



SYSTEM OF DELEGATIONS

CITY OF CAPE TOWN

INDEX

	PAGE
1. Definitions	4
	5 – 6
2. Introduction	

PART 1

Delegation of Powers to Political Office Bearers

3. Executive Mayor	8 – 16
4. Executive Deputy Mayor	16
5. Speaker	16 – 19
6. Chief Whip	19 – 21
7. Party Whips	21

PART 2

Delegations To Political Structures Of Council

7. <i>Terms of Reference</i> of Section 79 Portfolio Committees	24 – 33
8. <i>Generic Delegations</i> to Section 79 Portfolio Committees	34 – 35

Terms of Reference and delegations of:

9. Section 79 Rules Committee	35 – 36
-------------------------------------	---------

10.	Schedule 1	Disciplinary Committee	36 – 37
11.	Section 79	Spatial Planning , Environment and Land Use Planning Committee (SPELUM)	37 – 40
12.	Section 62	Planning and General Appeals Committee	41
12.	Section 79	Standing Committee of Public Accounts (SCOPA)	42 – 44
13.	Section 61	Subcouncils	45 – 46
14.	Section 72	Ward Participatory Mechanisms.....	46

PART 3

Statutory Powers, Duties and Rights

15.	Executive Mayor	48 – 65
16.	Speaker	65 – 68
17.	Subcouncils	69 – 73
18.	Planning and General Appeals Committee	73
19.	Disciplinary Committee	73 – 75

PART 4

Powers that May Not be Delegated by Law

20.	Financial	76
21.	Political	77 – 78
22.	Staff	78
23.	Legal	78
24.	Sources: Laws	79 - 88

25.	Judgements	88 - 89
------------	------------------	---------

DEFINITIONS

Unless the context otherwise indicates:

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

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

“Designation” means those of the Executive Mayor’s powers and functions that he/she must exercise and perform together with the other members of the Mayoral Committee as envisaged in section 60(3) of the Structures Act.

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

“Political Office Bearer means the Speaker, the Executive Mayor, Executive Deputy Mayor.

“Polictical Structure” means the Council or any committee of Council.

“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.

“Recess” means the period determined by Council resolution.

INTRODUCTION

This System of Delegation which was adopted by Council on **31 May 2006** has been compiled in accordance with the requirements of section 59 of the Systems Act and comprises the following “Parts”:

Part 1 deals with delegations to Political Office Bearers

Part 2 deals with delegations to Political Structures of Council

Part 3 deals with Statutory Powers, Duties and Rights

Part 4 deals with Powers that may not be Delegated by Law (not yet included herein)

Any sub-delegation of a power, duty or function authorised in terms of this system of delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation.

It is not permissible in terms of the law for a person who has been given a “sub-delegation” to sub-delegate such power, duty or function.

The conferring of a delegation does not divest Council from exercising the responsibility concerning the exercise of the power or the performance of the duty.

The conferring of a sub-delegation does not divest a political structure, a political office bearer or an official which/who has sub-delegated, of the responsibility concerning the exercise of the power or the performance of the duty.

A political structure, a political office bearer or an official to whom a power has been delegated may decline to exercise such power and refer it for decision to the Council, political structure, political office bearer or official which/who delegated or sub-delegated

such power.

A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report quarterly to the delegating authority, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report.

In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or official must comply with the provision of the Promotion to the Administrative Justice Act 3 of 2000 and the regulations promulgated in terms thereof.

- PART 1 -

DELEGATION OF POWERS TO POLITICAL OFFICE BEARERS

- Executive Mayor
- Executive Deputy Mayor
- Speaker
- Chief Whip
- Party Whips

EXECUTIVE MAYOR

Acting in terms of section 59 of the Systems Act, Council hereby delegates the powers reflected in this document to the Executive Mayor including the power to sub delegate any of his/her delegated powers to a member of the Mayoral Committee;

*Acting in terms of section 60(3) of the Structures Act, Council hereby designates the powers and functions as indicated in “**bold and underlined**” in this document which must then be exercised and performed by the Executive Mayor together with the other members of the Mayoral Committee.*

A power or duty so designated is not delegable; as was decided by the Constitutional Court in Democratic Alliance and another v Masondo and another 2003(2) BCLR 128 (CC)

1. Civic and Ceremonial Duties

- 1.2 To receive and interview representatives and delegations from international and national agencies, public interest groups etc.
- 1.3 To represent the Council at meetings and functions other than those outside bodies to which Councillors have been nominated.
- 1.4 To make press statements on behalf of Council.
- 1.5 To perform the following ceremonial duties:
 - 1.5.1 Opening projects, civic functions and events, and new buildings;
 - 1.5.2 Hosting and welcoming dignitaries;

2. Corporate Entities, Utilities, Agencies

- 2.1 To appoint , nominate , remove or recall City representatives to the board of any corporate entity, utility or agency in terms of an agreement or other legal instrument governing such appointment or nomination.
- 2.2 To nominate, remove or recall Councillors to serve on outside bodies, after considering recommendations from the Chief Whip
- 2.3 To appoint, remove or recall a director of a municipal entity, appointed or nominated by the City, in accordance with sections 93 E and G of the Systems Act

3. Legal

- 3.1 To decide to institute legal proceedings against other organs of state in order to enforce the municipality's rights, where all reasonable steps in terms of the principles of co-operative government has failed.
- 3.2 To institute and defend 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 respect of matters referred to in paragraph 3.6 and otherwise after considering a recommendation from the City Manager.
- 3.3 To institute and defend arbitration proceedings in matters where it otherwise would have been dealt with in the High Court or a court of equal or higher stature, in respect of matters referred to in paragraph 3.6 and otherwise after considering a recommendation from the City Manager.

- 3.4 To institute appeal proceedings in the High Court of Appeal or the Constitutional Court, where judgment has been given against the Municipality, in respect of matters referred to in paragraph 3.6. In regard to any other this delegation is to be exercised, after considering a recommendation from the City Manager.
- 3.5 To settle any action instituted in any competent court or forum recognized by law should it be deemed in the interest of Council, in respect of matters referred to in paragraph 3.6 and otherwise after considering a recommendation from the City Manager.
- 3.6 To obtain legal opinion including Senior Counsel on any matter related to:
 - 3.6.1 The political office bearers and political structures of Council
 - 3.6.2 The City Manager
 - 3.6.3 Managers directly accountable to the City Manager
 - 3.6.4 Any matter affecting the constitutional powers of the municipality.
- 3.7 To formulate comments on proposed national and provincial legislation, regulations, policy frameworks, etc.
- 3.8 To provide legal representation, in terms of section 109A of the Systems Act, for a Councillor, the City Manager or manager directly accountable to the City Manager after consulting the whips of the various parties where-
 - 3.8.1 legal proceedings have been instituted against the Councillor or official as a result of any act or omission by the Councillor or official in the exercise of his or her powers or the performance of his or her duties; or
 - 3.8.2 The Councillor or official has been summoned to attend any inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties

4. Human Resources

- 4.1 To determine a short list of candidates for appointment as City Manager, to interview such candidates and to make recommendations to Council on a preferred candidate.
- 4.2 To consider and approve the suspension of the City Manager for any alleged breach of a term(s) of his/her conditions of service and/or the "*Code of Conduct for Municipal Staff Members*", and thereafter to refer the matter to the Speaker in terms of the said *Code* and to report the suspension to Council at its first ensuing meeting.
- 4.3 To determine, after consultation with the City Manager, a short list of candidates for appointment of those managers that are directly accountable to the City Manager; to interview such candidates and to make recommendations to Council on the preferred candidates.
- 4.4 To determine which rights and obligations of Council in respect of the privileges, rights and duties of the City Manager and those managers directly accountable to the City Manager, are to be exercised in terms of their respective service contracts.
- 4.5 To authorise, after consultation with the City Manager, members of staff to attend congresses, workshops, meetings of institutes etc outside the borders of the RSA.
- 4.6 To authorise the City Manager to attend congresses, workshops, meetings of institutes etc inside the borders of the RSA.

- 4.7 To report to Council on the evaluation of the performance of the City Manager in terms of his/her performance agreement and to recommend the payment of a performance bonus or the consequences of substandard performance, as required in terms of section 57 of the Systems Act.
- 4.8 To grant the City Manager leave and sick leave.
- 4.9 To appoint an Acting City Manager for periods up to 30 working days.
- 4.10 To appoint, after consultation with the City Manager, acting managers directly accountable to the City Manager, for periods in excess of 30 working days.

5. Finance and Audit

- 5.1 To consider audit reports and to make recommendations to Council.
- 5.2 To authorise audit investigations subject to relevant legislation.
- 5.3 To determine from time to time the maximum amount that the City Manager may authorise in respect of the transfer of operational expenditure (within a single budget vote).
- 5.4 To authorise the transfer of operational (within a single budget vote) expenditure over and above the maximum amount determined above from time to time.
- 5.5 To incur expenditure necessary for the performance of the functions in the office of Executive Mayor within budget.

- 5.6 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. Immovable Municipal Property

- 6.1 To authorise the purchase of immovable property for purposes of municipal infrastructure to an amount not exceeding R10 million.

7. Integrated Development Planning (IDP)

- 7.1 To consult affected organs of state and to advise Council on the method of aligning the municipality's planning with and supplement the development plans and strategies of such affected other organs of state.
- 7.2 To approve a process that will guide the Council in the planning, drafting adoption and reviewing of an integrated development plan, as required in terms of section 28 of the Systems Act.
- 7.3 To determine a programme that reflects time scales for the various steps of the process as required in terms of section 29 of the Systems Act.
- 7.4 To annually report to Council on the review of the integrated development plan in accordance with an evaluation of the municipality's performance measurement, as required in terms of section 34 of the Systems Act.

