or the Acting Executive Mayor; and 1.2 Pursue, facilitate and/or represent the City in respect of any appropriate disciplinary, criminal, civil and/or related proceedings flowing from any forensic investigation.	Director: Legal Strategy	To be sub-delegated 366
2			Authorise, in his/her sole discretion, the payment of a reward not exceeding R10 000.00 to any person who furnishes information leading to the detection and successful criminal prosecution of any person who has committed any criminal act in or against the City and/or any municipal entity as defined in the Local Government : Municipal Systems Act and which is owned-controlled and/or effectively managed by the City.	Director: Legal Strategy	Not to be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
3			In the performance of any of his/her functions, whether performed personally or via one or more Legal Strategy employees or contractors: 3.1 Have access to all immoveable property, premises, movable property, including motor vehicles, owned by, under the control of and/or managed by the City and/or any municipal entity as defined in the Local Government : Municipal Systems Act and which is owned-controlled and/or effectively managed by the City; 3.2 Subject to any relevant legislation, have access to, to copy and/or to seize any register, file, document, account, minute and/or other records, whether physical or electronic, of the City and/or any municipal entity as defined in the Local Government : Municipal Systems Act and which is owned-controlled and/or effectively managed by the City and/or any such register, file, document and/or record which may be maintained by any City or municipal entity employee, in relation to the performance of his/her official functions; 3.3 Have access and to be able to question any City or municipal entity employee, whether permanent or temporary, as to his/her official activities and, if necessary, summons any employee, agent, contractor, supplier and/or service provider in such regard; and 3.4 Issue appropriate executive instructions to any City or Municipal entity employee, agent, contractor, supplier and/or service provider in respect of any Legal Strategy activity.	Director: Legal Strategy	To be sub-delegated 367

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
4			To institute or defend claims and actions in the name of or against the City: (a) to at his/her discretion institute any claim, action or lawsuit on behalf of the City, accept payment for it, settle it and do everything deemed necessary to conduct such claim, action or lawsuit to the end or to finalise it in the best interest of the City, and further to institute the necessary claim, or action or lawsuit personally, appoint attorneys and counsel to conduct it to the end or to finalise it and, if the defendant and respondent are in default, to personally apply to execute the judgement or order of the court; and (b) to at his/her discretion deny, pay or settle any claim, action or lawsuit instituted against the City, appoint attorneys and counsel to oppose or defend such a claim, action or lawsuit and in general do everything or anything deemed necessary to finalise it in the best interest of the City, subject to the following condition.	Director: Legal Strategy Subject to clauses 5.2.15 to 5.2.17 and 5.2.18.1 of the political delegations	To be sub-delegated
5	Magistrate's Court Act, 32 of 1944		Appear in Court on behalf of the City in terms of Rule 52(1)(b) of the Magistrate's Court Rules promulgated in terms of the Magistrate's Court Act, 1944 (Act 32 of 1944).	Director: Legal Strategy Subject to clauses 5.2.15 to 5.2.17 and 5.2.18.1 of the political delegations	To be sub-delegated
6			Obtain a legal opinion from the attorneys/advocates, including senior counsel.	Director: Legal Strategy	To be sub-delegated
7			Instruct attorneys to enter appearance on behalf of the Council in any matter instituted by or against the City and to sign all necessary documents for this purpose, and to authorise the briefing of advocates.	Director: Legal Strategy Subject to clauses 5.2.15 to 5.2.17 and 5.2.18.1 of the political delegations	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
8			Instruct attorneys to collect any monies owed to the City pursuant to any activity undertaken by the Directorate.	Director: Legal Strategy	To be sub-delegated
9			Appear before a notary to execute any document or to appoint any other person to appear before the notary on behalf of the City.	Director: Legal Strategy	To be sub-delegated
10			Appoint a person to serve legal documents, including but not limited to legal document of the Municipal Court.	Director: Legal Strategy	To be sub-delegated
11			Conduct any necessary action in any matter instituted by or against the City, including the signature of the prescribed powers of attorney, affidavits and other documents in order finalise the matter.	Director: Legal Strategy Subject to clauses 5.2.15 to 5.2.17 and 5.2.18.1 of the political delegations	To be sub-delegated
12			Subject to Council Policy, procure legal assistance for any Councillor or official in any legal proceedings (criminal or civil) instituted against such a person or where the person has to attend and testify on matters falling within the course and scope of his/her duties, and to authorise payment of the professional account.	Director: Legal Strategy	To be sub-delegated

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THE CITY OF CAPE TOWN

DIRECTOR: PERFORMANCE MANAGEMENT

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	MSA	38 (a)	- Conduct research into international best practice as prelude to developing and establishing an organisational Performance Management System (PMS). - Establish and implement a PMS.	Director : Performance Management (DPM)	Not to be sub-delegated
2	MSA	39, 41 (1) (a) & (b) - 44	Develop PMS and related framework.	To be delegated by the Executive Mayor to the DPM	
	MP & PM Regs	7, 8-10, 12, 15			
3	MSA	40, 41 (1) (c), 42	Establish and facilitate the use of mechanisms to enable Council to monitor, measure, review, improve and report on the City's PMS and development priorities, objectives and key performance indicators as identified in IDP.	DPM	370
	MP & PM Regs	7, 11, 13 (1), (2), (3), (4), 15			
4	MFMA	72 (1) (a) & (b)	Asses the performance of the municipality and submit a report on such assessment after consultation with the CFO.	DPM	
5	MSA	46(1)(2)	Prepare and table an annual report.	DPM	
6	MSA	46(3)	Advertise the meeting of Council when the Annual Report is tabled, inform and submit minutes to the Auditor General and MEC.	Municipal Manager to delegate to the	

THE CITY OF CAPE TOWN

DIRECTOR: CITY HEALTH

Businesses Act 71 of 1991 repealed or amended certain laws regarding the licensing and carrying on of businesses and shop hours and made certain new provision for the licensing and carrying on of certain businesses; and for matter connected therewith.

In terms of PN 67/2003 dated 28 February 2003 the City of Cape Town was designated as a licensing authority to undertake the licensing of businesses in it Municipal area of jurisdiction

ITE M NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB- DELEGATED
1.	71 Of 1991	2 (4)	Issue a licence which has been properly applied for if the applicant complies with statutory requirements of Planning, Health and Safety.	Director: City Health	Manager: Environmental Health
		2 (5)	May ask the South African Police Services for a report on any previous convictions of the applicant.	Director: City Health	Manager: Environmental Health
		2 (6)(a)	May grant an application on certain conditions	Director: City Health	Manager: Environmental Health
		2 (6)(b)	May issue a licence subject to any condition	Director: City Health	Manager: Environmental Health
		2 (7)	May amend a condition, extend a period or revoke a condition, or indicate that a condition specified in the license has been complied with.	Director: City Health	Manager: Environmental Health
		2 (8)(a)	May in case of changed circumstances in relation to a business amend a condition by way of an endorsement.	Director: City Health	Manager: Environmental Health
		2 (8)(b)	May require in writing a licence holder to produce his licence to the licensing authority	Manager: Environmental Health	Environmental Health Practitioners (EHP) & Environmental Health Assistants (EHA)

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		2 (9)	May at any time withdraw or suspend a licence on the grounds stipulated in section 2 (9) (a) to (d)	Director: City Health	Not sub-delegated
		2 (10)	Grant or refuse applications for a business licence and notify the applicants in writing of such decision, provide reasons for the decision and inform applicant of his/her right to appeal under section 3 of the Act	Director: City Health	Not sub-delegated
	Regulation 786/1991	8	Keep and maintain all records and documents as required by the businesses act in respect of every business conducted within the area of the City Of Cape Town	Manager: Environmental Health	Not sub-delegated

Health Act 63 of 1977. To provide for measures for the promotion of the health of the inhabitants of the Republic; to that end to provide for the rendering of health services; to define the duties, powers and responsibilities of certain authorities which render health services in the Republic; to provide for the co-ordination of such health services; to repeal the Public Health Act, 1919; and to provide for incidental matters.

Section 31 Delegation or transfer of powers and duties of a local authority. Where a local authority deems it necessary for the proper performance of any function under this Act, it may in writing authorize a committee of its members or its medical officer of health or any other of its officers to perform such functions on its behalf.

ITEM NO	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	63 OF 1977	20	Take all lawful, necessary and reasonably practicable measure as envisaged in Section 20 (1)(a) – (c).	Director: City Health	
		20(7)	May institute a prosecution for any contraventions of/or failure to comply with any provisions of this Act	Director: City Health	Environmental Health Practitioner
		24	May appoint Environmental Health Practitioners and other qualified persons.	Director: City Health	Not sub-delegated
		27(1)	Serve a written notice in respect of conditions requiring immediate remedying	Director: City Health	Environmental Health Practitioner

	27(3)	Enter a dwelling/premises and take all steps necessary to remedy the condition and may recover the costs	Director: City Health	Environmental Health Practitioner
	28	Submit notifications of any communicable disease to the Director General: Health	Director: City Health	
	29(1)(b)	Submit on request to the Minister any report relating to the health of persons or any premises or any communicable disease.	Director: City Health	
	48(2)	Remove and bury the body of a destitute person or of an unclaimed body or which no competent person undertakes to bury.	Director: City Health	
Regulation 237 of 8 February 1985		Regulations relating to funeral Undertakers' premises promulgated in terms of the Health Act.		
	2(1)(b)	Issue a written order where a nuisance is present.	Director: City Health	Environmental Health Practitioner
	3(1)	May with the approval of the Director-General in writing exempt any person from compliance with all or any of the regulations where in his/her opinion, non compliance does not or will not create a nuisance.	Director: City Health	Environmental Health Practitioner
	3(2)	May with the approval of the Director-General lay down and stipulate in the certificate of exemption the time period for which the exemption is valid	Director: City Health	Environmental Health Practitioner
	5(3)	When considering issuing or transferring of a certificate of competence, request any further information deemed necessary.	Director: City Health	Environmental Health Practitioner
	5(4)	Consider any application for the issue or transfer of a certificate subject to the completion of an inspection.	Director: City Health	Environmental Health Practitioner
	6	Issue or transfer certificate of competence when premises comply with all relevant requirements.	Director: City Health	Environmental Health Practitioner
	7	May endorse the transfer of a valid certificate of competence from current owner to the new owner.	Director: City Health	Environmental Health Practitioner
	8	May issue a provisional certificate of competence up to 36 months in order for applicant to comply with this regulation.	Director: City Health	Environmental Health Practitioner

	10	May suspend or revoke a certificate of competence or provisional certificate of competence.	Director: City Health	Not sub-delegated
Regulation 1256 of 27 June 1986		Regulations relating to milking sheds and the transport of milk promulgated under the Health Act		
	2(3)	May order in writing, the owner or possessor of a milking shed here a real or immediate health hazard is present, not to remove the milk for human consumption from the shed until the matter has been remedied.	Director: City Health	Environmental Health Practitioner
	3(3)-3(5)	Consider an application for a certificate of acceptability subject to certain requirements and conditions.	Director: City Health	Environmental Health Practitioner
	4	May issue a provisional certificate of acceptability where the milk shed does not comply with all the provisions in this regulation and may revoke a provisional certificate and replace it with a certificate of acceptability upon compliance	Director: City Health	Environmental Health Practitioner
	5(a)	Grant approval for the transfer of a certificate.	Director: City Health	Environmental Health Practitioner
	5(b)	Inspect the milk shed and dairy stock.	Director: City Health	Environmental Health Practitioner
	5(b)	Examine the staff in employed at the premises.	Director: City Health	Medical Officers
	6	May endorse an existing certificate of acceptability by replacing the holders name or cancel the existing certificate and issue a new certificate in the name of a new holder	Director: City Health	Environmental Health Practitioner
	7	May suspend or withdraw the certificate of acceptability or a provisional certificate.	Director: City Health	Environmental Health Practitioner
	14	May grant an exemption in writing to any person for compliance with some of these regulations which shall be valid for a predetermined period.	Director: City Health	Environmental Health Practitioner
	15(3)	Respond within 14 days in cases where a notice of appeal has been lodged with the Minister where the applicant is of the opinion that an injustice has been done.	Director: City Health	Environmental Health Practitioner

			Regulation governing general hygiene requirements for food premises and the transport of food promulgated under the Health Act.			
	Regulation n 918 of 30 July 1999		3(6)	Issue a certificate of acceptability if the inspector is satisfied that the premises complies with standards and requirements for food premises	Director: City Health	Environmental Health Practitioner
			3(8)	Issue a new certificate of acceptability if the person in charge of the premises is replaced by another person.	Director: City Health	Environmental Health Practitioner
			4(2)(c)	May place a restriction on the use of the food premises or the facility for the handling of food if in the opinion of the inspector it constitutes a health hazard.	Director: City Health	Environmental Health Practitioner
			4(5)	Inform the person on whom the prohibition notice was served in writing of the outcome of the re-inspection.	Director: City Health	Environmental Health Practitioner
			4(6)	Levy an inspection fee as determined by Council for the re-inspection.	Director: City Health	Environmental Health Practitioner
			15	May exempt a person in charge of a food premises from any of the provisions of these regulations excluding a certificate of acceptability.	Director: City Health	Environmental Health Practitioner
	Regulation n 1411 of 23 Sept 1966			Regulations regarding the prevention of rodent infestation and the storage of grain, forage, etc in urban and rural areas of the Republic in South Africa		
			5	Issue an order for the destruction of rodents and should the person fail to carry out the terms of the order, execute the work and recover the costs.	Director: City Health	Environmental Health Practitioner
			6	Make orders for the prevention of rodent infestation and should the person fail to carry out the order, execute the work and recover the costs.	Director: City Health	Environmental Health Practitioner
			7	May make orders for the collection, removal etc of refuse in such a manner as to safeguard against rodent infestation or harborage.	Director: City Health	Environmental Health Practitioner
	Regulation n 2438			Regulations relating to communicable diseases and the notification of notifiable medical conditions		

of 30 Oct 1987						
	2(1)	By written order and subject to conditions (a) Close any institution; (b) Regulate or restrict attendance thereto; (c) Regulate, restrict or prohibit the holding or attendance of any meeting there, and (d) Quarantine such premises.	Director: City Health			
	2(2)(a)	Notice referred to in 2(1) shall be signed by the Chief Administrative Officer and shall be served on a specific person.	City Manager	Medical Officer of Health		
	2(2)(b)	Where a notice has been served in terms of 2(1) the Chief Administrative Officer is obliged to make it known.	City Manager	Director: City Health	Director: City Health	
	5	Shall inform the Director: General after an order has been issued in terms of Section 2.	Director: City Health			
	8(3)	Take steps to ensure proper compliance with this regulation or to prevent contravention of this regulation.	Director: City Health and Medical Officer of Health			
	3(1)	Statutory Power.	Statutory Power			
	3(3)	Submit a report to the City Manager.	Statutory Power			
	6(1)	Statutory Power.	Medical Officer of Health			
	6(2)	Report to the City Manager.	Medical Officer of Health			
	8(4)	Powers vested in terms of Section 53 of the Act allows for a person who is not complying with the provisions of an order or has left an area without authorization, to be detained and handed over for medical observation.	Statutory Power	Statutory Power		
	11	Issue a written notice.	Medical Officer of Health			
	14(1)	May instruct a person to undergo medical examination.	Medical Officer of Health			

	14(3)	Statutory Power.	Statutory Power	
	14(5)	Submit a comprehensive report after issuing an order as stipulated in 14(3)	Medical Officer of Health	
	15(a)	Statutory Power	Statutory Power	
	15(b)	Supervise the disinfection.	Medical Officer of Health	Environmental Health Practitioner
	16(1)	Issue a written compulsory evacuation order.	Medical Officer of Health	
	16(3)	Take all measures to ensure proper implementation of this regulation or to prevent any contravention thereof.	Medical Officer of Health	
	18	Subject an infested person to compulsory removal, cleansing and disinfection if ordered to do so.	Medical Officer of Health	Professional Nurses
	19(3)	Forward weekly reports to the Director General.	Director: City Health	

Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972)

To control the sale, manufacture and importation of foodstuffs, cosmetics and disinfectants and to provide for incidental matters.

Act 54 of 1972	23	The Minister has by notices in Gazettes authorized the various Administrations to administer the provisions of this Act in its areas of jurisdiction, through its duly authorized officers	Director: City Health	Environmental Health Practitioner
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Regulation 975 of 29 September 2000. Notice relating to smoking of tobacco products in Public Places and promulgated in terms of the Tobacco Products Control Act 1993 as amended.

Reg. 975		Prohibit or restrict smoking in public places(include workplaces)	Director: City Health	Environmental Health Practitioner And Environmental Health
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				Assistants
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Child Care Act 74 of 1983

Regulations dated 12 Dec 1986		Regulation promulgated in terms of the Child Care Act 74 of 1983		
	30(2)(b)	Issue a health suitability report.	Director: City Health	Environmental Health Practitioner

Environment Conservation Act 73 of 1998

Regulations 627 of 20 Nov 1998		Noise Control Regulations promulgated in terms of the Environment Conservation Act 73 of 1998		
	2(a)	May at any reasonable time enter a premise without prior notice to conduct any appropriate examination, enquiry or inspection and to take any steps it may deem necessary. - ALSO SEE PLANNING AND ENVIRONMENT AND CITY POLICE	Director: City Health	Environmental Health Practitioner
	2(c)	Instruct in writing the person who causes a disturbing noise or a noise nuisance to discontinue the disturbance or the nuisance.	Director: City Health	Environmental Health Practitioner
	2(d)	May request a submission of a noise impact assessment prior to the erection of new buildings or where changes are to be made to buildings or land. ALSO SEE PLANNING AND ENVIRONMENT.	Director: City Health	Environmental Health Practitioner
	2(e)	Order in writing the discontinuance of music where a noise nuisance or a disturbing noise is generated.	Director: City Health	Environmental Health Practitioner
	2(i)	May impose appropriate conditions when granting permission or exemptions	Director: City Health	Environmental Health Practitioner
	2(k)	May place measuring instruments at any place it may deem necessary.	Environmental	

					Health Practitioner and Engineering Assistant	
		7(3)	Grant in writing an exemption and stipulate conditions and period for which the exemption is granted.		Director: City Health	

National Building Regulations and Standards Act 103 of 1977

Act 103 of 1977	SABS 0400 of 1990 Part O ventilation	To administer the application of ventilation to spaces which will enable such spaces to be used without detriment to health or safety or causing any nuisance and to ensure that such ventilation systems adhere to minimum requirements.	Director: City Health	Senior Mechanical Engineer
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Regulation 346 of 1953: BY-LAW

Regulation 1954		Regulation 1954 promulgated in terms of the provisions of Ordinance 19 of 1951		
		This regulation places a restriction on persons not to use loudspeakers in such a way that it causes a noise nuisance. In order to ensure compliance a written notice may be served on the relevant person.	Director: City Health	Environmental Health Practitioner

Atmospheric Pollution Prevention Act 45 of 1965

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	APPA 1965	15(1)	Decide whether an appliance or fuel complies with the requirements of the Act	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		15(2)	Consider an application for installation of a fuel burning appliance	Director: City Health	Environmental Health

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
					Practitioners and Air Pollution Officers
		16	Consider and application after due consideration of the siting and construction of chimney and control equipment.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		17	Serve notice on a person who is responsible for a nuisance and take legal action in consultation with Legal Services.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		19	Serve a notice and take legal action in consultation with Legal Services where Section 18 has been contravened.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		23	Authority to enter premises	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		24	Call for information from fuel supplier and occupier of premises from which smoke is emitted.	Director: City Health	Environmental Health Practitioners and Air Pollution Officers
		37	Perform smoke test on diesel vehicles stopped by the relevant authority and serve the owner with a notice and take legal action in the case of non-compliance with notice .	Director: City Health	Environmental Health Practitioners and Air Pollution Officers

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THE CITY OF CAPE TOWN

DIRECTOR: CITY POLICE SERVICES

South African Police Service Act 68 of 1995 as amended by South African Police Service Amendment Act 83 of 1998: To provide for the establishment, organisation, regulation and control of the South African Police Service; and to provide for matters in connection therewith as read with the Regulations for Municipal Police Services under Section 64P of the South African Police Services Act, 1995 (Act No.68 of 1995)

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1.	South African Police Service Amendment Act 83 of 1998	64C (2)(d)	Authorise suspension of an employee pending finalisation of disciplinary action	Director: City Police Services	
2	Regulations for Municipal Police Services Government Gazette Mp. 20142	8	(8) Certificate of appointment: Issuing and replacement of a certificate of appointment in prescribed format.	Director: City Police Services	Cannot be sub-delegated
3	South African Police Service Amendment Act 83 of 1998 Regulations for	3	Co – operation with the ICD co – operation agreement between ICD, SAPS and Metropolitan Police Agencies:	Director: City Police Services	

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	Municipal Police Services Government Gazette Mp. 20142				
4	South African Police Service Amendment Act 83 of 1998	Section 13 of the South African Police Service Act, 1995 (Act 68 of 1995)	Only the powers referred to in subsection (4)(7)(C)(8) and (11): Provided that the reference to the National – Provincial Commissioner in subsection 8, interpreted as a reference to the Executive Head of the municipal police service. (*Powers referred to in sect.8:in writing authorise a member under his/her command to set up a roadblock or roadblocks on any public road in a particular area or to set up a checkpoint or checkpoints at any public place in a particular area)	Director: City Police Services	(The authority to authorize a roadblock or checkpoint cannot be sub-delegated)
5	Firearms Control Act (Act No 60 of 2000)	95(a)(vi) 98(2) 87 83 87 97 99 101 98 98 102 103 104 105 120	• Application for accreditation as official institution • Head of Institution to delegate powers in respect of issuing of permits to possess and use firearms • Defaced, lost or stolen licences; permits and authorisations • Storage and Transport and Ammunition • Duties of holder of Permits • Official institution is subject to conditions in respect of acquisition, use, safekeeping and disposal of firearms as prescribed and to such conditions as imposed by the registrar • Keeping a Registrar in prescribed form • Establish and maintain a workstation. Provide registrar with access to workstation on registers as per 99 • Ensure adherence to instructions issued by the Head of the institution relating to acquisition storage, transport possession, use and disposal of firearms and ammunition. • Report loss or theft to the registrar and to the nearest police station • Ensure compliance to the declaration of a person as unfit to possess firearm • Declaration by court: unfitness • Search and seizure of all competency certificates, licences, authorisations and permits issued to relevant person • Inspection of premises • Offences	Director: City Police Services	383 Deputy Chiefs

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
6	South African Police Service Amendment Act 83 of 1998	64F (3)(a)(b)	An agreement between the municipal council and other municipal council in terms of section 10C (7) of the Local Government Transition Act, 1993 (Act 209 of 1993) for the purposes of operational pursuit outside boundaries.	Director: City Police Chief	

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THE CITY OF CAPE TOWN

DIRECTOR: CITY POLICE SERVICES

Item No.	Act	Section	Cryptic Description Of Power Or Duty	Delegated	Sub - Delegated
			Internal Matters		
1.			Determine the issue, life span and the type of uniform items and protective clothing and to determine which officials qualify for such clothing, In terms of the applicable conditions of service.	Director: City Police Services	To be sub-delegated
2.			Operational Matters		
2.2			Liaise with the media relating to technical operational matters and information and to provide instructions and advise for public safety and protection in the event of specific emergencies and emergency incidents.	Director: City Police Services	To be sub-delegated
3.			Parking, Parking Meter And Toll Parking		
3.1	A.137 Of The Road Traffic Act 29 / 1989.		Grant exemption regarding stipulation Of Any Law Regarding The Parking Of A Motor Vehicle Inside The Jurisdiction Of An Area With Regard To: (A) A Doctor (B) A Registered Midwife (C) Any Disabled Person In Accordance With A.137 Of The Road Traffic Act 29 / 1989.	Director: City Police Services	To be sub-delegated
4.			Traffic Safety		
4.1	A6 (1) And (3) Of The Standard Ordinance In Accordance		Instructions To The Owner Or Occupant Of Property To Remove / Trim A Tree Or Any Growth That May Cause An Inconvenience, Danger Or Discomfort To Any Person Using Such Road, Failing Which, It May Be Removed / Trimmed At The Expense Of The	Director: City Police Services	To be sub-delegated

	With Streets, P.K. 562 / 1976		Owner / Occupant – In Accordance With A6 (1) And (3) Of The Standard Ordinance In Accordance With Streets, P.K. 562 / 1976.		
4.2	With A.11 Of The Road Ordinance, 19 / 1976.		Instructions To The Owner Of Grounds To Reduce The Height Of Any Trees, Bushes, Murals, Walls Or Fences, That Is Deemed Necessary For The Safety Of Pedestrians Or Traffic, In Accordance With A.11 Of The Road Ordinance, 19 / 1976.	Director: City Police Services	To be sub-delegated
5.			Traffic Signs, Markings And Indicators		
5.1	A.83(11) Of Road Traffic Act 29/1989.		Official Notice To The Owner/Occupant Of Land On Which An Object Is Being Displayed Where A Road Traffic Sign Is Hidden Or The Effectiveness Of Such A Sign Is Obstructed, To Remove Such Object Or By Ignoring Such Notice For It To Be Removed In Accordance With A.83(11) Of Road Traffic Act 29/1989.	Director: City Police Services	To be sub-delegated
6.			Races And Sport On Public Roads		
6.1	A111(3) Of Road Traffic Act 29/1989		Where Approval Was Granted For The Organizing Of Sport Or A Race On Public Roads (Delegated To Director: Administration Par 15.1) Exemption For The Duration There-Of Granted To Any One Person. In Accordance With A111(3) Of Road Traffic Act 29/1989	Director: City Police Services	To be sub-delegated 386
7.			Closure Or Re – Route Of Roads		
7.1	A19(1)(B) Of Road Ordinance 19/1976.		The Temporary Closure Of Any Public Road Or Pavement Or Any Part There-Of Or Any Part Of A Road Surface Of Which Is Being Used For Building, Demolishing Etc, Across Or Through Such Roads, Where Hazardous Situations Exist And Emergency Situations Of Special Precaution For The Accommodation Of Spectators In Accordance A19(1)(B) Of Road Ordinance 19/1976.	Director: City Police Services	To be sub-delegated

8	S A Criminal Act 51 of 1977	Reg. 13	Persons appointed as Peace Officers (Traffic Officers). To enforce offences in the area of jurisdiction of the Municipality that appointed them.	Director: City Police Services	
9	Road Traffic Act 29 of 1989	Sect. 3	Appointment of persons: 1. Inspector of Licences 2. Examiner of Vehicles 3. Examiner of Drivers Licences 4. Traffic Officers 5. Traffic Wardens 6. Reserve Traffic Officers/Traffic Wardens/Casual Constables	Director: City Police Services	
10	Road Transp. Act 74 of 1977	Reg. 17	Persons appointed as authorised Officers to exercise powers and duties in terms of the Road Transportation Act and the Land Transition Act 22 of 2000 (Sect. 126).	Director: City Police Services	
11	Road Traffic Act 29 of 1989	Sect. 11	Powers and duties of Traffic Officers when in uniform including the powers and duties of Examiners of vehicles and driving licences.	Director: City Police Services	

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THE CITY OF CAPE TOWN

DIRECTOR: EMERGENCY SERVICES

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Fire Brigade Services Act 1987	12(1) and (2)	Conclude a written agreement for the rendering of fire services and assistance outside the metropolitan boundary.	City Manager	Fire Chief

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THE CITY OF CAPE TOWN

DIRECTOR: HUMAN SETTLEMENT SERVICES

Act 107 of 1997 = Housing Act
 Act 32 of 2000 = Local government Municipal Systems Act
 Act 19 of 1998 = Prevention of Illegal Eviction from and Unlawful Occupation of Land Act

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1.	107 of 1997	Housing Code in terms of Section 4	Subject to the policies and procedures laid down by the Council from time to time, enter into and administer 1.1 lease and/or sell Council dwellings and single residential property (and related properties) to persons on the Council's waiting lists (housing estates only) 1.2 lease and determine rentals of business units, stores, stables, etc. within housing estate areas and subject to all necessary prescribed approvals having been obtained and procedures complied with and in consultation with Director: Property Management	Director: Human Settlement Services	Manager: Existing Settlements
2.	107 of 1997	Housing Code in terms of Section 4	Approve the registration of second bonds, by financial institutions, over properties in Council's homeownership schemes where the Council holds the first bond over such property, subject to: 2.1 the inclusion in the second bond of the following non-prejudice clause: This bond shall in no way interfere, prejudice or affect the rights and preference of the City of Cape Town in its prior ranking mortgage bond which rights and preference shall remain in all aspects as if this bond had not been passed. The property may not be declared executable or sold in execution at the instance of the mortgagee/s nor may the mortgagee/s foreclose under this bond without his/their first having obtained the municipality's consent in writing thereto and the mortgagee/s shall not cede or assign this bond without the prior written consent of the municipality and 2.2 further condition that the full amount of the second bond shall be used solely for the purpose of effecting permanent improvements to the	Director: Human Settlement Services	Manager: Existing Settlements

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			property in question		
3.	107 of 1997	Housing Codes in terms of Section 4	1. Repossess, repurchase and resale; and 2. exercise Council's right of pre-emption in regard to houses in the Council's selling schemes on the terms and conditions laid down by Council.	Director: Human Settlement Services	Manager: Existing Settlements
4.		Unlawful Occupation Policy 27 June 2001 C12/06/01	Subject to the relevant policies listed below, evict from Council premises any occupier who: 4.1 occupied such premises without the Council's permission or remained in occupation of such premises when the authorised tenant was no longer in occupation 4.2 puts such premises to illegal use	City Manager	Not to be sub-delegated
5.	107 of 1997	In terms of In terms of Housing Code Section 4	Deal with voluntary cancellations of sales of housing scheme land and dwellings in accordance with the policy of Council	Director: Human Settlement Services	Manager: Existing Settlements
6.		Debt Management Policy 27 Nov 2001 (eviction for other breaches i.t.o. lease agreement)	Subject to the relevant policy, evict tenants of housing scheme lettings or to deal with them in any applicable manner subject to the provisions of any applicable legislation for any breaches of the lease agreement, such delegation to also apply to non-residential	City Manager	
7.	107 of 1997	In terms of Housing Code Section 4	Assist in the collection of housing scheme monies due on behalf of the Council	Director: Human Settlement Services	Managers: Existing Settlements, Housing Finance

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
8.	107 of 1997	4	Consider and grant waivers of the deposit payable on the sale price on the sale of vacant single residential housing scheme even	Director: Human Settlement Services	Managers: Existing Settlements, Housing Finance
9.	107 of 1997	4 and 9	Allocate housing scheme dwellings on a priority basis on the terms and conditions determined by Council	Director: Human Settlement Services	Manager: Existing Settlements
10.	107 of 1997	4	Give prior occupation and pass the risk in any land within housing estate areas prior to the registration of transfer, to a purchaser in terms of the relevant conditions of sale, subject to all necessary authorities having been obtained	Director: Human Settlement Services	Manager: Existing Settlements
11.	107 of 1997	4	Authorise of the payment of all transfer, survey and incidental costs, in respect of housing estate properties that are for the Council's account	Director: Human Settlement Services	Manager: Existing Settlements
12.	107 of 1997	14	Frame appropriate terms and conditions in respect of formal agreements to be entered into regarding the acquisition, lease, sale, exchange and granting of land in housing estates acquired with housing funds	Director: Human Settlement Services	Manager: Existing Settlements
13.	107 of 1997	14	Determine the upset price and conditions of sale of Council land acquired with housing funds to be disposed of by public auction or public	Director: Human Settlement Services in consultation with Director: Property Management	Manager: Existing Settlements
14.	107 of 1997	4	Give notice to tenants to vacate Council owned properties required for the development of housing schemes/projects or for undertaking any town planning improvement, services upgrading or other public work	Director: Human Settlement Services	Manager: Existing Settlements
15.	107 of 1997	4 and 9	Take such decisions as may be necessary from time to time on matters affecting housing schemes	Director: Human Settlement Services	Managers: Existing Settlements,