8. Performance management

- 8.1 To adopt a strategy for the promotion of a culture of performance management among the municipality's political office bearers, political structures and Councillors and in the administration, as required in terms of section 38 of the Systems Act.
- 8.2 To adopt a mechanism for monitoring and review of the municipality's performance management system, as required in terms of section 40 of the Systems Act.
- 8.3 To consult the community on the development, implementation and review of the municipality's performance management system, as required in terms of section 42 of the Systems Act.
- 8.4 To present to Council an annual report for approval, as required in terms of section 46 of the Systems Act as well as section 121 of the Finance Management Act.

9. General

- 9.1 To consult with the national and provincial spheres of government, the local and other district municipalities and organised local government with respect to the powers and functions of municipalities including the division, assignment, delegation and the exercise of such powers and functions on an agency basis.
- 9.2 To authorise Councillors to attend or undertake congresses, workshops, meetings and study tours which are relevant to Council, within or outside the RSA.
- 9.3 To exercise any power of the Council and its political structures, in consultation with the City Manager, when Council is in recess where the failure to exercise

such power as a matter of urgency would have a substantial detrimental impact on the municipality and/or its services, provided that this delegation excludes the exercise of all powers reserved for Council in terms of the law.

- 9.4 To establish and determine the terms of reference of sub-committees of the Mayoral Committee, and other ad-hoc task-teams, working groups and committees of investigation and to appoint members and chairpersons thereof.
- 9.5 To recover unauthorised, irregular or fruitless or wasteful expenditure from political office bearers, the City Manager and managers directly accountable to the City Manager.
- 9.6 To oversee the management of a capital development fund, consolidated capital development and loan fund and/or consolidated loan fund.
- 9.7 To appoint an acting Executive Mayor and an acting Executive Deputy Mayor in the absence of both the Executive and Executive Deputy Mayor.
- 9.8 To authorise investigations into irregularities (excluding where Councillors are involved) where the City Manager and managers directly accountable to him/her may be implicated.
- 9.9 To perform the functions and exercise the delegations of the Speaker in terms of the Code of Conduct for Councillors where the Speaker is allegedly in breach of the said Code.
- 9.10 To authorise an assessment in terms of section 78(1) of the Systems Act.
- 9.11 To make grants which are within Council's powers and functions, to deserving cases m, subject to Council policy.

10. Policy

- 10.1 To recommend to Council on policy reserved for Council and not reserved for the City Manager.
- 10.2 To determine which policies other than those policies reserved for Council and the City Manager that will be processed into by-laws.
- 10.3 To give direction, in terms of Council policy, for the City Manager as the head of the administration in terms of section 55 of the Systems Act.
- 10.4 To give direction, in terms of Council policy, in respect of the staff establishment, job description, remuneration and other conditions of service and evaluation of the staff establishment of the municipality.

EXECUTIVE DEPUTY MAYOR

- 11. The Executive Deputy Mayor exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.
- 12. To incur expenditure necessary for the performance of the functions in the office of Executive Mayor within budget.

SPEAKER

Acting in terms of section 59 of the Systems Act, Council hereby delegates the powers reflected in this document to the Speaker including the power to sub delegate any of his/her delegated powers.

13. Legal

13.1 To obtain a legal opinion including opinion from Senior Counsel on any matter related to:

13.1.2 Disciplinary investigation in terms of the Codes of Conduct relating to Councillors and municipal staff members

13.1.3 Rules of meetings of political structure and meeting procedure

13.1.4 Planning and General Appeals

14. Policy

14.1 To give direction, in terms of Council policy, and oversee the use of Council Chamber.

15. SubCouncils

15.1 To determine the Headquarters of SubCouncils after consultation with the SubCouncil chairpersons.

15.2 To approve the use of office space by SubCouncil chairpersons and staff.

15.3 To direct when and where SubCouncils meet, after consultation with SubCouncil chairpersons, in terms of section 68 of the Structures Act.

- 15.4 To investigate and make recommendations to Council on the delegation of duties and powers to SubCouncils.

16. Ward Participatory Mechanisms

- 16.1 To determine administrative arrangements to enable Ward Participatory Mechanisms to perform their functions and exercise their powers effectively.
- 16.2 To oversee the establishment and coordination of the Ward Participatory Mechanisms.

17. Political Oversight

- 17.1 To monitor and report on the performance of SubCouncils and Ward Participatory Mechanisms.
- 17.2 To make recommendations to Council in terms of section 78 of the Structures Act in respect of the dissolution of Ward Participatory Mechanisms which fail to fulfill their objectives.
- 17.3 To monitor and report to Council on the functioning of the Section 79 committees and Subcouncils.

18. Finance

- 18.1 To incur expenditure necessary for the performance of the functions in the office of

the Speaker within budget

19. General

19.1 To provide space for the public in the Council Chamber and places where the Council and its committees meet within the financial and administrative capacity of the municipality.

19.2 To take reasonable steps to regulate public access to and public conduct at meetings of Council and its committees.

19.3 Subject to relevant legislation, to permit a councillor or an official to disclose any privileged or confidential information of the council or committee to any unauthorised person, in terms of item 10 of the Code of Conduct for Councillors. For the purpose of this item “privileged or confidential information” includes any information –

19.3.1 determined by the municipal council or a committee to be privileged or confidential;

19.3.2 discussed in closed session by the council or committee;

19.3.3 disclosure of which would violate a person’s right to privacy; or

19.3.4 declared to be privileged, confidential or secret in terms of law.

THE CHIEF WHIP

Acting in terms of section 59 of the Systems Act, Council hereby delegates the powers reflected in this document to the Chief Whip including the power to sub-delegate any of

G KENHARDT/MASTERS/PROPOSED SYSTEM OF DELEGATIONS ADOPTED 31 MAY 2006

his/her delegated powers.

20. Policy

- 20.1 To approve, in consultation with the Speaker, the use of office space by Councillors and political parties.

21. Finance

- 21.1 To incur expenditure necessary for the performance of the functions in the office of the Chief Whip within budget.

22. General

- 22.1 To grant leave of absence to Councillors from meetings of Council and its committees.
- 22.2 To approve the facilitation and coordination of Councillor development and capacity building, including the negotiation with donors .
- 22.3 To compile a speakers list for meetings of Council, after consultation with other whips, in which times for speakers are allocated; to determine the order in which such speakers may be permitted to address the Council on any item which is to be debated; and submits the list of scheduled speakers to the Speaker, the Executive Mayor and all party whips.
- 22.4 To prepare and recommend to Council, in consultation with the Speaker, the annual calendar of meetings of Council and its committees including recommendations in regard to Council recesses.

- 22.5 To approve , in consultation with the relevant chairperson, any change of meeting time and/or date of meeting and ensures that the calendar of meetings is appropriately amended.
- 22.6 To recommend to the Executive Mayor which Councillors should serve on outside bodies .
- 22.7 To ensure that whips monitor whether councillors report back to constituencies as required in the preamble to the Code of Conduct and to quarterly report to council on compliance therewith.

PARTY WHIPS

23. To monitor whether councillors of the relevant political party report back to constituencies as required in the preamble to the Code of Conduct, at least quarterly, on Council matters.

- PART 2 -

DELEGATIONS TO POLITICAL STRUCTURES OF COUNCIL

- *Committees established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998):*

Amenities & Sport Portfolio Committee

Corporate Services & Human Resources Portfolio Committee

Economic, Social Development & Tourism Portfolio Committee

Finance Portfolio Committee

Health Portfolio Committee

Homeless Agency Committee

Housing Portfolio Committee

Planning & Environment Portfolio Committee

Trading Services & Infrastructure Portfolio Committee

Transport, Roads & Stormwater Portfolio Committee

Safety & Security Services Portfolio Committee

Standing Committee on Public Accounts (SCOPA)

Rules Committee

Spatial Planning, Environment & Land Use Management Committee

- *Committee established in terms of Schedule 1 “Code of Conduct for Councillors” of the Local Government: Municipal Systems Act 32 of 2000:*

Disciplinary Committee

- *Committee established in terms of Section 62 of the Local Government: Municipal Systems Act 32 of 2000:*

Planning and General Appeals Committee

- *Committees established in terms of section 61 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998):*

SubCouncils

- *Committees established in terms of section 72 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998):*

Ward Committees

SECTION 79

“PORTFOLIO” COMMITTEES

The terms of reference and delegations set out below are in respect of the following Section 79 Portfolio Committees:

Amenities and Sport

Corporate Services and Human Resources

Economic, Social Development and Tourism

Finance

Health

Housing

Planning and Environment

Safety and Security Services

Trading Services and Infrastructure

Transport, Roads and Stormwater

TERMS OF REFERENCE

SECTION 79 “PORTFOLIO” COMMITTEES

1. AMENITIES AND SPORT PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **Community facilities** which includes:

Recreation & Amenities

Library Services

Arts & Culture

Early childhood development

Retirement centers

Community Shelters

- **City Parks** which includes:

Play parks, Cemeteries and Crematoria

2. CORPORATE SERVICES AND HUMAN RESOURCES PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas :

Corporate Services:

- **Information Systems and Technology** which includes:

WAN

PC Coordination

Architecture and Software

ERP

- **Corporate Systems and Services** which includes

Facility management and maintenance

Fleet and Mechanical Services

Radio and Trunking Services

Printing Services, Records Management and Archiving

Corporate Advertising

Language Services

Gatherings and Street collections

- **Legal and Administration**

Human Resources:

- **Human Capital Development** which includes:

Recruitment and Selection

Skills development

Human Resources development

- **Remuneration & Benefits** which includes:

Personnel administration

Job evaluation

Remuneration

Benefits

Conditions of services

Policy development and monitoring

- **Employee Relations** which includes:

Labour relations

Occupational health and safety

Employee wellness

- **Collective Bargaining**

- **Performance Management**
- **Employment Equity**
- **Technical Information**

3. ECONOMIC, SOCIAL DEVELOPMENT AND TOURISM PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **Economic & Social Development**
- **Tourism Development**
- **Property Management** which includes:

Disposals & Acquisitions
Property Information
Property Services

- **Innovation, Information & Knowledge Management**
(Note: this includes Strategic Information)
- **Major Events**

4. FINANCE PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **Budgets** which includes:

Operating and Capital Budget
Budgetary control and accounting

- **Revenue** which includes:

Debt Management

- **Treasury and Accounting** which includes:

Insurance

- **Valuations** which includes:

General and Interim Valuations

- **Supply Chain Management** which includes:

Procurement and Stock Management
Stock Levels
Expenditure

5. HEALTH PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **City Health** which includes:

District Health Services, Specialised Health Services and Environmental Health

6. HOUSING PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **New Settlements** which includes:

The provision of new housing opportunities to address the housing backlog

Projects Co-ordination

People's Housing Projects & Empowerment

Informal Settlement Upgrades

- **Land Restitution** which includes:

Facilitating the resolution of land claims to include provision of housing to claimants

Land Integration and Development Support

- **Housing Finance** which includes:

Housing Budgets & Accounting

Housing Project Finance

Housing Debt Management

- **Rental Stock (Existing Settlements)** which includes:

Social Housing Management Programmes and Rental Stock Maintenance

- **The Housing Planning function** which is the project planning and programming
- **Housing Policy, Research Planning & Monitoring** which includes:

Housing Policy and Research

Housing Planning and Monitoring

- **Land Planning** which relates to the process to be followed once land has been identified for housing.

7. PLANNING AND ENVIRONMENT PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **The Planning function** which includes:

City wide Planning & design services

Town Planning

Land Use Management

Building development management

Development projects

Land information

Planning legislation and enforcement

- **Spatial Data Management** which includes:

Geographic information systems

- **The Environment Planning function** which includes:

Environmental planning

Environmental planning policy

Environmental impact assessment

Coastal planning

Outdoor advertising and signage (environmental controls)

Heritage resource management

Nature reserve planning

- **The Housing Planning function**

(Note: relates to the overarching Structure Plan/Spatial Development Framework)

- **Nature Conservation**

8. TRADING SERVICES AND INFRASTRUCTURE PORTFOLIO COMMITTEE

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **The Electricity and Energy function** which includes:

Network operations

Generation

Distribution and sales

Customer services

Street lighting

(Note: Operations are provided by REDs while the City exercises an authority role)

- **The Water and Sanitation function** which includes:

Bulk water

Wastewater treatment

Water and wastewater reticulation

Water and sanitation technical services

- **The Solid Waste Management function** which includes:

Refuse removal and disposal

Illegal dumping and street sweeping

9. **TRANSPORT, ROADS AND STORMWATER PORTFOLIO COMMITTEE**

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **Transport Planning** which includes:

Project identification

Transportation planning

Traffic assessments

Integrated transport plans

- **Systems monitoring and information management**

- **Demand and access management**

- **Infrastructure Budgeting**

- **Infrastructure construction** which includes:

Project and asset management

- **Public transport service design** which includes:

Contracts

Regulations

- **Public transport and management**
- **Road traffic infrastructure management**
- **Road traffic signalization and management**
- **Transportation fund management**
- **Regulatory and direction signage**
- **Catchment, Stormwater and River management**

10. SAFETY AND SECURITY SERVICES

The terms of reference of this Committee is policy formulation and implementation monitoring within the following functional areas:

- **The Emergency Services Function** which includes:

Disaster Management

Fire Services

107 Public Emergency Communication centre

- **The City Police Service** which includes:

Traffic Policing

Traffic Licensing

CCTV

The policing of Municipal By-Laws and Regulations

Security Services

VIP Security

Land Invasions

Prevention of Crime

GENERIC DELEGATIONS

SECTION 79 “PORTFOLIO” COMMITTEES

The following delegations are in respect of all the portfolio committees listed in Section 2 of this document and relate to the functional area of each:

1. To develop policy and recommend same to the Executive Mayor.
2. To develop draft by-laws and recommend same to the Executive Mayor.
3. To develop draft business plans and recommends to the Executive Mayor.
4. To comment and make recommendations to the Executive Mayor in regard to the draft IDP and budget.

G KENHARDT/MASTERS/PROPOSED SYSTEM OF DELEGATIONS ADOPTED 31 MAY 2006

5. To make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor.
6. To ensure public participation in the development of policy, legislation, IDP's and budget.
7. To monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes and report herein to the Executive Mayor.
8. To assess the performance of service delivery generally within the functional area of their respective committee (outcomes monitoring) and report to the Executive Mayor.
9. To determine the best way, including partnerships and other approaches, to deliver on Council's strategies, programmes and services to the maximum benefit of the City and to recommend the same to the Executive Mayor.
10. To identify the needs of the Municipality as far as it relates to the functional area of the committee and to recommend the same to the Executive Mayor.
11. To review and evaluate those needs referred to in paragraph 10 above in order of priority and recommend the same to the Executive Mayor.
12. To ensure that regard is given to stakeholder views and report on the input/outcome of stakeholder consultation/participation processes to the Executive Mayor.
13. To recommend appropriate comments on National and Provincial draft legislation, regulations, policy frameworks etc. that affects the committee to the

Executive Mayor.

14. To summons any councillor and/or officials to appear before the Committee to assist the Committee in the performance of its functions.

SECTION 79

RULES COMMITTEE

The terms of reference of this Committee relates to rules of procedure of Council and its Committees.

Rules of Order

15. To develop Rules of Order and amendments thereto, and recommend the same to Council.

Attendance at meetings

16. To summons any councillor and/or and officials to appear before the committee to assist the committee in the performance of its functions.

SCHEDULE 1

DISCIPLINARY COMMITTEE

The terms of reference of this Committee relates to breaches of the Code of Conduct for Councillors.

Disciplinary Investigations

17. To conduct disciplinary enquiries into Councillor transgressions in respect of matters referred to the Committee by the Speaker and make a finding in respect thereof.

General

18. To co-opt advisory members who are not members of Council provided that such members may not vote on any matter.
19. To appoint a legal advisor to assist the Committee including the obtaining of internal or external legal opinions.
20. To summons any councillor and officials/or other affected parties to appear before the Committee to give evidence.
21. To investigate and make a finding on any alleged breach of the Code of Conduct for Councillors.
22. To make appropriate recommendations to Council including a suitable sanction in terms of item 14.2 of the Code of Conduct for Councillors.
23. To make written representations to the MEC for local government pertaining to an appeal to the MEC by a councillor who has been warned, reprimanded or fined in

terms of paragraph item 14(2)(a), (b) or (d) of the Code of Conduct for Councillors.

SECTION 79

SPATIAL PLANNING, ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE (SPELUM)

The terms of reference of this Committee relate to Spatial Planning, Town Planning, environmental and other related matters.

Applications in terms of various legislation

24. Decides on all applications made in terms of the legislation set out here below
- 24.1 Where there is no delegated authority to any other political structure or to an official of Council;
- 24.2 In cases where objections have been received,
- 24.3 Where any other political structure or an official does not wish to exercise delegated powers conferred:
- Land Use Planning Ordinance 1985
 - Zoning Scheme Regulations

- Town Planning Schemes promulgated in terms of the Black Communities Development Act No 4 of 1984 applicable in the 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 Guide Plans, deemed to be Urban Structure Plans in terms of the Physical Planning Act, 1991, 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 deviate 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.

- National Building Regulations and Building Standards Act no: 103 of 1977 (the "National Building Regulations and Building Standards Act");
- National Heritage Resources Act no: 25 of 1999 ("the National Heritage Resources Act");
- Section 13 of the Legal Succession to South African Transport Services Act; No. 9 of 1989.
- National Environmental Management Act no: 107 of 1998
- The Outdoor Advertising and Signage By-law no 5801 of 5 December 2001 and

- Other laws, by-laws, regulations, policies and agreements in respect of spatial planning, environmental, heritage, building and land use management.
25. To initiate and comment 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 and to refer the same to the Planning and Environment Portfolio Committee.
26. To make 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 and/or political structures, in cases where objections have been received, or where the official and/or political structure does not wish to exercise the delegated power conferred upon him or her or it:
- 26.1 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 Guide Plans, deemed to be Urban Structure Plans in terms of the Physical Planning Act, 1991 and ad hoc amendments to zoning schemes regulations;
- 26.2 Removal of Restrictions Act 84 of 1967;
- 26.3 The National Building Regulations and Building Standards Act no: 103 of 1977;
- 26.4 National Heritage Resources Act no: 25 of 1999;
- 26.5 Less Formal Township Establishment Act no: 113 of 1991;

26.6 The National Environmental Management Act no: 107 of 1998 and
Environment Conservation Act no: 73 of 1989

27. To make determinations, issue directives, designate areas, confirm the deeming provisions, exercise all other powers conferred upon Council, in terms of the following legislation in cases where there is no delegated authority to officials and/or political structures, in cases where objections have been received, or where the official and/or political structure does not wish to exercise the delegated power conferred upon him or her:

- 27.1 LUPO;
- 27.2 The National Building Regulations and Building Standards Act no: 103 of 1977, including but not limited to Section 10 and 12;
- 27.3 National Heritage Resources Act no: 25 of 1999;
- 27.4 Less Formal Township Establishment Act no: 113 of 1991;
- 27.5 Legal Succession to South African Transport Services Act no: 9 of 1989;
- 27.6 The National Environmental Management Act no: 107 of 1998 and Environment Conservation Act no: 73 of 1989
- 27.7 The Outdoor Advertising and Signage By-law no 5801 of 5 December 2001
- 27.8 Section 27(1)(c) of the Physical Planning Act No 125 of 1991 and
- 27.9 Other laws, by-laws, regulations, policies and agreements in respect of spatial planning, environmental, heritage, building and land use management

SECTION 62

PLANNING AND GENERAL APPEALS COMMITTEE

The terms of reference of this Committee relate to Planning and General appeals in terms of Section 62 of the Municipal Systems Act, which are lodged against a decision(s) taken by a political structure(s), political office bearer(s) and councillor(s), in terms of a power(s) of duty(ies) delegated or sub-delegated by a delegating authority to the aforementioned parties. The powers of this Committee are therefore conferred in terms of the statutory provision.

Planning Appeals

28. To comment to the Provincial Administration: Western Cape 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, in cases where there is no delegated authority to any other political structure or to an official of Council; and where any other political structure or an official does not wish to exercise delegated powers conferred.
29. To 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 in cases, where there is no delegated authority to any other political structure or to an official of Council; and where any other political structure or an official does not wish to exercise delegated powers conferred.
30. To report back to the SPELUM on any decisions affecting SPELUM.

SECTION 79

STANDING COMMITTEE OF PUBLIC ACCOUNTS (SCOPA)

The terms of reference of this committee is to oversee the expenditure of public funds to ensure that that public funds and assets are being managed properly and that value for

money is being rendered by public sector institutions in their spending of public funds; to provide assurance to key stakeholders on the political accountability of Council; to assist Council in fulfilling its Constitutional obligations and to scrutinize and oversee executive action.

31. To co-opt advisory members who are not members of Council provided that such members may not vote on any matter.
32. To request a member of public to attend any meeting of the Committee to assist the Committee with the performance of its functions and duties.
33. To determine its own operational procedures and Rules of Order in terms of a framework approved by Council.
 - 33.1 To investigate any matter within its terms of reference.
 - 33.2 To seek any information from, and have access to, any councillor and or/employee, and to direct all councillors and employees to co-operate with any request made by the committee.
 - 33.3 To have unrestricted access through the Office of the City Manager/Internal Audit to information relating to all personnel, books of account, records, assets and liabilities of the Council and to any other sources of relevant information that may be required from the Council for the purpose of its duties and responsibilities.
 - 33.4 To instruct councillors and municipal staff to be present at a ny meeting for interview and input regarding items on the agenda.
 - 33.5 To have direct access to internal and external auditors and to investigate any matter falling within the terms of reference of the committee.

- 33.6 To have access to –
 - 33.6.1 all accounts and financial statements of the municipality;
 - 33.6.2 all reports of the Auditor-General;
 - 33.6.3 information in respect of any disciplinary actions taken in terms of the Municipal Finance Management Act (MFMA);
 - 33.6.4 information in respect of transgressions in terms of the MFMA.
- 34. To consider any Audit Committee recommendations referred to SCOPA in respect of finance and to render an opinion on the acceptable recommendations.
- 35. To report to the Executive Mayor/Council on the activities of the Committee.
- 36. To review the City's Draft Annual Report, including the Auditor-Generals report on the financial statements and responses thereto with a view to ensuring satisfactory responses.
- 37. To consider and comment to the Executive Mayor on the following reports –
 - 37.1 the reports of the Auditor-General on the accounts for the preceding financial year;
 - 37.2 specific reports of the Auditor-General; and queries, comments and responses in respect thereof
- 38. To recommend in respect of the reports listed in paragraphs 37.1 and 37.2 above, regarding appropriate further action.
- 39. To recommend on any proposals for improving efficiency, effectiveness and economy in the financial sphere of the municipality.

40. To liaise and work the Audit Committee, an independent body that reports to MAYCO and Council, to ensure maximum accountability.
41. To monitor and ensure that the Accounting Officer keeps proper accounting records.
42. To promote transparency and public accountability.
43. To evaluate, direct and supervise investigations into any matters within the scope of its duties and responsibilities including projects as requested by the Executive Mayor and Council.
44. To investigate the alleged misappropriation of public monies by Councillors and officials and reports the findings to the Executive Mayor, Council and the Speaker.
45. To issue a report, for inclusion in the City's Annual Report, regarding the standards of the City in terms of handling public funds.
46. To liaise with the Speaker and other role-players to ensure compliance with all relevant legislation.
47. To obtain legal, technical and any other specialised assistance required to exercise their functions and duties within budget provided.

SECTION 61

SUBCOUNCILS

The terms of reference of these committees relate to:

48. To develop draft business plans and recommends to the Executive Mayor.
49. To comment and make recommendations to the Executive Mayor in regard to the draft IDP and budget.
50. To make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor.
51. To ensure public participation in the development of policy, legislation, IDP's and budget.
52. To monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes and report herein to the Executive Mayor.
53. To assess the performance of service delivery generally within their area of jurisdiction (outcomes monitoring) and report to the Executive Mayor.
54. To identify the needs of the Municipality as far as it relates to the functional area of the committee and to recommend the same to the Executive Mayor.
55. To review and evaluate those needs referred to in paragraph 54 above in order of priority and recommend the same to the Executive Mayor.
56. To ensure that regard is given to stakeholder views and report on the

input/outcome of stakeholder consultation/participation processes to the Executive Mayor.

57. To recommend appropriate comments on National and Provincial draft legislation, regulations, policy frameworks etc. that affects the committee to the Executive Mayor.
58. To summons any councillor and/or officials to appear before the Committee to assist the Committee in the performance of its functions.

WARD PARTICIPATORY MECHANISMS (WHEN ESTABLISHED)

The terms of reference and delegations to be determined when established.

- PART 3 -

STATUTORY POWERS, DUTIES AND RIGHTS

- Executive Mayor
- Speaker
- Planning and General Appeals Committee
- Disciplinary Committee
- SubCouncils
- Ward Participatory Mechanisms

EXECUTIVE MAYOR

The executive mayor has extensive statutory powers and duties. The most important sources thereof are the Local Government: Municipal Structures Act, No 117 of 1998, the Local Government: Municipal Systems Act, No 32 of 2000 and the Local Government: Municipal Finance Management Act, No 56 of 2003.

*Acting in terms of section 60(3) of the Systems Act, Council hereby designates the powers and functions as indicated in “**bold and underlined**” in this document which must then be exercised and performed by the Executive Mayor together with the other members of the Mayoral Committee.*

A power or duty so designated is not delegable; as was decided by the Constitutional Court in Democratic Alliance and another v Masondo and another 2003(2) BCLR 128 (CC)

A THE STRUCTURES ACT

Functions and powers of executive mayors [Section 56]

- (1) Receives reports from committees and forward 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.
- (2)(a) Identifies the needs of the municipality.
- (2)(b) Reviews and evaluates those needs in order of priority.

- (2)(c) Recommends to the municipal council strategies, programmes and services to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
- (2)(d) Recommends or determines the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- (3)(a) Identifies and develops criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.
- (3)(b) Evaluates progress against the key performance indicators.
- (3)(c) Reviews the performance of the municipality in order to improve -
- (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws.
- (3)(d) Monitors the management of the municipality's administration in accordance with the directions of the council.
- (3)(e) Oversees the provision of services to communities in the municipality in a sustainable manner.
- (3)(f) Performs such duties and exercise such powers as the council may delegate to the executive mayor.

- (3)(g) Annually reports on the involvement of communities and community organisations in the affairs of the municipality.
- (3)(h) Ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.
- (4) Performs a ceremonial role as the municipal council may determine.
- (5) Reports to the municipal council on all decisions taken by the executive mayor.

Mayoral committees[Section 60]

- (1)(a) Appoints a mayoral committee from among the councillors to assist the executive mayor.
- (1)(b) May delegate specific responsibilities to each member of the committee.
- (1)(c) May delegates any of the executive mayor's powers to the respective members.
- (1)(d) May dismiss a member of the mayoral committee.

Committees to assist executive mayor [Section 80]

- (3)(a) Appoints a chairperson for each committee from the mayoral committee.
- (3)(b) May delegate any powers and duties of the executive mayor to the committee.
- (3)(c) Is not divested of the responsibility concerning the exercise of the power or the

performance of the duty.

(3)(d) May vary or revoke any decision taken by a committee, subject to any vested rights.

B. THE SYSTEMS ACT

Management of drafting process for the integrated development plan [Section 30]

- (a) Manages the drafting of the municipality's integrated development plan.
- (b) Assigns responsibilities in this regard to the municipal manager.
- (c) Submits the draft plan to the municipal council for adoption by the council.

Development of performance management system [Section 39]

- (a) Manages the development of the municipality's performance management system;
- (b) Assigns responsibilities in this regard to the municipal manager, and
- (c) Submits the proposed system to the municipal council for adoption.

Appeals [Section 62]

- (4)(b) Is the appeal authority when an appeal is lodged against a decision taken by the municipal manager,

- (5) Must commence with an appeal within six weeks and decide the appeal within a reasonable period.

C. THE MUNICIPAL FINANCE MANAGEMENT ACT

Annual budgets [Section 16(2)]

Must table the annual budget at a council meeting at least 90 days before the start of the budget year in order for council to approve for each financial year an annual budget before the start of that financial year.