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			22.1 amendments to plans and specifications of dwellings 22.2 amendments to the layout plans of housing schemes including the layout of services 22.3 relocation of dwellings on residential sites within housing schemes necessitated by adverse subsoil conditions or by other unforeseen circumstances	Services	New Settlements
16.	107 of 1997	4	Consider and grant applications for extensions of the building completion clause in terms of the agreement of sale regarding the development of vacant residential erven on housing land	Director: Human Settlement Services	Manager: Existing Settlements
17.	107 of 1997	4 and 9	Allocate new housing opportunities in new settlement developments as determined by Council	Director: Human Settlement Services	Manager: New Settlements
18.	107 of 1997	9	Submit application to the Provincial Housing Development Board for new housing settlement development and / or relevant planning application after budgetary approval by Council	Director: Human Settlement Services	Manager: New Settlements
19.	32 of 2000	4	Demolish illegal unoccupied structures on Council owned land	Director: Human Settlement Services	Manager: Existing Settlements
20.	Item C30/02/03 28 Feb 2003		Provide temporary housing relief measures in emergencies (eg. building kits) Council resolution, 28 February 2003, Item C 30/02/03	Director: Human Settlement Services	Manager: Existing Settlements
21	107 of 1997	14	Allocate and conclude sales of religious, welfare and miscellaneous sites, where the land was acquired or developed with housing funds in terms of the relevant legislation (in consultation with Director: Property Management)	Director: Human Settlement Services	Manager: Existing Settlements
22		4	Council funded properties used for commercial purposes in Council's	Director: Human Settlement	Manager: Existing Settlements

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			housing estates	Services	
			22.1 entering into leases and determining rentals for the re-letting of offices, business premises, garages, stables, vacant plots, etc. at economic rentals calculated by the Directorate : Property Management		
			22.2 issue and service of notices arising from the non-payment of rental or any other service charges for business premises or any breach of contract		

CITY OF CAPE TOWN

DIRECTOR: WATER

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	➤ National Water Act: Act 36 of 1998. ➤ Environmental Conservation Act: Act 73 of 1989.	Sections 117-123 Regulation no 1560 dated 25 July 1986	Ensure that the storage dams and bulk reservoirs for water supply to the region are operated in terms of the Dam Safety Regulations promulgated under the National Water Act.	Director	Manager: Bulk Water
2	➤ Water Act: Act 36 of 1998 - Regulations	Regulation no 2834 dated 27 December 1985	Erection, enlargement and operation of water treatment plants.	Director	Manager: Bulk Water
3	➤ Occupational Health and Safety Act, Act 85 of 1993 including Major Hazard Installation Regulations promulgated under it.	Section 8(1) & 8(2)	Implement an Occupational Health and Safety programme at the work place	Director	Manager: Bulk Water 394
4	➤ Water Services By-law – Provincial Gazette No 5994 dated 28 March 2003 – Page 352	Sections 2 to 6	Implementation and Enforcement of relevant conditions as set out in Procedure 4 of the Water Services By-law.	Director	Manager: Reticulation
5	➤ Wastewater and Industrial Effluent By-law Provincial	Sections 2 to 14	Monitoring infrastructure requirements. Industrial effluent discharges and monitoring industrial effluents for compliance as set out	Director	Manager: Scientific Services

	Gazette Extraordinary No 5582 – Notice no 466 dated 15 September 2000		in the by-law. The minimisation of water pollution arising from commercial and industrial activity		
6	➤ Water Act : Act 36 of 1998 – DWAF Operational guideline No U2.1	Section 27(1)	Comply with the requirements of the Department of Water Affairs and Forestry in respect of application for permits regarding wastewater treatment, by-product disposal and effluent re-use.	Director	Manager: Wastewater
7	➤ Water Act : Act 36 of 1998 - Regulations	Regulation no 2834 dated 27 December 1985	Erection, enlargement and operation of wastewater treatment plants.	Director	Manager: Wastewater

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THE CITY OF CAPE TOWN

DIRECTOR: SOLID WASTE

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Council	C33/06/0 3	Authorise the implementation of non-standard refuse collection where conditions do not permit a standard service.	Dir: Solid Waste	Not to be sub-delegated
2	Council	C33/06/0 3	Authorise an application from a recognised waste minimisation group or club for a Minimised Basic refuse collection service.	Dir: Solid Waste	No to be sub-delegated
3	Council	C33/06/0 3	Authorise the implementation of a community-based refuse collection service for communities that are socio-economically disadvantaged, subject to the provisions of Council's Procurement Policy.	Dir: Solid Waste	Not to be sub-delegated
4	Solid Waste Tariffs	1.2.8.1	Authorise the issuing of bags at no cost for clean up campaigns.	Dir: Solid Waste	To be sub-delegated
5	Dumping & Littering By-Law	2(4)	Issue notices w.r.t. dumping on private property.	Dir: Solid Waste	To be sub-delegated
6	Dumping & Littering By-Law	2(5)	Arrange cleanup of private property and recover costs.	Dir: Solid Waste	To be sub-delegated
7	Local Govt Municipal Systems Act	S.23	Approval of waste management infrastructure and waste management systems that should be provided for new building developments that cannot be serviced by normal means	Dir: Solid Waste	To be sub-delegated
8	DWAF "Minimum Requirements Guidelines -- 1998 Series Environment Conservation Act (No. 73 of	S20(5)(6)	Administration, approval and issuing of "special waste" permits pertaining to the handling, transport, and disposal of all types of "special waste" which includes hazardous waste within the City's boundaries	Dir: Solid Waste	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
9	1989) Nat. Integrated Waste Management Bill (when promulgated)		Drafting & implementing an Integrated Waste Management Plan for the City of Cape Town.	Dir: Solid Waste	Not to be sub-delegated at this stage

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THE CITY OF CAPE TOWN

DIRECTOR: TRANSPORT

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	LGTA 209/1993 ¹	Schedule 2	Ensure adequate planning, policy co-ordination and financial provision for the implementation of roads of metropolitan significance	Director: Transport	Not to be sub-delegated
2	LGTA 209/1993	Schedule 2	Plan, regulate and co-ordinate Passenger Transport Services	Director: Transport	Not to be sub-delegated
3	LGTA 209/1993	Schedule 2	Perform the Core City function as defined in the Urban Transport Act (209/1993 read with Provincial Proclamation No 12/1997 of 30 June 1997)	Director: Transport	To be sub-delegated
4	Urban Transport Act 78 of 1977	17(a) & (c)	Prepare a transport plan.	Director: Transport	To be sub-delegated
5		17(b)	Implement any applicable approved transport plan	Director: Transport	To be sub-delegated
6		17(d)	Prepare (and maintain) a complete map of the Metropolitan Transport Area and make it available to any interested person	Director: Transport	To be sub-delegated
7		17(e)	Conduct investigations in relation to the various aspects of transport	Director: Transport	To be sub-delegated
8		17(f)	Revise and bring up to date the approved transport plan	Director: Transport	To be sub-delegated
9		17(g)	Remain continually informed as to the transport problems, needs, policies and planning of any other local authority, the Department of Transport, the Provincial Administration and the operators and users of public transport	Director: Transport	To be sub-delegated
10		17(h)	Conduct any investigation in connection with any scheme for	Director: Transport	To be sub-delegated

¹ Local Government Transition Act 209 Of 1993

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			amalgamating the revenues and expenditure of and the services rendered by, different transport undertakings	Transport	delegated
11		17(j)	Administer the Consolidated Metropolitan Transport Fund	Director: Transport	To be sub-delegated
12		17(l)	Conduct a program to involve the public in planning of urban transport facilities	Director: Transport	To be sub-delegated
13	109/1985 ²	[Provincial Proc. 60/1993 of 5 March 1993]	Passenger transport services including bus commuter transport services and the responsibility for the planning of bus commuter transport services in accordance with an approved passenger transport plan, the negotiation and contracting with bus operators, monitoring the provision of bus commuter services and the formulation of regulations... [Provincial Proclamation 60/1993 of 5 March 1993]	Director: Transport	To be sub-delegated
14	NLTTA 22/2000	19(2)(c)	Prepare a "Public Transport Plan", which shall eventually include: A Current Public Transport Record; an "Operating Licences Strategy" and a "Rationalisation Plan"	Director: Transport	To be sub-delegated
15		26(4)	After recommendation by Council, submit the "Public Transport Plan" to the relevant MEC for approval	Director: Transport	Not to be sub-delegated
16		26(5)	Update the "Public Transport Plan" annually by a date determined by the relevant MEC	Director: Transport	To be sub-delegated
17		23(1)	Prepare a "Current Public Transport Record"	Director: Transport	To be sub-delegated
18		23(5)	Submit the "Current Public Transport Record" to the relevant MEC	Director: Transport	To be sub-delegated
19		23(6)	Update the "Current Public Transport Record" annually in respect of prescribed matters	Director: Transport	To be sub-delegated
20		24(1)	Prepare an "Operating Licences Strategy" in accordance with prescribed requirements	Director: Transport	To be sub-delegated
21		24(4)(a)	After recommendation by Council, submit the "Operating Licences Strategy" to the relevant MEC for approval	Director: Transport	Not to be delegated
22		24(5)	Update the "Operating Licences Strategy" continuously and consolidate it	Director: Transport	To be sub-delegated

² Regional Services Councils Act 109 of 1985
National Land Transport Transition Act 22 of 2000
TRANSPORT 29 MAY 2005

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			annually	Transport	delegated
23		25(1)	Prepare (under defined circumstances relating to subsidised public transport only) a "Rationalisation Plan" in accordance with prescribed requirements	Director: Transport	To be sub-delegated
24		25(4)	After recommendation by Council, submit the "Rationalisation Plan" to the relevant MEC for approval	Director: Transport	Not to be delegated
25		25(6)	Update the "Rationalisation Plan" annually	Director: Transport	To be sub-delegated
26		19(2)(d)	Prepare an "Integrated Transport Plan"	Director: Transport	To be sub-delegated
27		27(1) & 27(4)	After recommendation by Council, submit the "Integrated Transport Plan" to the relevant MEC annually at a date determined by the MEC	Director: Transport	Not to be sub-delegated
28		29(1)	Publish the approved "Public Transport Plan or Integrated Transport Plan"	Director: Transport	To be sub-delegated
29	93/1996 ³	57(3)(a)	Display Road Traffic Signs (Traffic Lights [robots] included)	Director: Transport	To be sub-delegated
30	93/1996	57(3)(b)	Authorise a person to display Road Traffic Signs. (Traffic Lights included)	Director: Transport	To be sub-delegated
31	93/1996	57(3)(c)	Determine conditions for display and removal of Road Traffic Signs. (Traffic Lights included)	Director: Transport	To be sub-delegated
32	NLTTA 22/2000	29(1)(a)	Receive (by virtue of being a "Planning Authority" as defined in Act 22/2000) applications from all persons, including the State, parastatal institutions, agencies and utilities, applications regarding any substantial change or intensification of land use on any property	Director: Transport	To be sub-delegated
33		29(1)(b)	Receive (by virtue of being a "Planning Authority" as defined in Act 22/2000) "Traffic Impact Assessments" and "Public Transport Assessments" as prescribed by the MEC	Director: Transport	To be sub-delegated
34		29(2)(c)	(1) Determine the nature and quantum of the cost of any new or upgraded transport infrastructure or services as may be proposed in a traffic impact assessment or public transport assessment; and, (2) Determine who should or shall be responsible for bearing such cost.	Director: Transport	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
35		29(2)(d)	Receive notice of any action (30 days prior thereto) which may result in a substantial decrease in the quantity or availability of land transport infrastructure or services, from owner of the relevant land or the holder of the relevant operating licence.	Director: Transport	To be sub-delegated
36		29(3)	(1) Submit (within 14 days) to the Planning Authority any application (which involves substantial changes to or intensification in land use or development), within fourteen days of receipt and prior to considering or making any ruling thereon. (2) Ensure that any application (which involves substantial changes to or intensification in land use or development) is accompanied by the required "Traffic Impact Assessment" and "Public Transport Assessment" as well as sufficient other information when forwarded to the Planning Authority.	Director: Transport	To be sub-delegated
37		29(4)(a)	Approve or refuse (within 28 days) an application for a change or intensification in land use or development proposal submitted in terms of subsection 29(3).	Director: Transport	To be sub-delegated
38		29(4)(b)	Submit its written decision and any objections with respect to such application, including directions or conditions for compliance with the transport plans, to such authority vested under law with responsibility for considering the application.	Director: Transport	To be sub-delegated
39		29(6)	Appear before a "Development tribunal" established in terms of the Development Facilitation Act, 1995 in the event of an appeal against a decision of the "Planning Authority	Director: Transport	To be sub-delegated
40		29(10)	Apply to the High Court for a demolition order under certain circumstances.	Director: Transport	To be sub-delegated
41	29/1989 ⁴	137 ⁵	Erect Road Traffic Signs which concern the movement or control of traffic in accordance with A8 of the Parking Meter Ordinance P.N. 852/1969	Director: Transport	To be sub-delegated
42	29/19891	1372	Indicate monthly parking permits at any parking area for the use of holders of such permits and the issuing thereof, in accordance with Section 7 of the Ordinance regarding Toll Parking P.N. 779/1985	Director: Transport	To be sub-delegated
43	O 19/1976 ⁶	10 ⁷	Erect and maintain distance indicators, indicator poles, directions, and warnings on public roads and secondary roads.	Director: Transport	To be sub-delegated

⁴ Road Traffic Act No. 29 Of 1989 – Repealed by: National Road Traffic Act No. 93 OF 1996

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
44	29/19891	83(3)4	Display, remove or adjust road traffic signs on any public road within the municipal area	Director: Transport	To be sub-delegated
45	93/1996 29/19891	57(11) 83(11)1	Direct the owner or occupier of any land on which any road traffic sign or other object resembling a road traffic sign is displayed, or on which any object is displayed which obscures or interferes with the effectiveness of any road traffic sign, to remove such sign or object....	Director: Transport	To be sub-delegated
45			Approve and erect temporary directional indications to meetings, congresses etc. ⁸	Director: Transport	To be sub-delegated
46	NLTTA 22 of 2000	5(10)	Establishing Transport Authorities	Director: Transport	Not to be sub-delegated
47		7(18)	Transport Planning	Director: Transport	Not to be sub-delegated
48		19(1)c-g	Types of Transport Plans required	Director: Transport	Not to be sub-delegated
49		19(2)c	Preparation of Public Transport Plans	Director: Transport	Not to be sub-delegated
50		19(2)(d)	Preparation of an Integrated Transport Plan	Director: Transport	Not to be sub-delegated
51		20	Planning authorities	Director: Transport	Not to be sub-delegated
52		39	Operating licences for public transport services	Director: Transport	To be sub-delegated
53		51	Withdrawal of operating licence or permit	Director: Transport	To be sub-delegated
54		79	Continuation and conversion of existing permits	Director: Transport	To be sub-delegated

⁶ Roads Ordinance: No. 19 Of 1976

⁷ Covered by Section 57(3) Of the National Road Traffic Act No 93 of 1996

⁸ Covered by Section 57(3) Of the National Road Traffic Act No 93 of 1996

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATE D
				Transport	delegated
55		83	Disposing of applications with regard to operating licences for non-contracted services	Director: Transport	To be sub-delegated
56	Municipal Systems Act 2000	62	Comment on appeals	Director: Transport	To be sub-delegated

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THE CITY OF CAPE TOWN
DIRECTOR: ROADS AND STORMWATER

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Roads Ordinance (No. 19 of 1976)	7 (2)	Construct and maintain every public road where the City is the road authority	Director : Roads and Stormwater	All to be sub-delegated
		8 (1)	Undertaking and cost of work on public roads (by agreement with another road authority).	Director : Roads and Stormwater	
		10	Erect and maintain direction signposts, distance indicators. To resolve with CP	Director : Roads and Stormwater	
		11	Regulation of walls and hedges at road corners.	Director : Roads and Stormwater	
		12	Erection and maintenance of fences along public roads.	Director : Roads and Stormwater	...
		13	Erection of gates across public roads.	Director : Roads and Stormwater	404
		14	Removal of gates across public roads.	Director : Roads and Stormwater	
		15	Construction and closure of motor by-passes.	Director : Roads and Stormwater	To be sub-delegated
		16	Establish and maintain rest camps, rest places and stock camps.	Director : Roads and Stormwater	To be sub-delegated
		17	Regulate the erection of structures on or near public roads.	Director : Roads and Stormwater	To be sub-delegated
		18	Regulate access to and exit from certain public roads.	Director :	To be sub-