Budget preparation process [Section 21]

- (1)(a) Must co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;
- (1)(b) Must, at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for—
- (i) the preparation, tabling and approval of the annual budget;
 - (ii) the annual review of—
 - (aa) the IDP in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
 - (iii) the tabling and adoption of any amendments to the IDP and the budget-related policies; and
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

- (2) Must when preparing the annual budget, -

- (a) take into account the municipality's IDP;
- (b) take all reasonable steps to ensure that the municipality revises the IDP in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;
- (c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;
- (d) consult-
 - (i) the relevant district municipality and all other local municipalities within the area of the district municipality;
 - (ii) ...
 - (iii) the relevant provincial treasury, and when requested, the National Treasury; and
 - (iv) any national or provincial organs of state, as may be prescribed; and
- (e) provide, on request, any information relating to the budget—
 - (i) to the National Treasury; and
 - (ii) subject to any limitations that may be prescribed, to—
 - (aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;
 - (bb) any other national and provincial organ of states, as may be prescribed; and
 - (cc) another municipality affected by the budget.

Consultations on tabled budgets [Section 23]

Must respond to the submissions of the local community, National and Provincial Treasury, national organs of state or municipalities which made submissions on the budget; after the annual budget was tabled in the municipal council and if necessary,

revise the budget and table amendments for consideration by the council.

Failure to approve budget before start of budget year [Section 25(3)]

Must, if the council has by the first day of the budget year failed to approve an annual budget, including revenue-raising measures necessary to give effect to the budget, as contemplated by section 55-

- (a) immediately report the matter to the MEC for local government; and
- (b) may recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

Non-compliance with provisions of Chapter 4: Municipal Budgets [Section 27]

- (1) Must, upon becoming aware of any impending non-compliance by the municipality of any provisions of this Act or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes, inform the MEC for finance, in writing, of such impending non-compliance.
- (2) If the impending non-compliance pertains to a time provision, except section 16 (1), the mayor may apply to the MEC for finance to extend any time limit or deadline contained in that provision, provided that no such extension may compromise compliance with section 16 (1).
- (3) Must, upon becoming aware of any actual non-compliance by the municipality of a provision of this Chapter, inform the council, the MEC for finance and the National Treasury, in writing, of—
 - (a) such non-compliance; and

- (b) any remedial or corrective measures the municipality intends to implement to avoid a recurrence.

Municipal adjustments budgets [Section 28(4)]

May table an adjustments budget in the municipal council within any prescribed limitations as to timing or frequency

Unforeseen and unavoidable expenditure [Section 29]

- (1) May in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.
- (2) Must report any such expenditure to the council at its next meeting and must appropriate such expenditure in an adjustments budget.

Shifting of funds between multi-year appropriations [Section 31(d)]

To approve in writing an increase in expenditure that exceeds the amount of a year's appropriation for a capital programme, where funds for such programme have been appropriated for more than one financial year

Short-term debt [Section 45(2)(a)]

Must sign a resolution of the council to incur short-term debt, and which signifies that council has approved the debt agreement.

Long-term debt [Section 46(2)(a)]

Must sign a resolution of the council to incur long-term debt, and which signifies that council has approved the debt agreement.

General responsibilities [Section 52]

- (a) Must provide general political guidance over the fiscal and financial affairs of the municipality.
- (b) May in providing such general political guidance, monitor and, to the extent provided in the Act, oversee the exercise of responsibilities assigned in terms of the Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities.
- (c) Must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget.
- (d) Must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.
- (e) Must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

Budget processes and related matters [Section 53]

- (1)(a) Must provide general political guidance over the budget process and the priorities that must guide the preparation of a budget.
- (1)(b) Must co-ordinate the annual revision of the IDP and the preparation of the annual budget, and determine how the IDP is to be taken into account or revised for the purposes of the budget; and
- (1)(c) Must take all reasonable steps to ensure—
 - (i) *that the municipality approves its annual budget before the start of the budget year;*
 - (ii) that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget; and
 - (iii) that 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-
 - (aa) comply with this Act in order to promote sound financial management;
 - (bb) are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan; and
 - (cc) are concluded in accordance with section 57 (2) of the Municipal Systems Act.
- (2) Must promptly report to the municipal council and the MEC for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.
- (3)(a) Must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no

later than 14 days after the approval of the service delivery and budget implementation plan.

- (3)(b) Must ensure that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.

Budgetary control and early identification of financial problems [Section 54]

- (1) Must, on receipt of a statement or report submitted by the accounting officer in terms of section 71 or 72-
- (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure-
 - (i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget;
 - (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
 - (f) in the case of a section 72 report, submit the report to the council by

31 January of each year.

- (2) Must, if the municipality faces any serious financial problems-
 - (a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such 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; and
 - (b) alert the council and the MEC for local government in the province to those problems.
- (3) Must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

Report to provincial executive if conditions for provincial intervention exist [Section 55]

If a municipality has not approved an annual budget by the first day of the budget year or if the municipality encounters a serious financial problem referred to in section 136, the mayor-

- (a) must immediately report the matter to the MEC for local government in the province; and
- (b) may recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

Exercise of rights and powers over municipal entities [Section 56]

- (1) Where the municipality has sole or shared control over a municipal entity, the

mayor must guide the municipality in exercising its rights and powers over the municipal entity in a way-

- (a) that would reasonably ensure that the municipal entity complies with this Act and at all times remains accountable to the municipality; and
 - (b) that would not impede the entity from performing its operational responsibilities.
- (2) In guiding the municipality in the exercise of its rights and powers over a municipal entity in accordance with subsection (1), the mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

Delegations of mayoral powers and duties [Section 59]

- (1) The mayor may delegate any of the powers and duties assigned to the mayor in terms of this Act to another member of the municipality's mayoral committee in terms of section 60 of the Structures Act. Such a delegation must be in writing; is subject to any limitations or conditions that the executive mayor may impose; and does not divest the mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
- (3) May confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

Budgets of Municipal Entities [Section 87]

- (3) The mayor of the parent municipality must table the proposed budget of the

municipal entity in the council when the annual budget of the municipality for the relevant year is tabled.

- (6) The board of directors of a municipal entity may, with the approval of the mayor, revise the budget of the municipal entity, but only for the following reasons:
 - (a) To adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
 - (b) to authorise expenditure of any additional allocations to the municipal entity from its parent municipality;
 - (c) to authorise, within a prescribed framework, any unforeseeable and unavoidable expenditure approved by the mayor of the parent municipality;
 - (d) to authorise any other expenditure within a prescribed framework.
- (9) The mayor must table the budget or adjusted budget and any adjustments budget of a municipal entity as approved by its board of directors, at the next council meeting of the municipality.

Irregular or fruitless and wasteful expenditure of Municipal Entities [Section 102]

- (1) On discovery of any irregular expenditure or any fruitless and wasteful expenditure, the board of directors of a municipal entity must promptly report, in writing, to the mayor and municipal manager of the entity's parent municipality and the Auditor-General—
 - (a) particulars of the expenditure; and
 - (b) any steps that have been taken—
 - (i) to recover the expenditure; and
 - (ii) to prevent a recurrence of the expenditure.

Submission and tabling of annual reports [Section 127]

- (2) Must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.
- (3) Must, if for whatever reason, the annual report is not tabled, within seven months after the end of the financial year -
 - (a) promptly submit to the council a written explanation referred to in section 133 (1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121 (3) or (4) that are ready; and
 - (b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.

Issues raised by Auditor-General in audit reports [Section 131(1)]

Must ensure that the municipality addresses any issues raised by the Auditor-General in an audit report.

Consequences of non-compliance with certain provisions [Section 133(1)(a)]

Must, if the accounting officer fails to submit financial statements to the Auditor-General, or if the mayor himself or herself fails to table the annual report, promptly table in the council a written explanation setting out the reasons for the failure.

D. MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS GNR.868 OF 30 MAY 2005

Role of council of municipality or board of directors of municipal entity [Reg. 6]

(3) The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality or the board of directors of the municipal entity, as the case may be.

Ethical standards [Reg. 46]

(3)(b) A supply chain management policy must determine that all declarations by the accounting officer (details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to him/her or to any close family member, partner or associate of him/her) must be made to the mayor of the municipality or the board of directors of the municipal entity who must ensure that such declarations are recorded in the register; and

E. LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001 GNR.796 OF 24 AUGUST 2001

Internal auditing of performance measurements [Reg 14]

(3)(c) A performance audit committee may determine its own procedures after consultation with the executive mayor or the executive committee of the municipality concerned, as the case may be.

F. INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT NO. 13 OF 2005

17. Composition of Premier's intergovernmental forum [Section 17]

- (1) A Premier's intergovernmental forum consists of—
- (a) the Premier of the province;
 - (b) the member of the Executive Council of the province who is responsible for local government in the province;
 - (c) any other members of the Executive Council designated by the Premier;
 - (d) the **mayors** of district and **metropolitan municipalities** in the province;
 - (e) the administrator of any of those municipalities if the municipality is subject to an intervention ...; and
 - (f) a municipal councillor designated by organised local government in the province.

G. WESTERN CAPE TOURISM ACT NO. 1 OF 2004

Definitions [Section 1]

In this Act, unless the context otherwise indicates—

“executive Mayor” means the executive Mayor of the City as defined in the Structures Act, any successor-in-title, or any duly appointed nominee;

“Minister” means the provincial Minister of the Western Cape responsible for Tourism or his or her nominee, acting in all instances in consultation with the **executive Mayor**, except for sections 4 (5) (a) and 4 (5) (e);

Appointment and composition of Board [Section 4]

- (5) The Board consists of no more than 15 members, namely—
- (a) one member nominated by the Minister acting alone;
 - (b) one member nominated by the executive **Mayor**;
 - (c) two members nominated by organised local government, one representing category B municipalities and one representing category C municipalities;
 - (d) no more than eight members nominated by the public in accordance with the process set out in subsection (3);
 - (e) one *ex officio* senior official nominated by the Minister;
 - (f) one *ex officio* senior official nominated by the executive **Mayor**; and
 - (g) the chief executive officer *ex officio*.
- .

Meetings and decisions of Board [Section 7]

- (12) The Board must allow the Minister and the executive **Mayor** or their duly appointed nominees to attend any meeting of the Board and to participate in the proceedings at such meeting without having the right to vote.

Powers and functions of chief executive officer [Section 16]

In addition to the powers, functions and duties conferred upon the chief executive officer by the provisions of this Act or by the Board, the chief executive officer must-

- (f) submit to the Minister and the executive **Mayor** and any other officials nominated by the Province and the City, within 14 days of a Board meeting, a copy of the minutes thereof.

SPEAKER

A THE STRUCTURES ACT

Meetings of municipal councils [Section 29]

- (1) The speaker of a municipal council decides when and where the council meets subject to section 18 (2), but if a majority of the councillors requests the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request.
- (3) Where the composition of a municipal council has been changed as a result of the provisions of item 2, 3 or 7 of Schedule 6B to the Constitution, the speaker of that council must, subject to item 6 (b) of Schedule 6B to the Constitution, convene council meetings for purposes of dealing, amongst others, with the consequences of such a change, the first of which meetings must—
 - (a) in the case of a metro council or a local council, take place within seven days after the expiry of a period referred to in item 4 (1) (a) (i) or (ii) of Schedule 6B to the Constitution; and
 - (b) in the case of a district council, take place within seven days after the completion of the appointments referred to in item 6 (b) (ii) of Schedule 6B to the Constitution.

Functions of speakers. [Section 37]

The speaker of a municipal council -

- (a) presides at meetings of the council;
- (b) performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (c) must ensure that the council meets at least quarterly;
- (d) must maintain order during meetings;
- (e) must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (f) must ensure that council meetings are conducted in accordance with the rules and orders of the council.

B. THE SYSTEMS ACT

Duty of chairpersons of municipal councils. [Item13 Code of Conduct for Councillors]

- (1) If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must
 -
 - (a) authorise an investigation of the facts and circumstances of the alleged breach;
 - (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- (3) The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.
- (4) The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

Rewards, gifts and favours [Item 8 Code of Conduct for Municipal Staff Members]

- (2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of sub item (1).

Reporting duty of staff members [Item 13 Code of Conduct for Municipal Staff Members]

Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council.

C. THE MUNICIPAL FINANCE MANAGEMENT ACT

Reporting of improper interference by councillors [Section 103]

The accounting officer of a municipal entity must promptly report to the speaker of the council of the entity's parent municipality any interference by a councillor outside that councillor's assigned duties, in -

- (a) the financial affairs of the municipal entity; or
- (b) the responsibilities of the board of directors of the municipal entity.

Consequences of non-compliance with certain provisions [Section 133]

- (1) If the accounting officer of a municipality or municipal entity fails to submit financial statements to the Auditor-General in accordance with section 126 (1) or (2), or if

the mayor fails to table the annual report of the municipality or a municipal entity in the council in accordance with section 127 (2) -

- (b) the Auditor-General, in the case of any failure to submit financial statements for auditing, must promptly -
 - (i) inform the speaker of the council.....
- (c) the municipal council—
 - (i) must request the speaker or any other councillor to investigate the reasons for the failure and report to the council;

SUBCOUNCILS

A STRUCTURES ACT

Functions and powers [Section 64]

- (1) A metropolitan subcouncil -
 - (a) has such duties and powers as the metro council may delegate to it in terms of section 32; and
 - (b) may make recommendations to the metro council on any matter affecting its area.

- (2) A metropolitan subcouncil may advise the metro council on what duties and powers should be delegated to it.

Chairpersons [Section 65]

A metropolitan subcouncil must elect one of its members to be the chairperson of that subcouncil.

Meetings [Section 68]

- (1) The chairperson of a metropolitan subcouncil, subject to any directions of the metro council, decides when and where the subcouncil meets, but if a majority of the members requests the chairperson in writing to convene a meeting of the subcouncil, the chairperson must convene a meeting at a time mentioned in the request.
- (2) The chairperson of a metropolitan subcouncil presides at meetings of that subcouncil, but if the chairperson is absent from a meeting and a quorum is present the members present must elect another member to preside at that meeting.

Procedures of metropolitan subcouncils [Section 69]

A metropolitan subcouncil, with a supporting vote of a majority of its members, may determine its own procedures, subject to any directions of the metro council.

Committees [Section 71]

A metropolitan subcouncil may appoint committees, including a management committee, from among its members to assist it in the performance of its duties and the exercise of its powers.

B. CAPE TOWN SUB-COUNCIL BY-LAW, 2003

Names [Section 4]

- (1) The name of each sub-council shall be the numeral allocated to it in Schedule 2.
- (2) A sub-council may recommend to council an amendment to the name allocated to such sub-council in terms of sub-section (1).

Election of Chairperson [Section 8]

- (1) Whenever it is necessary to elect a chairperson of a sub-council, a sub-council shall elect one of its members to be the chairperson. Where
- (2) If the chairperson is absent from a meeting and a quorum is present, the members present shall elect another member to preside at that meeting.
- (3) A sub-council may by resolution remove the chairperson from office. Prior notice of an intention to move a motion for the removal of the chairperson must be given.

Meetings [Section 9]

- (1) A sub-council shall hold an ordinary meeting at least once a month except when

the council has resolved to go into recess. A sub-council may hold more than one ordinary meeting in a month which does not fall into a recess period.

- (2) A special meeting of a sub-council shall be held whenever:
 - (a) the chairperson so directs; or
 - (b) a majority of the members requests the chairperson in writing to convene a meeting.

Recommendations [Section 11]

A sub-council may make recommendations to the council on any matter affecting its area.

Delegations [Section 12]

- (1) A sub-council has such powers and duties as the council may delegate to it.
- (2) A sub-council may advise the council on what duties and powers should be delegated to it.

Financial Provision for Sub-Councils [Section 13]

- (1) The council shall annually in approving its operating budget make provision for—
 - (a) the operating costs of sub-councils, and
 - (b) the exercise of the powers and duties delegated to sub-councils,and the amounts so allocated shall be calculated with due regard to those areas where the greater need exists, including the lack of capacity, as reflected in the Integrated Development Plan.

- (2) A sub-council may within any policy or controls on expenditure, authorise expenditure on the matters referred to in subsection (1)(b).
- (3) The council shall annually in its capital budget allocate to each sub-council an amount to be spent on capital projects in such sub-council.
- (4) In calculating the amounts referred to in subsection (3), due regard shall be given to the need for providing, improving and upgrading infrastructure in areas of greater need.
- (5) Each sub-council shall annually submit to the council its prioritised list of the projects referred to in subsection (4) and the only basis on which the council may decline to release funds for a particular project shall be-
 - (a) the proposal does not comply with the law, or
 - (b) the project will not be completed within the year in which it is commenced.
- (6) Any project falling within the scope of subsection (5)(b) shall be considered with projects for the integrated development plan.

Sub-council to delegate [Section 17]

A sub-council may sub-delegate any power conferred or duty or function imposed on it in terms of this by-law, to a member of the municipal staff.

PLANNING AND GENERAL APPEALS COMMITTEE

A SYSTEMS ACT

Appeals [Section 62]

- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

DISCIPLINARY COMMITTEE

A SYSTEMS ACT [CODE OF CONDUCT FOR COUNCILLORS]

Sanctions for non-attendance of meetings [Item 4]

- (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:
 - (a) not attending a meeting which that councillor is required to attend in terms of item 3; or
 - (b) failing to remain in attendance at such a meeting.
- (2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed

from office as a councillor.

- (3) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

14. Breaches of Code [Item 14]

- (1) A municipal council may -
 - (a) investigate and make a finding on any alleged breach of a provision of this Code; or
 - (b) establish a special committee -
 - (i) to investigate and make a finding on any alleged breach of this Code; and
 - (ii) to make appropriate recommendations to the council.
- (2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may -
 - (a) issue a formal warning to the councillor;
 - (b) reprimand the councillor;
 - (c) request the MEC for local government in the province to suspend the councillor for a period;
 - (d) fine the councillor; and
 - (e) request the MEC to remove the councillor from office.

- PART 4 -

Non-Delegable Powers of Council

The following powers (not an exhaustive list) are non-delegable –

1. Financial

1.1 Passing of by-laws;

- section 160(2) of the Constitution

1.2 Approval of budgets;

- section 160(2) of the Constitution
- section of 24 of the MFMA

1.3 Imposition of rates and other taxes, levies and duties; and

- section 160(2) of the Constitution
- section 75A of the Systems Act
- section 14 of the Municipal Property Rates Act

1.4 Raising of loans.

- section 160(2) of the Constitution
- section 45 of the MFMA
- section 46 of the MFMA

1.5 Approval of an integrated development plan and any amendment to that plan

- section 30 of the Structures Act

2. Political

2.1 Dissolution of council

- section 34 of the Structures Act

2.2 Election of speaker

- section 36 of the Structures Act

2.3 Removal of Speaker from office.

- section 40 of the Structures Act

2.4 Election of another councillor to act as speaker (per occasion)

- section 41 of the Structures Act.