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				Roads and Stormwater	delegated
		19	Administer the temporary closing and diversion of public roads.	Director : Roads and Stormwater	To be sub-delegated
		20	Required to indicate the closing of public roads.	Director : Roads and Stormwater	To be sub-delegated
		28	Permit inspection of property for any purpose as required by this Ordinance.	Director : Roads and Stormwater	To be sub-delegated
		59	Permit right of entry / access to any land for road related purposes.	Director : Roads and Stormwater	To be sub-delegated
2	Advertising on Roads and Ribbon Development Act (No. 21 of 1940)	8	Regulate the depositing or leaving of certain articles or materials near public roads [Note 3] outside the urban area.	Director : Roads and Stormwater	To be sub-delegated
		9	Regulate the erection of structures near building restriction roads outside the urban area.	Director : Roads and Stormwater	To be sub-delegated
		9A	Regulate the erection of structures or construction of other things near intersection of building restriction roads outside the urban area.	Director : Roads and Stormwater	To be sub-delegated
		10	Regulate the restriction of access to land through fences etc along certain public roads outside the urban area.	Director : Roads and Stormwater	To be sub-delegated
		11	Restriction on establishment of extension of townships near building restriction roads outside the urban area.	Director : Transport	To be sub-delegated
3	Municipal Ordinance (No. 20 of 1974)	129(a)	Make and construct, reconstruct, alter and maintain public streets (and public places).	Director : Roads and Stormwater	To be sub-delegated
		138	Temporary closure and deviation of public streets (and public places).	Director : Roads and Stormwater	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				Stormwater	
		176	Right of entry/ access to any property for the purpose of inspection or doing anything authorized or required to be done by the Council in terms of the Ordinance.	Director : Roads and Stormwater	To be sub-delegated
4	Standard By-law relating to Streets (PN 562 of 1987)	2	Regulate the construction or laying of footways or any other encroachment in a street.	Director : Roads and Stormwater	To be sub-delegated
		7	Regulate the depositing /dumping of building or waste materials, rubbish, other waste products in a street.	Director : Roads and Stormwater	To be sub-delegated
		10	Regulate the use of explosives on or near a street.	Director : Roads and Stormwater	To be sub-delegated
		12	Regulate the erection of fences on street boundaries.	Director : Roads and Stormwater	To be sub-delegated
		13	Regulate the placement of building materials in streets.	Director : Roads and Stormwater	To be sub-delegated
		17	Regulate the protection of street surfaces.	Director : Roads and Stormwater	To be sub-delegated
		18	Regulate the damaging of notice boards, traffic signs, street name signs on streets.	Director : Roads and Stormwater	To be sub-delegated
		20	Regulate any excavations in streets.	Director : Roads and Stormwater	To be sub-delegated
		30	Regulate the building of bridges and crossings over gutters (channels) and sidewalks (footways) in streets.	Director : Roads and Stormwater	To be sub-delegated
		34	Permit the recovery of costs in performing the street functions of this Standard By-Laws.	Director : Roads and Stormwater	To be sub-delegated
5	Municipal Systems Act 2000	62	Comments on appeals	Director: Roads and	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB- DELEGATED
				Stormwater	

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**THE CITY OF CAPE TOWN
DIRECTOR: TOWN PLANNING**

National Building Regulations and Building Standards Act, No 103 of 1977

ITEM NO	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	103 OF 1977	Section 7 Approval by local authorities of applications in respect of erection of buildings			
		Section 7(1)(a) Section 7(1)(b) Section 7(5)	Approve or refuse applications for the erection of buildings.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Plan Examiners
		Section 7(4)	Extend the period within which building work must be commenced or proceeded with.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Plan Examiners

		Section 7(6)	Granting of provisional authorization to commence or proceed with the erection of a building.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Plan Examiners
		<u>Section 10</u> Erection of buildings in certain circumstances subject to prohibition or conditions			

		Section 10(1)	Prohibit the erection or proceeding with the erection of a building or earthworks which in the opinion of the delegated incumbent: - will not be in the interest of good health or hygiene - will be unsightly or objectionable - will probably or in fact be a nuisance to occupiers of adjoining or neighbouring properties - will derogate from the value of adjoining properties - will be erected on a site which is subject to flooding, does not drain properly or is filled up with unacceptable matter and determine the conditions with regard to recommencing or proceeding with the construction or earthworks.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors	
		<u>Section 11</u> Erection of buildings subject to time limit				

	Section 11(1)	Order the owner to proceed and complete a building within a specified time determined by the delegated incumbent.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors
	Section 11(2)	The consideration of extension of such periods determined in Section 11(1).	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors
	Section 11(3)	Order demolition and or clearing of site if notices not complied with and in the opinion of the delegated incumbent the premises is: - unsightly, - dangerous to life or property, or - derogating from the value of adjoining properties.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors
	Section 11(4)	Authorise the demolition and clearing of a site at the owners cost where a notice served in terms of Section 11(3) was not complied with.	Director: Town Planning	

Section 12 Demolition or alteration of certain buildings					
	Section 12(1)	Determining whether a building is dilapidated or in a state of disrepair or if a building or the land or earthworks in question is dangerous to life or property and to order demolition or securing of the property within a specified period.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspector	
	Section 12(3)(a)	Order the owner of a building, land or earthworks which is dangerous to life or property, to instruct an Architect or Registered person to investigate the condition	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspector	
	Section 12(3)(b)	Order that any activities be stopped or prohibit the performance of any activities which may increase the danger or hinder or obstruct the Architect or Registered person from investigating the condition.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspector	

		Section 12(3)(c)	Require such Architect or Registered person To submit evidence of his/her competence to carry out such duties.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional
		Section 12(3)(d)	Require the owner to appoint a competent Architect/Registered person.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional
		Section 12(4)(a)	Order the owner to remove any person from a building within a specified time if the delegated incumbent deems it necessary for the safety of such person.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspector
		Section 12(4)(b)	Order the removal of any person from a building within a specified time if the delegated incumbent deems it necessary for the safety of such person.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspector
		Section 12(5)	Granting of permission for re-occupation of the building.	Director: Town Planning	Manager: Building Development Management

		Section 14(1A)	Issuing temporary certificates of occupancy subject to conditions.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional
		<u>Section 18</u> Deviation and exemption from national building regulations			
		Section 18(1)	Grant an exemption of any applicable National Building Regulations, excluding regulations relating to strength and stability of buildings.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional
2	National Building Regulations	Issuing of Orders and Notices in terms of the National Building Regulations and SABS 0400/1990	The issuing of Orders and Notices.	Director: Town Planning	Manager : Building Development Management Principal/Snr/Control Professional Building Inspectors
	National Building	National Building Regulation A23	Permit the erection of temporary buildings with specific time limits and	Director: Town Planning	Manager: Building

	Regulations	TEMPORARY BUILDINGS	conditions.		Development Management
3	Building By-Laws	Building By-Laws	The issuing of Orders and Notices.	Director: Town Planning	Principal/Snr/Control Professional Manager : Building Development Management Principal/Snr/Control Professional Building Inspectors
4	Regulations 627 of Nov 1998		Noise Control Regulations promulgated in terms of the Environment Conservation Act 73 Of 1998		
		2(a)	May at any reasonable time enter a premise without prior notice to conduct any appropriate examination, enquiry or inspection and to take any steps it may deem necessary. - ALSO SEE CITY HEALTH AND CITY POLICE	Director: Town Planning	To be sub-delegated
		2(d)	May request a submission of a noise impact assessment prior to the erection of new buildings or where changes are to be made to buildings or land. ALSO SEE CITY HEALTH.	Director: Town Planning	To be sub-delegated

THE CITY OF CAPE TOWN

DIRECTOR: TOWN PLANNING (ENVIRONMENTAL DEVELOPMENT MANAGEMENT)

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
A	NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 of 1998 (NEMA)				
			Chapter 4 : Fair Decision making & Conflict Management		
A1.	NEMA	17	Consider the desirability of referring a matter for conciliation and refer such matter for conciliation	Dir: Town Planning	Not to be sub delegated
A2	NEMA	17(2)	Call for or appoint a facilitator in the manner required to conciliate in a disagreement.	Dir: Town Planning	Not to be sub delegated
A3	NEMA	20	Advise the Executive Member regarding liaising with Minister in evaluation of a matter relating to the protection of the environment by dissemination of information.	Dir: Town Planning	To be sub delegated
			Chapter 5 : Integrated Environmental Management		
A4	NEMA	24(1)	Prior to authorizing or giving permission for any activity, which may significantly affect the environment, to consider, investigate and assess the potential impact on the environment, socio-economic conditions and cultural heritage.	Dir: Town Planning	To be sub delegated
A5	NEMA	24(2)	Take into account information and maps compiled by Minister/MEC that specify attributes of the environment in specific geographical areas, including the sensitivity, extent, interrelationship and significance of such attributes.	Dir: Town Planning	To be sub delegated
A6	NEMA	24(3)	The investigation, assessment and communication of potential impacts of activities (24(1)) above must occur as per procedure in 24(7).	Dir: Town Planning	To be sub delegated
			Chapter 7 : Compliance, Enforcement & Protection		
A7	NEMA	28(1)	Take reasonable measures to prevent pollution or degradation or environmental damage for occurring, continuing or recurring, or to minimize and rectify if such activities have been authorized by law. This includes but is not limited to evaluation of permits for work in the	Dir: Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			CPPNE area.		
A8	NEMA	28(4)	Draw the attention of the Provincial head of Department to cases where significant pollution or degradation of the environment has taken place or may take place.	Dir: Town Planning	To be sub delegated
A9	NEMA	30(6), (7)	Regarding an emergency incident, to direct a responsible person to undertake specific measures within a specific time frame to fulfill his or her obligations in terms of subsection (4) and (5).	Dir: Town Planning	To be sub delegated
A10	NEMA	30(8)	If no action is forthcoming from such directive under 30(6), or if there is an uncertainty regarding the responsible person or if there is an urgency to the case, to take necessary measures to solve the problem.	Dir: Town Planning	Not to be sub delegated
A11	NEMA	30(9)	Claim reimbursement in the case of 30(8) from the person responsible	Dir: Town Planning	Not to be sub delegated
A12	NEMA	30(10)	Prepare and make available to the public and other parties as set out under this section, comprehensive reports on the incident.	Dir: Town Planning	To be sub delegated
A13	NEMA	32	Take steps to enforce breach or threatened breach of environmental laws.	Dir: Town Planning	To be sub delegated
A14	NEMA	33	Implement steps to prosecute in respect of any breach or threatened breach of any duty, in any municipal bylaw, or any regulation, licence, permission or authorization issued in terms of such legislation, where that duty is concerned with the protection of the environment and the breach of that duty is an offence.	Dir: Town Planning	To be sub delegated
A15	NEMA	34(1)	Make request to court if a person has been convicted of an offence in terms of Schedule 3, so that the court must inquire as to the cost of the loss or damage or cost incurred or likely to be incurred by rehabilitation or prevention of damage to the environment.	Dir: Town Planning	Not to be sub delegated
A16	NEMA	34(4)	Make application to court for an order that a person convicted of an offence in Schedule 3 pay the costs incurred by the public prosecutor and the City in the investigation and prosecution of the offence.	Dir: Town Planning	Not to be sub delegated
			Chapter 8 : Environmental Management Cooperation Agreements (EMCA)		
A17	NEMA	35(1)	Enter into an EMCA with any other party in order to promote	Dir: Town Planning	Not to be sub delegated

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ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			compliance with principles of "the Act".	Planning	
A18	NEMA	39	Enter into agreements with Director General (DG) so that the latter may fulfill his or her responsibilities.	Dir: Town Planning	Not to be sub delegated
A19	NEMA	42(1) & (3)	May sub-delegate the delegation from the DG on permission of DG.	Dir: Town Planning	Area Managers
A20	NEMA	43	Appeal to the Minister against a decision taken by any person acting under a power delegated by the Minister under "the Act".	Dir: Town Planning	To be sub delegated
A21	NEMA	45(2)	Recommend to Council the substitution of City's regulations or bylaws for regulations issued by Minister in terms of Management Cooperation Agreements.	Dir: Town Planning	Not to be sub delegated
A22	NEMA	46(2)	Request DG to assist the City with preparation of bylaws on matters affecting the environment.	Dir: Town Planning	Not to be sub delegated
B	NEMA :ENVIRONMENTAL CONSERVATION ACT 73 OF 1989 & REGULATIONS (ECA)				419
			Part V : Control of Activities which may have detrimental effect on the Environment		
B.1	ECA	22(1)	Apply for designation by Minister to be an authority that may authorize activities in terms of Section 21(1).	Dir: Town Planning	Not to be sub delegated
B.2	ECA	22(3)	Should competency be agreed to in terms of 22(1), to refuse or grant an application of an activity identified in Section 21(1) with conditions.	Dir: Town Planning	To be sub delegated
B.3	ECA	22(4)	Should competency be agreed to in terms of 22(1), to withdraw authorization if condition not complied with after 30 days notice period.	Dir: Town Planning	Not to be sub delegated
B.4	ECA	23(2)	Apply for designation by competent authority to be an authority that may authorize development or activities (with conditions) prohibited within a Limited Development Area (LDA).	Dir: Town Planning	Not to be sub delegated
B.5	ECA	23(3)	Request report from applicant applying for activity within a LDA.	Dir: Town Planning	To be sub delegated
B.6	ECA	23(4)	Make representations to competent authority regarding declaration of a LDA.	Dir: Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			Part VI : Regulations		
B.7	ECA	28 (a) to (i)	Perform functions assigned to the municipality in a Regulation, and serve Notices to rectify or cease any action contravening the Act.	Dir:Town Planning	To be sub delegated
			Part VIII : General Provisions		
B.8	ECA	31(A)(1) Read with 28 and 32 of NEMA	Serve Notices and Issue directions to any person performing an activity or failing to perform an activity whereby the environment is or may be seriously damaged, endangered or detrimentally affected; or take necessary steps as a local authority (LA) to eliminate, reduce or prevent the damage, danger or detrimental effect.	Dir:Town Planning	To be sub delegated
B.9	ECA	31(A)(2) Read with 28 and 32 of NEMA	Direct the responsible person at his or her own cost, to rehabilitate any damage caused to the environment as a result of the activity or failure to perform an activity whereby the environment is or may be seriously damaged, endangered or detrimentally affected, to the satisfaction of the LA.	Dir:Town Planning	To be sub delegated
B.10	ECA	31(A)(3)	Take necessary steps within LA itself to eliminate, reduce or prevent the damage, danger or detrimental effect.	Dir:Town Planning	To be sub delegated
B.11	ECA	31(A)(4)	Recover expenditure incurred in undertaking 31(a)(3) from the person concerned.	Dir:Town Planning	Not to be sub delegated
B.12	ECA	32	Advertise for comments if LA intends making any regulation, direction, declaration, identification, or determination of policy in terms of the Act.	Dir:Town Planning	To be sub delegated
B.13	ECA	35, 36(1), 36(2)	Lodge an appeal to Minister or competent authority against a decision taken by an officer or employee of that sphere of government in terms of a power delegated to him or her; Request reasons or apply to review any decision.	Dir:Town Planning	To be sub delegated
C	NEMA : BIODIVERSITY ACT NO. 10 OF 2004				
C.1	BIODIVERSITY ACT	S. 43 (1)	Submitting biodiversity management plans to the Minister for approval, for (a) an ecosystem, (b) an indigenous species, (c) a migratory species.	Dir:Town Planning	To be sub delegated
C.2	BIODIVERSITY ACT	S. 43 (2)	Carry out assigned responsibilities for implementing a biodiversity management plan.	Dir:Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
C.3	BIODIVERSITY ACT	S. 44	Enter into a biodiversity management agreement.	Dir: Town Planning	Not to be sub delegated
C.4	BIODIVERSITY ACT	S.46	Request amendments to a biodiversity management plan, and to consult about implementation.	Dir: Town Planning	To be sub delegated
C.5	BIODIVERSITY ACT	S.48	Incorporate provisions of the national biodiversity framework into the IDP, and demonstrate implementation.	Dir: Town Planning	Not to be sub delegated
C.6	BIODIVERSITY ACT	S.49	Monitor and report if required by Minister.	Dir: Town Planning	To be sub delegated
C.7	BIODIVERSITY ACT	S.50	Conduct research on biodiversity conservation.	Dir: Town Planning	To be sub delegated
C.8	BIODIVERSITY ACT	S.54	Take into account the need for protection of listed ecosystems in the IDP.	Dir: Town Planning	Not to be sub delegated
C.9	BIODIVERSITY ACT	S.57, 65, 71, 81	Assist in identifying when permits required.	Dir: Town Planning	To be sub delegated
C.10	BIODIVERSITY ACT	S.69	Duty of care relating to alien species.	Dir: Town Planning	To be sub delegated
C.11	BIODIVERSITY ACT	S.69, 73, 74	Competent authority to issue directive, implement and recover costs.	Dir: Town Planning	To be sub delegated
C.12	BIODIVERSITY ACT	S.75	Coordinate control of invasive species.	Dir: Town Planning	To be sub delegated
C.13	BIODIVERSITY ACT	S.76	Prepare invasive species control plans.	Dir: Town Planning	To be sub delegated
C.14	BIODIVERSITY ACT	S.77	Preparing invasive species status reports	Dir: Town Planning	To be sub delegated
C.15	BIODIVERSITY ACT	S.82	Protect the interests of stakeholders, and deal with benefit-sharing agreements.	Dir: Town Planning	To be sub delegated
C.16	BIODIVERSITY ACT	S.84	Deal with material transfer agreements.	Dir: Town Planning	To be sub delegated
C.17	BIODIVERSITY ACT	S.88, 91, 92, 93	Issue or cancel permits where designated as an issuing authority.	Dir: Town Planning	To be sub delegated
C.18	BIODIVERSITY ACT	S.97	Undertake all assigned powers, duties and functions in terms of Regulations.	Dir: Town Planning	To be sub delegated
D.	NEMA: PROTECTED AREAS ACT NO.57 OF 2003 & REGULATIONS				

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
D.1	PROTECTED AREAS ACT	S.38	Manage protected environments (if assigned by Minister)	Dir: Town Planning	To be sub delegated
D.2	PROTECTED AREAS ACT	S.39(3)	Participate in preparation of management plans.	Dir: Town Planning	To be sub delegated
D.3	PROTECTED AREAS ACT	S.39(4)	Ensure the municipality's IDP/(MSDF's) applicable aspects are incorporated into a management plan.	Dir: Town Planning	To be sub delegated
D.4	PROTECTED AREAS ACT	40(1)(iv)	Ensure that the management authority is adhering to municipal by-laws.	Dir: Town Planning	To be sub delegated
D.5	PROTECTED AREAS ACT	41(3)(a)	Assess integrated development plan framework's economic opportunities as part of management plan.	Dir: Town Planning	To be sub delegated
D.6	PROTECTED AREAS ACT	42(1)(a)	Co-management of protected areas and delegation of powers by the Management Authority to the city with regard to issues listed in 42(2)(a-1)	Dir: Town Planning	To be sub delegated
D.7	PROTECTED AREAS ACT	42(3)(a)	Ensure the management plan addresses the city's/municipality's cultural heritage resources in the protected area.	Dir: Town Planning	To be sub delegated
D.8	PROTECTED AREAS ACT	S.86	To undertake/implement any actions contemplated by the Minister in the Regulations for the proper administration of special nature reserves, national parks and world heritage sites.	Dir: Town Planning	To be sub delegated
E	CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 1983 – REGULATIONS (CARA Regs)				
E.1	CARA Regs	Part II	Assist in the combating of declared weeds and invader plants	Dir: Town Planning	To be sub delegated
F	NATIONAL HERITAGE RESOURCES ACT 25 OF 1999 (NHRA)				
F.1	NHRA	8(6)	Apply for assessment of municipality's competence to perform functions under the Act.	Dir: Town Planning	Not to be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
F.2	NHRA	8, 25 26(1)	Perform any general responsibility, duty or function assigned, deemed or delegated to a competent Local Authority.	Dir: Town Planning	To be sub delegated
F.3	NHRA	4 to 10	Management of Heritage Resources (policy, identify resources, assess and grade, perform local responsibilities, database).	Dir: Town Planning	To be sub delegated
F.4	NHRA	26	Formulate agreement with provincial heritage authority on competence and perform delegated duties and powers.	Dir: Town Planning	Not to be sub delegated
F.5	NHRA	27	Follow procedure for formal protection of heritage sites, comment on declarations proposed by SAHRA or Province, regulations pertaining to heritage sites, make agreements with site owners.	Dir: Town Planning	To be sub delegated
F.6	NHRA	28	Make recommendations regarding provision in By-laws or zoning scheme for managing Protected Areas.	Dir: Town Planning	To be sub delegated
F.7	NHRA	29	Provisionally protect places considered conservation-worthy or threatened, public notices.	Dir: Town Planning	Not to be sub delegated
F.8	NHRA	30	Assist in compiling Cape Town's part of the Provincial Heritage Register, and follow application assessment requirements. Mark listed places.	Dir: Town Planning	To be sub delegated
F.9	NHRA	31	Recommend on the designation of Heritage Areas to protect places of environmental or cultural interest, including at the time of revision of a zoning scheme or spatial plan. Provide for protection in By-law or zoning scheme, and require/consider approval or refusal of consent for alteration or development in the area. Perform powers in Heritage Areas.	Dir: Town Planning	To be sub delegated
F.10	NHRA	34	Subject to competency being granted, deal with structures older than 60 years and apply for exemptions of areas or categories.	Dir: Town Planning	To be sub delegated
F.11	NHRA	38	Notify developers of requirement for Heritage Impact Assessment, (HIA) follow consideration procedures for HIA's, comment on HIA's, authorize HIA when evaluation of impact can be dealt with in application under any other law.	Dir: Town Planning	To be sub delegated
F.12	NHRA	39	Inform of destruction of listed heritage place.	Dir: Town Planning	To be sub delegated
F.13	NHRA	42	Negotiate heritage agreements.	Dir: Town Planning	To be sub delegated
F.14	NHRA	43	Recommend on the provision of incentives in By-law or planning scheme.	Dir: Town Planning	Not to be sub delegated
F.15	NHRA	44	Promote presentation and use of heritage resources.	Dir: Town Planning	To be sub delegated

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ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
F.16	NHRA	45	Serve notices for compulsory repair and maintenance of heritage resource.	Dir: Town Planning	To be sub delegated
F.17	NHRA	48	Deal with manner in which application is to be made for any permit or other requirement and make stipulations and conditions.	Dir: Town Planning	To be sub delegated
F.18	NHRA	49	Make appeals against decisions.	Dir: Town Planning	To be sub delegated
F.19	NHRA	50	Perform all functions of appointed Heritage Inspector.	Dir: Town Planning	To be sub delegated
F.20	NHRA	51	Lay charges, make submissions for offences.	Dir: Town Planning	To be sub delegated
F.21	NHRA	55	Assist and cooperate with heritage bodies.	Dir: Town Planning	To be sub delegated
F.22	NHRA	58	Provide for the protection of conservation areas under previous National Monuments Act, or perform other transitional powers.	Dir: Town Planning	To be sub delegated
G	MUNICIPAL ACT (MSA)	SYSTEMS			
G.1	MSA	62	Comment on appeals.	Dir: Town Planning	To be sub delegated
H	ZONING SCHEMES/LAND USE PLANNING ORDINANCE 15 OF 1985 (ZS/LUPO)				424
H.1	LUPO	15(2)(c) & 17(2)(c) & 24(2)(c)	Make comment on an application where the use, activity or departure may have a detrimental impact on any environmental or heritage resources, and/or to call for an impact assessment to be conducted by an independent environmental assessment practitioner, for consideration by the municipality of the desirability thereof or mitigatory conditions to be imposed under S.42.	Dir: Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
H.2	ZS (Ch XII Special Areas or equivalent provision in the relevant zoning scheme (read with section 39 and 40 of land use planning ordinance))	93, 94, 98, 106, 108, 112, 113, 114	Issuing, signing and serving of notices to enforce compliance on Environmental Control and Heritage Control matters. Protection and management of Environmental and Heritage resources.	Dir: Town Planning	To be sub delegated
H.3	ZS (or equivalent provision in the relevant zoning scheme)	108	Consent for work in Urban Conservation Areas & tree permits.	Dir: Town Planning	To be sub delegated
H.4	LUPO	42	Identification and inclusion of Environmental and Heritage resources in zoning scheme, imposition conditions, performing power or duty in terms of a condition.	Dir: Town Planning	To be sub delegated
I	LAND USE PLANNING ORDINANCE REGULATIONS 333/1986 (LUPO REGS)				425
I.1	LUPO REGS 4		Request additional information or documentation in any application, which may include an independent impact assessment, and which may be necessary to consider the potential detrimental impact of a proposal on an environmental or heritage resources.	Dir: Town Planning	To be sub delegated
J	OUTDOOR ADVERTISING & SIGNAGE BY-LAW 5801 OF 2001 (OAS BY-LAW)				

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
J.1	OAS LAW BY-	1.1	Determining whether a sign plan can be submitted; calling for a sign application	Dir: Town Planning	To be sub delegated
J.2	OAS LAW BY-	2.2	Determining completeness of applications and calling for initial information	Dir: Town Planning	To be sub delegated
J.3	OAS LAW BY-	2.7	Requesting additional information	Dir: Town Planning	To be sub delegated
J.4	OAS LAW BY-	3	Requesting an impact assessment	Dir: Town Planning	To be sub delegated
J.5	OAS LAW BY-	4	Determining public participation requirements	Dir: Town Planning	To be sub delegated
J.6	OAS LAW BY-	5	Requesting a signage master plan	Dir: Town Planning	To be sub delegated
J.7	OAS LAW BY-	6	Calling for additional requirements and payment of fees	Dir: Town Planning	To be sub delegated
J.8	OAS LAW BY-	8	Requiring written notification	Dir: Town Planning	To be sub delegated
J.9	OAS LAW BY-	9	Calling for fees and deposits	Dir: Town Planning	To be sub delegated
J.10	OAS LAW BY-	10	Extension of approval; determining area of control	Dir: Town Planning	To be sub delegated
J.11	OAS LAW BY-	11	Granting/ refusing exemption of sign and area of control	Dir: Town Planning	To be sub delegated
J.12	OAS LAW BY-	14	Issuing/ signing notice for sign to be repaired	Dir: Town Planning	To be sub delegated
J.13	OAS LAW BY-	27	Requiring impact assessment for illuminated sign.	Dir: Town Planning	To be sub delegated
J.14	OAS LAW BY-	41/42	Decrease distances between signs	Dir: Town Planning	To be sub delegated
J.15	OAS LAW BY-	44	Grant or refuse applications with or without further conditions	Dir: Town Planning	To be sub delegated
J.16	OAS LAW BY-	45	Withdrawing approvals, amending conditions or imposing further conditions	Dir: Town Planning	To be sub delegated
J.17	OAS LAW BY-	46	Granting or refusing extension of time.	Dir: Town Planning	To be sub delegated
J.18	OAS LAW BY-	47	Extending approval period before lapsing	Dir: Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
J.19	OAS LAW BY-	G	Commenting on appeals	Dir: Town Planning	To be sub delegated
J.20	OAS LAW BY-	55	Ordering removal of a development board	Dir: Town Planning	To be sub delegated
J.21	OAS LAW BY-	56	Determining date for removing of to let/ for sale signs	Dir: Town Planning	To be sub delegated
J.22	OAS LAW BY-	62.2.1.1	Ensuring agreements are in place	Dir: Town Planning	To be sub delegated
J.23	OAS LAW BY-	67	Authorising officials to conduct any inspections necessary	Dir: Town Planning	To be sub delegated
J.24	OAS LAW BY-	L	Instituting criminal prosecutions	Dir: Town Planning	To be sub delegated
J.25	OAS LAW BY-	73	Disposing of unclaimed signs	Dir: Town Planning	To be sub delegated
J.26	OAS LAW BY-	75	Issuing, signing and serving Notices	Dir: Town Planning	To be sub delegated
J.27	OAS LAW BY-	76	Instituting court action, acting in terms of court order and cause work to be carried out.	Dir: Town Planning	To be sub delegated
J.28	OAS LAW BY-	78	Recovering costs	Dir: Town Planning	To be sub delegated
J.29	OAS LAW BY-	79	Authorising removal of signs without a court order where danger to life or property	Dir: Town Planning	To be sub delegated
J.30	OAS LAW BY-	Schedule 1	Determining areas of control and designating areas or sites by way of a map.	Dir: Town Planning	To be sub delegated
J.31	OAS LAW BY-	Schedule 2	Waiving distance from road reserve line.	Dir: Town Planning	To be sub delegated
K	TABLE NATIONAL HEADS AGREEMENT (TMNP HoA)	MOUNTAIN PARK OF (TMNP)			427
	TMNP HoA	13	Determine requirements for the Operational Environmental Management System in consultative process	Dir: Town Planning	To be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	TMNP HoA	14	Ensure that all proposed infrastructural development including buildings and roads are subjected to integrated environmental management processes and sound environmental management practices	Dir: Town Planning	To be sub delegated
	TMNP HoA	15	Grant or refuse written consent for any building or ancillary infrastructure or facility	Dir: Town Planning	To be sub delegated
	TMNP HoA	17	Grant or refuse consent for levying of charges for access by members of the public where access was allowed by the local authority at no charge.	Dir: Town Planning	Not to be sub delegated

All of the above delegations are subject to the required competency, delegation, authority or designation or equivalent from the relevant sphere of government in terms of the legislation

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THE CITY OF CAPE TOWN

DIRECTOR: TOWN PLANNING

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
REMOVAL OF RESTRICTIONS ACT NO. 84 OF 1967					
1	REMOVAL OF RESTRICTIONS ACT NO. 84 OF 1967	Section 3(2)	Make recommendations to the PGWC pertaining to applications for the removal of restrictive title deed conditions in order to allow the proposed development and / or land use on a property.	Director: Town Planning	To be sub - delegated
2	REMOVAL OF RESTRICTIONS ACT NO. 84 OF 1967	Section 3(6)	Administer advertising provisions as instructed by the Provincial Chief Directorate of Land Affairs in respect of applications received in connection with the removal of restrictions.	Director: Town Planning	To be sub - delegated
3	REMOVAL OF RESTRICTIONS ACT N O. 84 OF 1967		Comment on rule nisi applications the High Court for expungement of minor title deed restrictions.	Director: Town Planning	To be sub - delegated
SECTIONAL TITLES ACT NO.95 OF 1986 (as amended)					
4	SECTIONAL TITLES ACT NO. 95 OF 1986 (as amended)	Section 4(5)	Issue a certificate for condonation.	Director: Town Planning	To be sub - delegated

THE LAND SURVEY ACT, NO. 8 OF 1997

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
5	THE LAND SURVEY ACT NO. 8 OF 1997	Section 37 (2)	Amend or cancel the following as determined by SPELUM: i subdivision diagrams ii general plans iii road widening diagrams iv public open space v road closures vi servitudes	Director: Town Planning	To be sub-delegated
THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, NO. 113 OF 1991 (LFTEA)					
6	LFTEA	Chapter 1 & 2	Recommend to PGWC to designate land for less formal settlement and to formulate conditions.	Director: Town Planning	To be sub-delegated
THE REGULATIONS ON THE BLACK COMMUNITIES DEVELOPMENT ACT, NO. 4 OF 1984 (BCDA & REGULATIONS)					
7	BCDA & REGS	Regulations	Process applications and make recommendations to PGWC regarding consent, rezoning and subdivision in terms of the regulations under the BCDA.	Director: Town Planning	To be sub-delegated
THE LEGAL SUCCESSION TO SOUTH AFRICAN TRANSPORT SERVICES ACT, NO. 9 OF 1989, AS AMENDED (SATS ACT)					
8	SATS ACT	Section 13	Determine uses which comply with the definitions for Transportation Uses, perform powers and duties in terms of Agreements (e.g. the V&A Waterfront Heads of Agreement and Zoning Agreement etc.) under the SATS Act, determine deemed consents for non-Transport uses which pre-existed the Amendment Act, determine change of use which must be dealt with under LUPO.	Director: Town Planning	To be sub-delegated
THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985 (LUPO)					