2.5 Election of executive mayor and executive deputy mayor.

- section 55 of the Structures Act

2.6 Removal of executive mayor or deputy executive mayor from office.

- section 58 of the Structures Act

2.7 Establishment of metropolitan subcouncils

- section 62 of the Structures Act

2.8 Establishment of committees

- section 79 of the Structures Act
- section 80 of the Structures Act
- section 166 of the MFMA
- item 14(1)(b) of Schedule 1 of the Systems Act

- 2.9 Granting consent to a councillor to be a party to or beneficiary under a contract with the municipality
- Item 6 of Schedule 1 of the Systems Act
- 2.10 Determining the salary and allowances of councillors
- section 7 of the Remuneration of Public Office Bearers Act
- 2.11 Determining the fine for non-attendance of meetings
- Item 4(1) of Schedule 1 of the Systems Act

3. Staff

- 3.1 Appointment of a Municipal Manager
- section 82 of the Structures Act
 - section 30 of the Structures Act
 - Mbana v Mnquma Municipality 2004 (1) BCLR 83 (Tk)
- 3.2 Appointment of a head of a department/ manager directly accountable to the municipal manager
- section 30 of the Structures Act
 - section of 56 the Systems Act

4. Legal

- 4.1 Entering into of a service delivery agreement in terms of section 76 (b) of the Systems Act
- section 59 of the Systems Act
- 4.2 Disposal of capital assets
- section 14 of the MFMA

SOURCES

LAWs

A THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

Internal procedures [Section 160(2)]

(2) The following functions may not be delegated by a Municipal Council:

- (a) the passing of by-laws;
- (b) the approval of budgets;
- (c) the imposition of rates and other taxes, levies and duties; and
- (d) the raising of loans.

B. LOCAL GOVERNMENT:MUNICIPAL STRUCTURES ACT, NO.117 OF 1998

Quorums and decisions [Section 30]

(5) Before a municipal council takes a decision on any of the following matters it must first require its executive committee or executive mayor, if it has such a committee or mayor, to submit to it a report and recommendation on the matter:

- (a) any matter mentioned in section 160 (2) of the Constitution;
- (b) the approval of an integrated development plan for the municipality, and any amendment to that plan; and
- (c) the appointment and conditions of service of the municipal manager and a head of a department of the municipality.

Dissolution of municipal councils [Section 34]

- (1) A municipal council may dissolve itself at a meeting called specifically for this purpose, by adopting a resolution dissolving the council with a supporting vote of at least two thirds of the councillors.

Election of speakers [Section 36]

- (1) Each municipal council must have a chairperson who will be called the speaker.
- (2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councillors.
- (4) The procedure set out in Schedule 3 applies to the election of a speaker.

Removal from office [Section 40]

A municipal council by resolution may remove its speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

Acting speakers [Section 41]

If the speaker of a municipal council is absent or not available to perform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.

Election of executive mayors [Section 55]

- (1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an executive deputy mayor, from among its members at a meeting

- (2) A vacancy in the office of executive mayor or executive deputy mayor must be filled when necessary.
- (3) The procedure set out in Schedule 3 applies to the election of an executive mayor and executive deputy mayor.

Removal from office [Section 58]

A municipal council, by resolution may remove its executive mayor or deputy executive mayor from office. Prior notice of an intention to move a motion for the removal of the executive mayor or deputy executive mayor must be given.

Establishment of metropolitan subcouncils [Section 62]

- (1) If a metropolitan municipality decides to establish metropolitan subcouncils, it must do so by passing, after a process of public consultation, a by-law

Establishment [Section 79(1)]

A municipal council may—

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
- (b) appoint the members of such a committee from among its members; and
- (c) dissolve a committee at any time.

Committees to assist executive committee or executive mayor [Section 80]

- (1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.

Appointment [Section 82]

- (1) A municipal council must appoint—
 - (a) a municipal manager who is the head of administration and also the accounting officer for the municipality, and
 - (b) when necessary, an acting municipal manager.
- (2) A person appointed as municipal manager must have the relevant skills and expertise to perform the duties associated with that post.

C. LOCAL GOVERNMENT:MUNICIPAL SYSTEMS ACT, NO. 32 OF 2000

Appointment of managers directly accountable to municipal managers [Section 56]

- (a) A municipal council, after consultation with the municipal manager, appoints a manager directly accountable to the municipal manager.
- (b) A person appointed as a manager in terms of paragraph (a), must have the relevant skills and expertise to perform the duties associated with the post in question, taking into account the protection or advancement of persons or categories of persons disadvantaged by unfair discrimination.

Delegations [Section 59]

- (1) A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may—
 - (a) delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter

into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;

General power to Levy and recover fees, charges and tariffs. [Section 75A]

- (1) A municipality may -
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- (2) The fees, charges or tariffs referred to in subsection (1) are levied by a municipality by resolution passed by the municipal council with a supporting vote of a majority of its members.

D. CODE OF CONDUCT FOR COUNCILLORS

Sanctions for non-attendance of meetings [Item 4(1)]

A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:

- (a) not attending a meeting which that councillor is required to attend in terms of item 3; or
- (b) failing to remain in attendance at such a meeting.

.

Personal gain [Item 6]

(1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the municipal council, a councillor may not -

- (a) be a party to or beneficiary under a contract for -
 - (i) the provision of goods or services to the municipality; or
 - (ii) the performance of any work otherwise than as a councillor for the municipality;
- (b) obtain a financial interest in any business of the municipality; or
- (c) for a fee or other consideration appear on behalf of any other person before the council or a committee.

(3) If more than one quarter of the councillors object to consent being given to a councillor in terms of subitem (2), such consent may only be given to the councillor with the approval of the MEC for local government in the province.

Breaches of Code [item 14(1)(b)]

A municipal council may establish a special committee -

- (i) to investigate and make a finding on any alleged breach of this Code; and
- (ii) to make appropriate recommendations to the council.

E. LOCAL GOVERNMENT:MUNICIPAL FINANCE MANAGEMENT ACT, NO. 56 OF 2003

Disposal of capital assets [Section 14]

- (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

- (2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public -
 - (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
 - (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

Approval of annual budgets [Section 24]

- (1) The municipal council must at least 30 days before the start of the budget year consider approval of the annual budget.
- (2) An annual budget -
 - (a) must be approved before the start of the budget year;
 - (b) is approved by the adoption by the council of a resolution referred to in section 17 (3) (a) (i); and

Short-term debt [Section 45]

- (1) A municipality may incur short-term debt only in accordance with and subject to the provisions of this Act
- (2) A municipality may incur short-term debt only if -
 - (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
 - (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.
- (3) For the purpose of subsection (2) (a), a municipal council may -
 - (a) approve a short-term debt transaction individually; or
 - (b) approve an agreement with a lender for a short-term credit facility to be accessed

as and when required, including a line of credit or bank overdraft facility, provided that—

- (i) the credit limit must be specified in the resolution of the council;
- (ii) the terms of the agreement, including the credit limit, may be changed only by a resolution of the council; and
- (iii) if the council approves a credit facility that is limited to emergency use, the accounting officer must notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of such a credit facility, as well as options for repaying such debt.

Long-term debt [Section 46]

(1) A municipality may incur long-term debt only in accordance with and subject to any applicable provisions of this Act

(2) A municipality may incur long-term debt only if—

- (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
- (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.

(3) A municipality may incur long-term debt only if the accounting officer of the municipality -

- (a) 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 relevant provincial treasury to submit written comments or representations to the council in respect of the proposed debt; and
- (b) has 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.

Audit committees [Section 166]

(1) Each municipality and each municipal entity must have an audit committee, subject to subsection (6).

(5) The members of an audit committee must be appointed by the council of the municipality or, in the case of a municipal entity, by the council of the parent municipality. One of the members who is not in the employ of the municipality or municipal entity, must be appointed as the chairperson of the committee. No councillor may be a member of an audit committee.

F. LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, NO. 6 OF 2004

14. Promulgation of resolutions levying rates.

(1) A rate is levied by a municipality by resolution passed by the municipal council with a supporting vote of a majority of its members.

(2) A resolution levying rates in a municipality must be promulgated by publishing the resolution in the Provincial Gazette.

G. REMUNERATION OF PUBLIC OFFICE BEARERS ACT, NO. 20 OF 1998

Upper limit of salaries and allowances of members of Municipal Councils [Section 7]

(1) The upper limit of salaries and allowances of the different members of Municipal Councils shall from time to time be determined by the Minister, after consultation with the member of the Executive Council responsible for local government in each province, by notice in the *Gazette*

(3) The salary and allowances of a member of a Municipal Council is determined by that Municipal Council by resolution of a supporting vote of a majority of its members, in consultation with the member of the Executive Council responsible for local government in the province concerned, having regard to—

- (a) the provisions of subsection (1);
- (b) the upper limit as set out in the said notice; and
- (c) the financial year of Municipal Councils.

Judgements

1. Mbana v Mnquma Municipality 2004 (1) BCLR 83 (Tk)

In casu the executive mayor of defendant municipality had purported to conclude a contract with Plaintiff appointing Plaintiff as municipal manager of Defendant. The municipal council of Defendant had not made any decision in this regard, or assigned or delegated powers of appointment to the executive mayor. The latter had nevertheless gone ahead and appointed Plaintiff, thereby purporting to bind Defendant to an employment contract. The Court found that the executive mayor knowingly acted without authority and in so doing appropriated powers that such office never held in the first place.

In concluding the contract with Plaintiff he acted *ultra vires* and the contract was thus invalid.

The Court held that section 82 of the Local Government: Municipal Structures Act gave the municipal council and no other person or committee the power to appoint a municipal manager. This was supported by section 30 of the same Act as well the provisions of section 160 of the Constitution and sections 57 and 59 of the Municipal Systems Act.

While section 160(1)(d) of the Constitution referred to a municipal council's employing personnel that are necessary for the effective performance of its functions, in so far as this related to the employment of a municipal manager section 160(1)(d) had to be read in conjunction with section 82 of the Local Government: Municipal Structures Act. A municipal manager was a key component of the municipal structure and was not merely a member of a personnel appointed as contemplated by section 160(1)(d) of the Constitution or section 55(1)(e) of the Local Government: Municipal Systems Act 32 of 2000. There were certain prerequisites for the conclusion of a contract of employment with a party to be appointed as municipal manager.