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
9	LUPO	Section 2(i) and Sections 15(2)(a), 17(2)(a) and 24(2)(a)	Decide on the extent and nature of public participation, by determining (including waiving) the extent of advertising, subject to the provisions of the Systems Act if applicable.	Delegated by City Manager to Director: Town Planning	To be sub-delegated
10	LUPO.	Section 15 (1) (b)	Approve / refuse applications for permanent departures from the provisions of the Zoning Scheme relating to the alteration of land use restrictions applicable to a particular zone (for example second dwelling, coverage, building lines, floor area (bulk), height etc.)	Director: Town Planning	To be sub-delegated
11	LUPO	Section 15 (1) (b), Section 16 (1), Section 18 (1), Section 24 (1), Section 25 (1).	Approve applications where invalid objections have been received, including cases where the objection(s) is of a trivial nature or is not directly related to the application.	Director: Town Planning	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
12	LUPO	Section 4 (5), 4(7), 4(8), 4(11)	Subject to the provisions of the Systems Act (if applicable) decides on the extent and nature of public participation in regard to: i The intention to prepare, amend, withdraw or review a structure plan or any spatial policy framework or guidelines. ii The contents and proposals resulting from such preparation, review or amendment. iii Proposed amendments to Urban Structure Plans.	Director: Town Planning	To be sub-delegated
13	LUPO	Section 15 (1) (a) (ii)	Approve / refuse of temporary departure applications from the provisions of the Zoning Scheme relating to the utilisation of land on a temporary basis for a purpose not provided for in the Scheme Regulations.	Director: Town Planning	To be sub-delegated
14	LUPO	Section 25	Approve or refuse of application for subdivision of land.	Director: Town Planning	To be sub-delegated
15	LUPO	Section 31 (2)	Approval or refusal for the erection of buildings or structures on a land unit forming part of a subdivision which has not yet been confirmed.	Director: Town Planning	To be sub-delegated
16	LUPO	Sections 14 (4) (a), 16 & 18.	Approval / refusal of rezoning applications.	Director: Town Planning	To be sub-delegated
17	LUPO	Section 17 (2) (e).	Refer recommendations to the Premier on rezonings, which are not in accordance with the General Structure Plan.	Director: Town Planning	To be sub-delegated

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ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
18	LUPO	Section 42.	Approval / refusal of the under – provision of parking and / or open space provision in lieu of development contributions.	Director: Town Planning	To be sub-delegated
19	LUPO.	Section 42.	Furnish necessary or desirable conditions of approval to the Premier for his consideration where the Premier has decided to approve an application against a Council resolution.	Director: Town Planning	To be sub-delegated
20	LUPO.	Section 42 (1) Section 44 (2), Section 36 and Section 15 (1) (a) (i)	Impose conditions in respect of subdivision-, departure-, consent use - and conditional use approvals.	Director: Town Planning	To be sub-delegated
21	LUPO.	Section 9.	Refer amendments to the Regulations of the Zoning Scheme and conditions attached thereto, to the Premier.	Director: Town Planning	Not to be sub – delegated.
22	LUPO.	Section 27 and Section 42.	Extend of a validity period of any approval issued in terms of LUPO.	Director: Town Planning	To be sub-delegated
23	LUPO	Section 15, 17 & 42	Approval / refusal of a site development plan and amendments thereto where a rezoning, departure, special consent or a subdivision has been approved subject to the submission of such a site development plan.	Director: Town Planning	To be sub-delegated

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ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
24	LUPO.	Section 4(11)	Decide whether an application for a rezoning, departure, subdivision or any other application is consistent with an Urban Structure Plan or a Guide Plan.	Director: Town Planning	To be sub-delegated
25	LUPO.	Section 23 (1).	Approve or refuse exemptions from the sub divisional process in terms of Provincial Circular 1/1990 dated 1990/02/06.	Director: Town Planning	To be sub-delegated
26	LUPO	Section 40 (1) (a) (i) & (ii).	Serve an instruction.	Director: Town Planning	Not to be sub-delegated.
27	LUPO.	Section 30(1)	Amend or cancel subdivision diagrams / general plans/road widening diagrams and public open space / road closures. Minor amendment of Servitudes, as determined by SPELUM.	Director: Town Planning	To be sub-delegated
28	LUPO.	Section 42 (1) and / or Section 29 (2) (b) (iii).	Approve, refuse and/or amend the constitutions of homeowners' and property owners' associations established.	Director: Town Planning	To be sub-delegated
29	LUPO.	Section 46.	Implement routine prosecutions for contraventions of the Land Use Planning Ordinance or relevant zoning scheme and to refer the contraventions to the relevant legal branch.	Director: Town Planning	To be sub-delegated
30	LUPO.	Section 42(3).	Impose additional conditions, waive and amend conditions in respect of rezoning, sub division, departure, consent use and conditional use approval as determined by SPELUM.	Director: Town Planning	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
31	LUPO.	Section 14 (1).	Determine for and on behalf of the Council, the utilisation of land referred to in the aforesaid section and, subject to LUPO and the applicable Zoning Scheme regulations, to zone such land in accordance with the utilisation so determined, provided that there is no objection on behalf of the owner of the land concerned to such determination and zoning as determined by SPELUM.	Director: Town Planning	To be sub-delegated
32	LUPO.	Section 16 as read with Section 14.	Determine the manner in which a property has been utilised and the most restrictive zoning permitting such utilisation with or without a departure in situations where the zoning has lapsed.	Director: Town Planning	To be sub-delegated
33	LUPO.	Section 31 (1).	Certify compliance with the conditions of sub division.	Director: Town Planning	To be sub-delegated
34	LUPO.	Section 9.	Issue zoning certificates confirming the zoning and parameters applicable to properties.	Director: Town Planning	To be sub-delegated
35	LUPO.	Section 42 (3)	Endorse conditions arising out of land use approvals such as rezonings, subdivisions, departures, consent uses and conditional uses.	Director: Town Planning	To be sub-delegated
36	LUPO.	Section 41	Authorise officials to enter privately owned property.	Director: Town Planning	To be sub-delegated

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
ZONING SCHEME					
37	Zoning Scheme		Approval or refusal of conditional uses / consent uses permitted in terms of the Zoning Scheme with Council's special consent.	Director: Town Planning	To be sub-delegated
38	Zoning Scheme		Authorise officials to enter privately owned property.	Director: Town Planning	To be sub-delegated
39	Zoning Scheme		Comment on liquor licence applications to the Liquor Board.	Director: Town Planning	To be sub-delegated
40	Zoning Scheme		Approval / refusal of a site development plan and amendments thereto where a rezoning, departure, special consent or a subdivision has been approved subject to the submission of such a site development plan.	Director: Town Planning	To be sub-delegated
41	Zoning Scheme		Decide on the extent and nature of public participation subject to the provisions of the Systems Act if applicable.	Director: Town Planning	To be sub-delegated
COUNCIL POLICIES					
42	Council's Policy on Street naming and – Numbering.		To allocate, approve or refuse street names and street numbers in accordance with Council's Policy	Director: Town Planning	Not to be sub – delegated
43	Council's Advertising Policy		Decide on the extent and nature of public participation subject to the provisions of the Municipal Systems Act, if applicable.	Director: Town Planning	To be sub – delegated

THE CITY OF CAPE TOWN

DIRECTOR: HUMAN RESOURCES

OCCUPATIONAL HEALTH AND SAFETY ACT, NO. 85 OF 1993 (OHS ACT)

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	ASSIGNED TO
1	OHS Act	16(2)	Assignment of duties by City Manager: 1. Principal Appointment 2. Workplace Appointment	1. Executive Directors 2. Directors
2	OHS Act	17(2)	Designation of health and safety representatives	Director
3		19	Designation of a chairperson of Health and Safety Committee	Director
4		19	Designation of members of Health and Safety Committee	Director

GENERAL ADMINISTRATIVE REGULATIONS NO. 929 OF 2003
(GAR)

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ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	ASSIGNED TO
6	GAR	8(2)	Designate an Incident Investigator	Director
			GENERAL SAFETY REGULATIONS No. 1031 1986 [GSR]	
7	GSR	3(4)	Appointment of First Aiders	Director
8		5(1)	Appointment of Confined Space Inspector	Director
9		8(1)(a)	Appointment of Stacking Inspector	Director
10		9	Appointment of Gas Welding and Cutting Equipment Inspector	Manager

DRIVEN MACHINERY REGULATIONS No. 295 of 1998 (DMR)

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	ASSIGNED TO
11	DMR	17(2)	Appointment of Goods Hoist Inspector	Director
12		18(5)	Appointment of Lifting Equipment Inspector	Director
13		18(11)	Appointment of Machinery, Tackle and Forklift Operator	Director
<u>GENERAL MACHINERY REGULATIONS No. 1521 of 1998 (GMR)</u>				
14	GMR	2(1)	Appointment of Supervisor of Machinery	City Manager/ Executive Director
15		2(7)	Appointment of Assistant Supervisor of Machinery	Executive Director/ Director
16		4(3)	Appointment of Shiftsman (for Machinery)	Director/ Manager
			<u>LIFT, ESCALATOR AND PASSENGER CONVEYOR No. 797 of 1994 (REG)</u>	
17	Reg	2(5)	Appointment of Lift Operator	Director/ Manager
18		6(1)	Appointment of Maintenance Responsibility	Director/ Manager

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VESSELS UNDER PRESSURE REGULATIONS No. 1591 of 1996 (VUPR)

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	ASSIGNED TO
19	VUPR	13	Responsible for regular testing and inspection and general maintenance of vessels under pressure.	Director/ Manager
			<u>ELECTRICAL MACHINERY REGULATIONS No. 1593 of 1988 (EMR)</u>	
20	EMR	8(7)	Responsible for the inspection and general maintenance of Flameproof Electrical Installations	Director/ Manager
			<u>EMPLOYMENT EQUITY ACT 55 of 1998 (EE) AND CHANGE MANAGEMENT</u>	SUB-DELEGATED
21	EE Act 55 of 1998	21(2) (b)	Submit the annual report	City Manager Manager: Employment Equity
		23	Prepare and submit annual employment equity plans	City Manager Manager: Employment Equity

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THE CITY OF CAPE TOWN

DIRECTOR : PROPERTY MANAGEMENT

ITEM NO	SECTION/ ACT	CRYPTIC DESCRIPTION OF POWER OF DUTY	DELEGATED	SUB-DELEGATED
1	S 4(1) - By-law Par 2.10 - Policy	Decide on all commercial activities up to the value of R200 000,00 in relation to the under-mentioned types of property transactions: a) Letting of immovable property b) Approve the rental of immovable property let c) Authorize the amount of compensation to be paid by council where applicable to lessees whose leases are terminated before the expiry of the lease	Director	To be delegated
	S 5 - By-law	d) Authorize the payment of compensation in respect of servitudes for municipal services	Director	To be delegated
	Par 7.11 Policy	e) Renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for a renewal.	Director	To be delegated
	Par 2.8 – Policy	f) Approve applications for the removal of reversionary claims g) Enter and renew private siding agreements in regard to private sidings on land within the municipal area	Director Director	To be delegated To be delegated
	S 4(1) – By-law	h) Enter into and renew railway siding agreements in respect of council land on existing terms and conditions	Director	To be delegated
	Par 2.1 - Policy	i) Enter into lease agreements where council is the lessee/tenant and the land or buildings are required for approved council purposes	Director	To be delegated
	Par 2.5 - Policy	j) Appoint valuers on such terms and conditions as it may deem fit, in the event of it being considered necessary and in the interest of the council to obtain independent valuations advice regarding the acquisition or disposal of council land or rights in such land	Director	
	Par 2.4 - Policy	k) Appoint auctioneers to conduct the sale of council land by public auction provided that the necessary authority has been obtained for the sale of such land	Director	
	S 5 – By-law	l) Authorize projections and projection structures over council's land to frame and conclude relevant agreements and to impose the levying of a fee	Director	To be delegated
	S 5 – By-law	m) Authorize encroachments over council's land, frame and conclude relevant agreements and impose the levying of a fee/tariff	Director	To be delegated

	S 5 – By-law S 4(5) – By-law	n) Approve applications for servitudes over council's land, frame and conclude relevant agreements and determine compensation to be paid o) Approve applications for the cession, assignment or sub-letting of leases and if required, to impose additional conditions p) Determine whether or not to cancel leases where the terms and conditions thereof have been breached and to institute legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of monies owing to council where such cancellation arose from the lessees default in making timeous payment of such monies q) To frame the conditions of lease and to execute all documents in connection with the letting of council's immovable property	Director	To be delegated
	S 4(1) – By-law Par 4.11 and 4.13 - Policy S 4(1) – By-law	r) Authorize the closure and letting of streets, lanes and public open spaces to adjoining owners for gardening and parking purposes only. Provided that the rental shall be in accordance with the tariff.	Director	To be delegated
2	S 4(1) – By-law Par 3.8 – Policy	Sign all contracts and formal documents including work done on council land, road reserves, addenda to agreements, deeds of sale and all other documents, incidental, but not limited to property transactions, powers of attorney and declarations required for transfer purposes.	Director	To be delegated
3		Authorize payment of all transfer and survey costs where such costs are for council's account.	Director	To be delegated
4		Institute legal or other proceedings for the cancellation of a deed of sale and for the recovery of monies owing to council where such cancellation arose from the purchaser's default of complying with the conditions of sale within a reasonable time of conclusion of the sale.	Director	To be delegated
5	S 3(2) – By-law S 60(1)(a) Systems Act	Consider and recommend to council via mayco on the expropriation of immovable property or rights in or to immovable property within or outside the municipal area as well as the amount of compensation.	Director	To be delegated

6	Section 75 of Systems Act	Recommend to council the approve of fixed tariffs to be levied in respect of all applications to purchase or lease municipal immovable property, to recover costs such as administration, drafting of agreement, advertisements and encroachments	Director	No delegation
7		Authorize payment of interest on approved purchases of land or buildings whether the municipality wishes to take or has already taken occupation of property prior to the registration of transfer in its favour	Director	To be delegated
8	S31 Deeds Registries Act	a) Take transfer of land gratuitously ceded to the council or where the council is compelled to take transfer and authorization of the costs involved. b) Refund of pro-rata share of the rates paid in respect of the land as from the date of transfer to or occupation by the council whichever be the earlier	Director	To be delegated
9	S4(2) – By-law Par 2.5 – Policy	Assessing the market value of council land for rental purposes and determining a rental if the rental does not exceed the commercial activity value per month or recommending a rental to the appropriate authority, as the case may be	Director	To be delegated
10	S 3 Property Rates Act	Authorization of the refund of a pro-rata share of rates paid in respect of land or buildings as from the date of transfer thereof to or occupation by the council whichever be the earlier	Director	To be delegated
11	S 3.1 – By-law S 3.2 By-law	Initiating, at the request of a service department, the acquisition of land or a right in land for any approved municipal scheme where provision has been made therefore on the current estimates and reporting thereon to the relevant authority provided that he/she may finalize any such transaction where the purchase price or compensation payable does not exceed the commercial activity value	Director	To be delegated

12	S 7 – By-law	Repudiation of claims to ownership of municipal land by acquisitive prescription where such action is warranted	Director	To be delegated
13	Par 4.8 – Policy	Giving possession of land or buildings prior to conclusion of the formal lease agreement provided that the relevant authorities have been obtained and the lessee has indemnified the council in respect of such prior occupation	Director	To be delegated
14	Par 3.5 – Policy	Permit occupation of municipal land by purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser – Deposits with council the purchase price or pay an occupational rental Comply with any other condition that may be relevant in the circumstances	Director	To be delegated
15	Par 5 - Policy	Authorize the temporary use of municipal land, limited to a period of 14 days and subject to such conditions which may be deemed fit	Director	To be delegated
16		Authorize of account adjustments in regard to lease agreements	Director	To be delegated

- (A) By-law : LA 12783
 (B) Policy : Approved 31/7/02
 (C) Local Government : Municipal Systems Act, No 32 of 2000
 (D) Deeds Registry Act, No 47 of 1937
 (E) Local Government : Municipal Property Rates Act, No 6 of 2004
 (Not assented to by the State President)

THE CITY OF CAPE TOWN

DIRECTOR: ECONOMIC AND HUMAN DEVELOPMENT

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Informal Trading By-Law published in Provincial Gazette of 13 December 1996, in PN 522/1996, in respect of the area of the Cape Town Municipality	Section 3 (b)(i)	Permit an informal trader to stay overnight at the place of business	Director	Manager
		Section 3 (b)(ii)	Permit an informal trader to erect a structure	Director	Manager
		Section 3 (f)	Instruct an informal trader to remove any goods in terms of section 4 or 5	Director	Manager
		Section 4 (d)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 6	Issue written proof that a trader has leased or allocated such stand or area to him/her	Director	Manager
2	Informal Trading By-Law published in Provincial Gazette of 23 April 1999, PN 136/1999, in respect of the area of the former City of Tygerberg	Section 3 (b)(i)	Permit an informal trader to stay overnight at the place of business	Director	Manager
		Section 3	Permit an informal trader to erect a structure	Director	Manager

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
		(b)(ii)			
		Section 3 (f)	Instruct an informal trader to remove any goods in terms of section 4 or 5	Director	Manager
		Section 4 (d)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 8	Design, make display signs marking or other devices indicating a restricted or prohibited area	Director	Manager
		Section 10 (b)	Receive an appeal against a decision of Council	City Manager	Executive Director
3	Informal Trading By-Law published in Provincial Gazette of 27 August 1999, PN 282/1999, in respect of the area of the former Blaauwberg Municipality	Section 3 (b)(i)	Permit an informal trader to stay overnight at the place of business	Director	Manager
		Section 3 (b)(ii)	Permit an informal trader to erect a structure	Director	Manager
		Section 3 (f)	Instruct an informal trader to remove any goods in terms of section 4 or 5	Director	Manager
		Section 4 (d)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 8	Design, make display signs marking or other devices indicating a restricted or prohibited area	Director	Manager
4	Informal Trading By-Law published in Provincial	Section 3 (b)(ii)	Permit an informal trader to erect a structure	Director	Manager

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	Gazette of 20 November 1998, PN 633/1998, in respect of the area of the former South Peninsula Municipality;				
		Section 3 (f)	Instruct an informal trader to remove any goods in terms of section 4 or 5	Director	Manager
		Section 4 (d)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 8	Design, make display signs marking or other devices indicating a restricted or prohibited area	Director	Manager
5	Informal Trading By-Law published in Provincial Gazette of 10 March 2000, PN 76/2000, in respect of the area of the Helderberg Municipality;	Section 3 (b)(ii)	Permit an informal trader to erect a structure	Director	Manager
		Section 4 (a)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 10	Design, make display signs marking or other devices indicating a restricted or prohibited area	Director	Manager
6	Informal Trading By-Law published in	Section 3 (b)(ii)	Permit an informal trader to erect a structure	Director	Manager

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	Provincial Gazette of 29 May 1998, PN 290/1998, in respect of the area of the Oostenberg Municipality				
		Section 4 (a)	Grant exemptions to traders for the removal of packaging, material, stock and equipment	Director	Manager
		Section 8	Show written approval in terms of the by-law	Director	Manager
		Section 10(2)	Receive an appeal against a decision of Council	City Manager	Executive Director
7	Establishing and Managing City Improvement Districts				447
	City Improvement District By-Law (CID By-Law) promulgated 26 March 2004 Provincial Notice 6118	Sect. 6	Approve alternative venue for public meeting	Director	Manager
	CID By-Law	Sect. 7 (3)	Receive objections	Director	Manager
	CID By-Law	Sect. 8 (3)	Decide to re-advertise CID Plan	Director	Manager
	CID By-Law	Sect. 11 (2)	a) Approve of an amendment forthwith which does not materially affect the right or interest of any person and b) Require the above amendment to be published by applicant	Director	Manager

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	CID By-Law	Sect. 11 (4) (b)	Cause the notice to be published	Director	Manager
	CID By-Law	Sect. 12 (3)	Monitor compliance to provisions of CID By-Law	Director	Manager
	CID By-Law	Sect. 12 (4)	Conclude financial agreement	Director	Manager
	CID By-Law	17 (1)	Investigate the need for a new By-Law for residential areas	Director	Manager
7.1	Local Government Transition Act, No 209 of 1993	Sect. 10 G (7)	a) Cause a notice of the resolution of the CID levy to be displayed b) Determine venues at which notice is to be displayed c) Send copy of the levy resolution to the relevant MEC and d) Cause the notice of CID levy to be published in the manner decided by Council e.g. Daily newspapers and/or Government Gazette	Director	Manager

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THE CITY OF CAPE TOWN

DIRECTOR: ENVIRONMENTAL PLANNING

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
A	NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 of 1998 (NEMA)			See Dir: Town Planning	
B	NEMA :ENVIRONMENTAL CONSERVATION ACT 73 OF 1989 & REGULATIONS (ECA)			See Dir: Town Planning	
C	NEMA : BIODIVERSITY ACT NO. 10 OF 2004			See Dir: Town Planning	
D.	NEMA: PROTECTED AREAS ACT NO.57 OF 2003 & REGULATIONS			See Dir: Town Planning	
E	CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 1983 – REGULATIONS (CARA Regs)				449
E.1	CARA Regs	Part II Sections 6 (2)(g)(j)(l) & (m)	Utilize and protect vegetation Prevent and control veld fires Combating of declared weeds and invader plants Restore and reclaim eroded land	Dir: Environmental Planning	To be sub delegated
F	NATIONAL VELD AND FOREST ACT OF 1998	Ch 4: S12-16; Ch5: Ss17-19	Prepare and maintain fire breaks Combat and manage the spread of veld fires	Dir: Environmental Planning	

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
G	NATIONAL HERITAGE RESOURCES ACT 25 OF 1999 (NHRA)				
	NHRA	54	Recommend to Council on the formulation of By-laws for heritage resources.	Dir: Environmental Planning	To be sub delegated
I	NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 of 1998 (NEMA)				
	NEMA	46(1)	Make recommendations on the adoption as municipal bylaw, any model bylaw made by Minister aimed at establishing measures for management of environmental impacts of any development within the City's jurisdiction.	Dir: Environmental Planning	Not to be sub delegated
	NEMA	47	Submit comments on any regulations made in terms of "the Act".	Dir: Environmental Planning	To be sub delegated.
J	NEMA :ENVIRONMENTAL CONSERVATION ACT 73 OF 1989 & REGULATIONS (ECA)				450
			Part III : Protection of Natural Environment		
	ECA	16(1)	If City is landowner, comment on both the intent by competent authority to declare a protected natural environment (PNE) and the intent to withdraw a declared PNE.	Dir: Environmental Planning	To be sub delegated
	ECA	16(6)	Concur with competent authority to control and manage a PNE	Dir: Environmental Planning	To be sub delegated
	ECA	17(3)	Appointment by competent authority to become a member of the Management Advisory Committee (MAC) that is responsible for control and management of the PNE.	Dir: Environmental Planning	to be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	ECA	17(4)	Where LA is controlling and managing a PNE to concur with competent authority regarding appointment of members of MAC.	Dir: Environmental Planning	to be sub delegated
	ECA	17(7)	Where LA is controlling and managing a PNE, to designate employees as necessary to fulfill administrative duties of MAC.	Dir: Environmental Planning	to be sub delegated
	ECA	18(2)	Make recommendations, if City is landowner, re: intention to declare a Special Nature Reserve (SNR).	Dir: Environmental Planning	to be sub delegated
	ECA	18(4)	Make recommendations to control a SNR; consult regarding compilation of a management plan for the SNR.	Dir: Environmental Planning	to be sub delegated
	ECA	18(5)	Make amendments to a management plan.	Dir: Environmental Planning	to be sub delegated
	ECA	18(7)	Apply for exemption to gain admittance and to undertake certain activities within or on a SNR.	Dir: Environmental Planning	to be sub delegated
			Part VI : Regulations		
	ECA	24 , 24(A), 25, 26 & 27	Make comment on draft regulations regarding waste management and products that may have a substantial detrimental effect on the environment or human health, on littering, noise, vibration and shock, on environmental impact reports and on LDA's.	Dir: Environmental Planning	to be sub delegated
	ECA	28(A)	Apply for exemption from the application of any provision of any regulation, notice or direction promulgated or issued under the Act.	Dir: Environmental Planning	to be sub delegated
	ECA	33	Delegate or assign any duty conferred or assigned to the LA through the Act to any officer or employee within the LA.	Dir: Environmental Planning	to be sub delegated
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THE CITY OF CAPE TOWN

DIRECTOR: INNOVATION, INFORMATION & KNOWLEDGE MANAGEMENT

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Act 8 of 1997	Section 42(4)a	The positioning, creation and maintenance of the Town Survey Mark Reference System which provides Land Surveyors with a detailed reference grid to enable the positional fixing of property or engineering services	Director	To be sub-delegated

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THE CITY OF CAPE TOWN

CITY OMBUDSMAN

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	EXECUTIVE COMMITTEE 7 MAY 2002	EXCO29/05/02	Investigate and handle both internal and public complaints.		
			Demand access to any book, record, file or other documents or record of the Council i.e. Internal investigations – General Complaints Office Management Public Complaints – Legislative Compliance and Investigations	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors
			Interview any employee for the purpose of giving evidence.	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors
			Exclude from any examination or meeting any person whose presence, in the circumstances, is not desirable.	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				Management	
			Enter any premises owned, controlled or managed by the council or an entity for the purposes of any investigation and to examine any record or thing in the course of such a visit.	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors
			Recommend corrective actions	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors
			Conduct a preliminary investigation for the purpose of determining the merits of the complaint.	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors
			Provide an informal mediation and conciliation service to staff members.	Deputy Dir: (Legislative Compliance and Investigations and	Snr Investigation Officers And Legal Advisors

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				Deputy Dir: (General Complaints and Office Management	
			Investigate complaints directed to the Speaker's Office in consultation with the Speaker and make recommendations to the Speaker.	Deputy Dir: (Legislative Compliance and Investigations and Deputy Dir: (General Complaints and Office Management	Snr Investigation Officers And Legal Advisors

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ANNEXURE D

**RULES OF ORDER
FOR
THE CITY OF CAPE TOWN**

RULES OF ORDER FOR COUNCIL

CITY OF CAPE TOWN

INDEX TO

**RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF
THE CITY OF CAPE TOWN**

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RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN

1. APPLICATION OF RULES

- 1.1 These Rules of Order apply to all meetings of the Municipal Council and its Committees of the Municipality of the City Of Cape Town as established in terms of Section 12 of the Local Government Municipal Structures Act, 1998.
- 1.2 These Rules shall not apply to Sub-Councils and Ward Committees, which are governed by their own Rules of Order.
- 1.3 These Rules of Order are aimed to allow for a free and constructive debate during Council's meetings, bearing in mind the large number of Members of Council. These Rules are aimed to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints. They acknowledge that political parties which may want to address political issues, which may not be on Council's agenda, must receive preference in order to ensure the proper delivery of services. The Rules endeavour to create an opportunity for Members of Council to air their views on other matters of public importance.

2 DEFINITIONS

In these Rules, unless inconsistent with the context:

"Act" means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

"Chief Whip" means the person elected as Chief Whip of Council;

"Committee" means a Committee of Municipal Council of the City Of Cape Town established in terms of Section 79 or 80 of the Act;

"Mayor" means the Executive Mayor of Council;

"Mayoral Committee" means the Mayoral Committee of Council;

"Member" means a Councillor of the Municipal Council of the City Of Cape Town;

"MMC" means a member of the Mayoral Committee;

"Motion" means a matter submitted by a member in terms of Rule 19;

"Municipal Manager" means the person appointed in terms of Section 82 of the Act

"Ordinary Meeting" means a meeting in terms of Section 6.1;

"Political Party" means a political party registered in terms of the Electoral Act, 1998;

"Procedural Motion" means a matter raised by a member at a meeting in terms of Rule 33;

"Speaker" means the member elected in terms of Section 36 of the Act;

"Special Meeting" means a meeting in terms of Section 6.2, 6.4 or 6.6;

"Systems Act" means the Local Government Municipal Systems Act, 2000;

"Whip" means, for the purposes of these Rules, a Member of Council appointed by each political party to perform the functions referred to in Rule 17.

3 CONDUCT AT MEETINGS

The Speaker must:

- 3.1 maintain order during meetings;
- 3.2 ensure compliance with the Code of Conduct for Councillors at meetings;
- 3.3 ensure that meetings are conducted in accordance with these Rules of Order;
- 3.4 ensure that any person refusing to comply with his / her ruling leaves the meeting place immediately;
- 3.5 ensure that members conduct themselves in a dignified and orderly manner;
- 3.6 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;
- 3.7 ensure that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey any ruling made by the Speaker;
- 3.8 ensure that each Whip or Chief Whip, where a party has more than one (1) Whip, is responsible for maintaining discipline of his / her party's members during the Municipal Council's meeting. Failure by any such Whip to take appropriate action may be dealt with in terms of Rule 3.2.

4 INTERPRETATION OF RULES

The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.

5 CHAIRING OF MEETINGS

- 5.1 The Speaker is the Chairperson of meetings of the Municipal Council, and in the case of a Committee the Chairperson or Deputy Chairperson chairs the meeting.
- 5.2 Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.

6 NOTICE OF MEETINGS

- 6.1 The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that such meetings take place at least quarterly.
- 6.2 A separate Special Meeting of Council shall be called to approve the Annual Budget.
- 6.3 The Municipal Manager must give at least 72 hours notice of the meetings referred to above, to enable members to prepare adequately.
- 6.4 When the Municipal Council meets as a legislative body to consider By-Laws, the Municipal Manager must give seven (7) working days' notice of this meeting to all members of the Municipal Council.
- 6.5 The fact that any member(s) has/have not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.
- 6.6 In the case of any urgent meeting, the notice period must be at least 24 hours.
- 6.7 The Speaker, or in his/her absence the Mayor, determines whether any meeting is urgent or not.
- 6.8 The Speaker, or in his/her absence the Mayor, must, after receiving a written request signed by a majority of the members of the Municipal Council, call a meeting of that Council.
- 6.9 Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the meeting by placing a notice to this effect on a notice board situated at the main administrative office of the Municipality, and by placing an advertisement in Afrikaans, English and Xhosa in two (2) newspapers circulating in Cape Town.

The obligation to place an advertisement in the newspapers may be dispensed with at the discretion of the Municipal Manager in cases where time constraints do not allow these advertisements to be placed.

- 6.10 Every member of the Municipal Council must specify in writing an electronic mail address and/or a physical address within the municipal area of Cape Town, where he/she will receive notice of meetings and other official correspondence. Delivery to this address will constitute proper notice of meetings of the Municipal Council.

7 QUORUMS

- 7.1 The quorum for a meeting of the Municipal Council or Committee is a majority of its members.
- 7.2 Whenever there is no quorum, the meeting must be suspended for no more than 30 minutes, and if at the end of that period there is still no quorum, the Speaker or Chairperson may further suspend the meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue at his/her discretion or may do so forthwith.
- 7.3 In the absence of the Speaker or Chairperson the Mayor or Deputy Chairperson must perform the functions referred to in Rule 7.2. If, after the initial suspension of 30 minutes neither the Speaker nor the Mayor, Chairperson, or Deputy Chairperson is present, the meeting must be adjourned.

8 AGENDA

- 8.1 Subject to Rules 8.2 and 9.2, all meetings must be conducted according to the order in which the matters appear on the agenda before a Municipal Council, and only matters, which are on the agenda, may be debated.
- 8.2 The Speaker may, after considering suitable motivation, change the order of matters appearing on the agenda.
- 8.3 The Municipal Manager may direct that any matter be entered into the confidential part of the Municipal Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Municipal Council.
- 8.4 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

9 ORDER OF BUSINESS OF AN ORDINARY MEETING.

9.1 The order of business of an ordinary meeting convened in terms of Section 6(1) shall be as follows:

9.1.1 opening;

9.1.2 Mayoral address

9.1.3 applications for leave of absence;

9.1.4 official notices;

9.1.5 minutes of the previous meeting(s);

9.1.6 questions of which notice has been given;

9.1.7 report of the mayor which includes:

9.1.7.1 recommendations to the Council,

9.1.7.2 decisions under delegated authority;

9.1.7.3 schedule of decisions of the mayor, together with the members of the mayoral Committee in terms of Section 60(3) of the Act;

9.1.8 schedule of decisions of any Section 79 Committee under delegated authority;

9.1.9 motions or proposals deferred from previous meetings;

9.1.10 new motions;

9.1.11 any other matter not contained in the notice of the meeting at the discretion of the Mayor, or Speaker.

9.2 After the matters referred to in paragraphs 9.1.1 to 9.1.4 have been considered, the Speaker may in his/her discretion bring forward any business which is on the agenda.

10 LEAVE OF ABSENCE

10.1 Application for leave of absence from a meeting of the Council or a Committee thereof must be addressed to the Chief Whip in writing and signed by the member who is applying for such leave.

10.2 The Chief Whip may only consider applications for leave of absence which are in writing. Applications for leave of absence which are not in writing may not be considered.

10.3 Notwithstanding Sub-Section 10.2 above, applications for leave of absence from a meeting are deemed to have been granted if:

10.3.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or

10.3.2 if the Council, Mayor or Committee of the Council requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.

10.4 The Chief Whip or in his/her absence, the Speaker may, subject to Sub-Sections 10.2 and 10.3 above, grant leave of absence to a member for the following reasons:

10.4.1 illness of the member;

10.4.2 essential business or personal commitments, or personal circumstances of the member.

10.4.3 Non-delivery of the notice of a meeting, or delivery of the notice of a meeting less than 72 hours before its commencement, provided that this will not apply to an ordinary meeting of the Council or Committee or when the member has moved and failed to inform the Municipal Manager at least 7 days before the relevant meeting of the revised address for the service of documentation;

10.4.4 When the member is not permitted to attend the meeting due to circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act;

10.4.5 Any other circumstances where the member is prevented from attending the meeting.

11 MAYORAL ADDRESS

11.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/she deems appropriate. During the mayoral address no points of order or debate shall be allowed.

11.2 At the conclusion of the mayoral address, the Speaker must allow twenty (20) minutes for questions and answers. Any question arising out of the address may be replied to by the Mayor or, if directed by the Mayor, by any other member of the Mayoral Committee.

12 REPORTS

The Municipal Council may not take any decision unless it has before it sufficient information as determined by the Speaker to take an informed decision. Except in exceptional circumstances, such information must be in a written report.

13 REPORT OF THE MAYOR

13.1 A report of the Mayor shall contain the following matters:

- (i) recommendations to Council (where the Mayor has no delegated authority)
- (ii) a schedule of decisions by the Mayor under his/her delegated or statutory authority, and
- (iii) a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.

13.2 The Speaker shall permit debate of the matters referred to in Section 13.1(i) above, in accordance with Rule 17 of these Rules.

13.3 While it is accepted that the matters listed in Sub-Rules 13.1(ii) and (iii) above, and Rule 14 below, are for noting by Council, the Speaker may with the consent of the Mayor, MMC or Chairperson of a Section 79 Committee, allow debate on any of these matters, upon the prior written request of a member, which shall be handed to the Speaker at least 24 hours prior to the meeting.

14 REPORTS OF SECTION 79 COMMITTEES

The Speaker may permit debate on decisions taken by Council's Committees in accordance with Rule 17 of these Rules of Order.

15 LEGAL AND FINANCIAL CONSTRAINTS

The Municipal Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to these aspects.

16 DECISIONS AND VOTING

16.1 Subject to the provisions of Rules 16.2, all decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Municipal Council.

16.2 The following matters are determined by a decision taken by the majority of the members of the Council:

- 16.2.1 the passing of By-Laws;
 - 16.2.2 the approval of budgets;
 - 16.2.3 the imposition of rates and other taxes;
 - 16.2.4 levies and duties;
 - 16.2.5 the raising of loans; and
 - 16.2.6 the IDP
- 16.3 If the Speaker asks the meeting if it is in agreement with the recommendation(s) and the recommendation(s), is/are not opposed by any member present, the recommendation(s) is/are adopted.
 - 16.4 Where there is opposition to any proposal to be decided, voting must be by a show of hands or by means of an electronic voting system when available, unless otherwise resolved.
 - 16.5 Only the number of members, and not the names of members voting for / against an item, is to be recorded in the minutes.
 - 16.6 A member may abstain from voting without leaving the meeting place.
 - 16.7 Any member may request that his / her dissent, abstention or support be recorded in the minutes of that meeting.
 - 16.8 The Speaker must announce the decision of the Municipal Council taken in terms of Rules 16.3 or 16.4.

17 DEBATE MANAGEMENT

- 17.1 At least 24 hours prior to a meeting of Council, the Chief Whip, after discussion with the Whips of other parties in Council, must provide to the Speaker a list showing:
 - 17.1.1 which items on the agenda for that meeting are to be debated;
 - 17.1.2 the total time to be allocated to the debate of each such item, however, it is acknowledged that the cut-off time for the Council meeting will be 17:00 and the maximum time allocated to each item on the agenda will be thirty (30) minutes. This does not limit the discretion of the Speaker to extend or limit the time allocated for debate on each item on the agenda, or to extend the closing time of the Council meeting, should circumstances so require; and
 - 17.1.3 the time to be allocated to each political party, and as agreed to by the Whips, that wishes to debate that item, having due regard to the number of seats held by each party in Council. In the absence of agreement the Speaker will determine the time.
- 17.2 Based on the list drawn up in terms of Rule 17.1, each party must deliver to the Speaker, at least 12 hours before a Council meeting, a list of its members who will speak to an item, and the time allocated to each such member,

provided that the total time allocated to all such members of a party shall not exceed the time allocated to that party in terms of Rule 17.1

- 17.3 On receipt of the lists referred to in Rules 17.1 and 17.2, the Speaker must, if he wishes to deviate from the provisions of those lists, convey his decision in this regard to the relevant Whips within a reasonable time prior to the Council meeting.
- 17.4 The Speaker shall in such instance restrict or extend the time allocated in a manner which is fair to all parties and shall, to the extent possible, give advance warning of such intention and of the extent thereof.
- 17.5 All matters before the Council not listed in Rule 17.1 must individually be put to the meeting for adoption without debates, before the matters listed in Rule 17.1 are considered.
- 17.6 At the discretion of the Speaker, he may allow five (5) minutes of response to the Mayor or relevant Member of the Mayoral Committee, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 17.1.
- 17.7 Notwithstanding any contained in Rules 17.1 to 17.6, the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his discretion in this regard shall be final.
- 17.8 All parties represented in Council have a right to speak on each item on the agenda relative to their representation in Council.

18. MINUTES

- 18.1 The Municipal Manager must ensure that all decisions of the Municipal Council are recorded in a minute book, and that decisions of the Municipal Council held in closed meeting are recorded in a separate minute book.
- 18.2 If a copy of the minutes of a meeting has been served on every Councillor in the manner as provided in Rule 6, the minutes shall be taken as read with a view to confirmation.
- 18.3 No proposal or discussion shall be allowed on the minutes, except as to their accuracy.
- 18.4 The correctness of the minutes of the Municipal Council must be considered at its next meeting, failing which, at the following meeting.
- 18.5 The Municipal Manager must ensure that the names of members attending any meeting, those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.

- 18.6 The Municipal Manager must ensure that the names of members, who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 18.7 For administrative reference purposes, audio recordings of all meetings of the Municipal Council must be kept for a period determined by the Speaker.

19. MOTIONS

- 19.1 Subject to the provisions of any other law:

- 19.1.1 Every notice of motion shall be in writing and shall be submitted to the Speaker and such notice shall be signed by the member submitting it and by the member seconding it;

- 19.1.2 Subject further to Rule 19.5 below notice of a motion shall not appear on an agenda, unless it is received at least ten (10) working days prior to such meeting; and

- 19.1.3 a motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.

- 19.2 At the request of the member who gave notice of such motion, the Speaker shall acknowledge receipt thereof in writing.

- 19.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.

- 19.4 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.

- 19.5 The Municipal Manager must when he receives a motion from the Speaker consider which of Council's political structures is legally competent to take the required decision and must refer the motion to the appropriate political structure for consideration.

- 19.6 When a member introduces a motion in terms of this Section:

- 19.6.1 which is intended to rescind or amend a resolution passed by the Council taken within the preceding three (3) months or;

- 19.6.2 which has the same purport as a motion which was not supported within the preceding three months;

such motion shall not be entertained.

- 19.7 When dealing with motions:

19.7.1 the motion shall be read out together with the number thereof and the name of the mover;

19.7.2 the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and thereafter the Speaker shall call the opposed motions in their order on the agenda.

20. URGENT MATTERS

20.1 the Municipal Manager may, in his / her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council or its operations.

20.2 The Speaker must determine an appropriate time during Council's deliberations when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

21. DISALLOWED MOTIONS AND PROPOSALS

21.1 The Speaker shall disallow a motion or proposal which:

21.1.1 May lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or

21.1.2 Advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:

21.1.2.1 The Council has no jurisdiction

21.1.2.2 A decision by a judicial or quasi-judicial body is pending; or

21.1.2.3 Which has not been duly seconded:

21.1.3 If passed, would be contrary to the provisions of these Rules of Order or of any other law or which Council is not financially competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to the relevant Committee.

22 MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE SPEAKER

A motion or proposal, other than a recommendation of the Mayor, affecting the making or amendment of a By-Law, shall, before the Council adopts a resolution thereon, be submitted to the Speaker for a report thereon.

23 QUESTIONS

- 23.1 Any member may submit a question(s) relating to any matter in order to solicit views, opinions, intentions, explanations or information.
- 23.2 The member must ensure that the question(s) is (are) submitted to the Speaker at least 10 working days before the date of the meeting.
- 23.3 The Speaker must ensure that the question(s) is (are) included in the agenda of the Municipal Council meeting.
- 23.4 The Speaker must decide which member must respond to a question(s) and if the member is unavailable to respond immediately, when such response must be put before the Council.
- 23.5 No member may re-submit a question(s) relating to any matter if that (those) question(s) was (were) considered during the previous three (3) months.

24 RECONSIDERATION OF RESOLUTIONS

- 24.1 The Municipal Council must reconsider any decision taken under delegated authority if a least 25% of members of the Municipal Council lodge such a request in writing with the Municipal Manager, provided that such reconsideration will not adversely affect existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 19.
- 24.2 Notwithstanding the provision of this Rules of Order, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

25 AMENDMENTS TO RECOMMENDATIONS

- 25.1 An amendment which is moved:
 - 25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
 - 25.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and
 - 25.1.3 may only be moved by a member while he / she is speaking on a recommendation, motion or proposal under debate.
- 25.2 A member who has moved an amendment may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.
- 25.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to Rule 25.9, all amendments which have been moved

shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.

- 25.4 No member shall move more than one amendment to a recommendation, motion or proposal.
- 25.5 If the Mayor or Member of the Mayoral Committee or Chairperson of a Committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal he / she may only do so during his / her reply.
- 25.6 The debate shall close when the Mayor or Member or Chairperson has replied thereto.
- 25.7 If more than one amendment to a recommendation motion or proposal has been moved, such amendments must be put to the vote in order in which they were moved.
- 25.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 25.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he / she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, Rule that such other amendment need not be put, after which the latter amendment shall lapse.

26 PRECEDENT OF SPEAKER

Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.

27 COUNCILLOR TO SPEAK ONCE ONLY

- 27.1 Subject to provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or Member, in terms of Rules 13, 14 or 15 above or mover, may reply in conclusion of the debate, but shall confine himself / herself to answering to previous Speakers and shall not introduce any new matter into the debate.
- 27.2 The Speaker shall permit the Mayor, MMC or Chairperson of a Section 79 Committee who made a proposal in terms of Rule 13, 14 or 25 to make an explanatory statement prior to the consideration of any particular item

contained in the report of the mayor or during the discussion of such report, in reply to a specific question.

28 RELEVANCE

- 28.1 A member who speaks shall direct his / her speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:

28.1.1 which will anticipate any matter on the agenda; or

28.1.2 in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

29 IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER

- 29.1 The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his / her speech until the member has come to order or, in the event of persistent disregard of the authority of the Speaker, to leave the meeting.
- 29.2 The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or officer of the Council.

30 REMOVAL OR EXCLUSION OF COUNCILLOR

- 30.1 If a member refuses to comply with a direction in terms of Rule 29, the Speaker may direct an officer to remove the member or to cause his / her removal and to take steps to prevent his / her return to the meeting, provided that the Speaker may, in his / her sole and absolute discretion, permit the return of the member to the meeting on the submission by the said member to the Speaker of a written expression of regret, such expression of regret must be part of the minutes of the meeting.
- 30.2 The Council may exclude from the meetings of the Council for such period as it may determine but not exceeding 60 days, a Councillor who willfully obstructs the business of any meeting.
- 30.3 A proposal to exclude any person may be moved at any stage of the meeting.

31 MAINTENANCE OF ORDER

- 31.1 The Speaker may, at any time during a meeting, if he /she deems it necessary for the maintenance of order, direct an officer to remove or cause the removal

of any person, excluding a member, from the Council Chamber, or order that the public gallery be vacated.

- 31.2 All persons attending any meeting of the Council shall be dressed appropriately to the dignity of the Council.
- 31.3 The Speaker may request or order the removal of any person or persons who refuses to carry out any reasonable instruction given by him / her, or who willfully obstructs the carrying out of such instruction.

32 POINTS OF ORDER AND PERSONAL EXPLANATION

32.1 For the purpose of this Section

32.1.1 any point of order or personal explanation shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order or personal explanation shall not be permitted to address the Speaker for longer than two (2) minutes on such point of order or personal explanation;

32.1.2 "a point of order" means pointing out any deviation of or anything contrary to these Rules or the By-Laws of the Council or any other law;

32.1.3 "a point of personal explanation" means the explanation of some material part of a member's speech which has been misunderstood.

32.2 Any Member, whether he / she addressed the Council on the matter under debate or not, may:

32.2.1 rise / raise his / her hand to a point of order;

32.2.2 rise / raise his / her hand on a point of personal explanation.

32.3 A member contemplated in Sub-Section 32.2, shall be entitled to be heard forthwith, and the Councillor speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.

32.4 The ruling of the Speaker on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

33 PROCEDURAL MOTIONS

When a matter is under discussion at any meeting of the Municipal Council, no further debate must be allowed if any of the following procedural motions are accepted:

- 33.1 that consideration of the matter be adjourned and resumed at a time determined by the Municipal Council;
- 33.2 that the meeting of the Municipal Council be adjourned and reconvened at a time determined by the Speaker;
- 33.3 that the matter be referred back to a Committee with reasons therefore and;
- 33.4 that the matter now be decided.

34 MEETINGS OPEN TO THE PUBLIC AND PRESS

- 34.1 The Municipal Council must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted.
- 34.2 Notwithstanding the provisions of Rule 34.1, the Municipal Council may not exclude the public, including the media, when considering or voting on any of the following matters:
 - 34.2.1 a draft By-Law;
 - 34.2.2 the budget;
 - 34.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and
 - 34.2.4 the Municipality's draft Performance Management Systems, or any amendments of the System.

35 INVITATION TO ADDRESS MUNICIPAL COUNCIL

The Speaker or Executive Mayor may, in his / her discretion, invite any person or persons to address any meeting of the Municipal Council.

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