---oOo---

GENERIC DELEGATIONS
TO THE SENIOR
MANAGEMENT OF THE
ADMINISTRATION

As approved by Council
on 23 June 2005 - C07/06/05

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
			Officer	
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.	Chief Financial Officer	
18	46(2)(b)	Sign the agreement or other document that creates or acknowledges the creation of long-debt for a municipality.	Statutory Power of the Accounting 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.	Chief Financial Officer	Level 2 : Treasury
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
		municipality; and (ii) any municipal entity under the sole or shared control of the municipality.		
23	61(1)	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;	Relevant Level 1	Relevant : Level 2
		(ii) a rates policy as may be required in terms of any applicable national legislation;		Level 2 : Revenue
		(iii) a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act; and	Chief Financial Officer	Level 2 : Revenue
		(iv) a supply chain management policy in accordance with Chapter 11.		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	Appropriate Level 2
			Directly to Level 1s	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;	Chief Financial Officer	Level 2 : Revenue
		(ii) accounts for debtors; and		
		(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	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, (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.	Level 1	Relevant Level 2
36	68	(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	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 (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; (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; (i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section; (j) public-private partnership agreements referred to in section 120; (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.	Level 2 : Communication Chief Financial Officer Relevant Level 1	Level 2 : Budgets Relevant Level 2 Relevant Level 2 Level 2 : Treasury Level 2 : Supply Chain Management Relevant Level 2 Relevant Level 2 Mayoral office Relevant Level 2 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;	Level 1	Relevant Level 2
		(b) monitor on a monthly basis the performance of the contractor under the contract or agreement;	Level 1	Relevant Level 2
		(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	Level 1	Relevant Level 2
		(ii) to oversee the day-to-day management of the contract or agreement; and	Level 1	Relevant Level 2
		(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	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;	Relevant Level 1	
		(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;		

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).

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	City Manager	

ITEM NO	CRYPTIC DESCRIPTION OF POWER OR DUTY	STATUTORY POWER	DELEGATED
	ratepayers in a sustainable manner. e) Controls, managers, effective utilisation and training of staff. f) Maintains the discipline of staff. g) Promotes sound labour relations and compliance by the Municipality with applicable labour legislation. h) Advises the structures and functionaries of the Municipality. i) Manages communications between the Municipality's administration and its structures and functionaries. 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 59. 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	City Manager	

ITEM NO	CRYPTIC DESCRIPTION OF POWER OR DUTY	STATUTORY POWER	DELEGATED
	b) The steps taken to recover or rectify the unauthorised expenditures and to prevent a recurrence of such expenditure.		

ITEM NO	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
2	Powers Delegated to the Municipal Manager		
	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 of 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 recognised by law, in respect of the recovery of debt to Council should it be in the interest of Council. g) Grants authority for officials to attend international conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings.	City Manager	Dir: Legal & Admin Dir: Revenue

ITEM NO	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	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.		Exec Directors Dir: Valuations Dir: Valuations Exec Directors All Directors subject to the lease not exceeding 12 mths.
3	Human Resources Powers		
	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.		Exec Director After consultation with Director: HR

ITEM NO	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
Para 6.1 SALGBC Disciplinary Code	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	Exec Director In respect of staff reporting to him/her
	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	Director: Human Resources Management and Development
	i) Organisational rights: Considers requests for additional time off beyond that provided for in the Organisational Rights Agreement.		
	j) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	City Manager	

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	

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	

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	

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	

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.	Director	
Para 6.1 SALGBC Disciplinary Code	(o) Authorise the institution of disciplinary procedures in respect of staff reporting to him/her.	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	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	
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	
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. (c) Authorises the virement of funds as determined by the Municipal Manager, within the operational budget of his/her Branch.	Manager	Not to be sub-delegated
	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	
	Appoint a Chairperson to convene an ill health investigation.	Manager : Employee Relations	

FUNCTIONAL DELEGATIONS
As approved by Council
on 23 June 2005 - C07/06/05

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		

			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 recognized by law in respect of the recovery of debt to Council should it be in the interest of Council d. Sign/Submit all legal documents e. Acceptance of full and final settlements f. Affidavits for legal actions and recessions of judgements	Manager Payroll	Admin Manager Staff Loans
--	--	--	--	-----------------	---------------------------

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)

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	Manager: Treasury
2	MFMA	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.	Director: Treasury	Manager: Treasury
3	MFMA	8(5)	Inform the National Treasury and the Auditor-General, in writing, at least 30 days before changing the municipality's primary bank account.	Director: Treasury	Manager: Treasury
4	MFMA	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.	Director: Treasury	Manager: Treasury
5	MFMA	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.	Director: Treasury	Manager: Treasury
6	MFMA	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	Director: Treasury	Manager: Treasury

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			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.		
7	MFMA	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;	Director: Treasury	Manager: Accounting & Assets
8	MFMA	64(2)	Take all reasonable steps to ensure – (h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework; ----- (j) that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.	Director: Treasury	Manager: Treasury ----- Manager: Accounting & Assets
9	MFMA	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.	Director: Treasury	Relevant Level 3
10	MFMA	75(1)	Place on the website referred to in section 21A of the Municipal Systems Act the following documents of the municipality: (f) all long-term borrowing contracts;	Director: Treasury	Manager: Treasury

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 to Manager : Forensic Services
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	To be sub-delegated to Manager : Forensic Services

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 Forensic Services employees or contractors: 3.1 Have access to all immovable 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/Forensic Services activity.	Director: Legal Strategy	To be sub-delegated to the Manager : Forensic Services

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 to the Manager : Legal Strategy subject to any review of the overall delegation
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 to the Manager : Legal Strategy subject to any review of the overall delegation
6			Obtain a legal opinion from the attorneys/advocates, including senior counsel.	Director: Legal Strategy	To be sub-delegated to the Manager : Legal Strategy subject to any review of the overall delegation
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	Director: Legal Strategy Subject to	To be sub-delegated to the Manager : Legal

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			advocates.	clauses 5.2.15 to 5.2.17 and 5.2.18.1 of the political delegations	Strategy subject to any review of the overall delegation
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 to the Manager : Legal Strategy subject to any review of the overall delegation
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 to the Manager : Legal Strategy subject to any review of the overall delegation
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 to the Manager : Legal Strategy subject to any review of the overall delegation
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 to the Manager : Legal Strategy subject to any review of the overall delegation
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	Director: Legal Strategy	To be sub-delegated to the Manager : Legal

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			matters falling within the course and scope of his/her duties, and to authorise payment of the professional account.		Strategy subject to any review of the overall delegation

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	Manager: Performance Management Facilitation
	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	

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				DPM	
7	MSA	46(4)(b)	Submit a copy of the adopted annual report to the MEC, Auditor General and other institutions as prescribed by the regulations	DPM	Manager: Monitoring, Reporting and Research

LEGEND

MSA	Municipal Systems Act, 2000
MP & PM Regs	Municipal Planning & Performance Management Regs, 2001
MFMA	Municipal Finance Management Act, 2003
SCBL	Sub Council By-Law, 2001

THE CITY OF CAPE TOWN
FUNCTIONAL DELEGATIONS: 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

(Received from A. O'Brien: City Health on 28 June 05)

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
		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

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
					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	Not sub-delegated
	32	Municipal Council must ensure that appropriate Municipal Health Services are effectively and equitably provided.	Director: City Health	Not sub-delegated
	76	Municipality which provides a health service must establish and maintain a Health Information System as contemplated in Section 74	Director: City Health	Not sub-delegated
	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	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.

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	Manager: Health Operations
		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	Not sub-delegated
+		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	Manager: Health Operations
	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	Director: City	Environmental

			relevant requirements.	Health	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
	Regulation 918 of 30 July 1999	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. Regulation governing general hygiene requirements for food premises and the transport of food promulgated under the Health Act.	Director: City Health	Environmental Health Practitioner
		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	5	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 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	Not sub-delegated
		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	Director: City 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 8(3)	Shall inform the Director: General after an order has been issued in terms of Section 2. Take steps to ensure proper compliance with this regulation or to prevent contravention of this regulation.	Director: City Health Director: City Health	Not sub-delegated Manager: Health Operations
		3(1)	Statutory Power.	Statutory Power	Not sub-delegated
		3(3)	Submit a report to the City Manager.	Statutory Power	Not sub-delegated
		6(1)	Statutory Power.	Director: City Health	Not sub-delegated
		6(2)	Report to the City Manager.	Director: City Health	Not sub-delegated
		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	Not sub-delegated
		11	Issue a written notice.	Director: City Health	Not sub-delegated
		14(1)	May instruct a person to undergo medical examination.	Director: City Health	Not sub-delegated

	14(3)	Statutory Power.	Statutory Power	Not sub-delegated
	14(5)	Submit a comprehensive report after issuing an order as stipulated in 14(3)	Director: City Health	Not sub-delegated
	15(a)	Statutory Power	Statutory Power	Not sub-delegated
	15(b)	Supervise the disinfection.	Director: City Health	Environmental Health Practitioner
	16(1)	Issue a written compulsory evacuation order.	Director: City Health	Not sub-delegated
	16(3)	Take all measures to ensure proper implementation of this regulation or to prevent any contravention thereof.	Director: City Health	Not sub-delegated
	18	Subject an infested person to compulsory removal, cleansing and disinfection if ordered to do so.	Director: City Health	Professional Nurses
	19(3)	Forward weekly reports to the Director General.	Director: City Health	Not sub-delegated

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
--	----------------	----	--	-----------------------	-----------------------------------

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 And Environmental Health Assistants
--	----------	--	---	-----------------------	---

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		
		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 Practitioners; Snr Mechanical Engineer & Engineering Assistants
		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, Snr Mechanical Engineer and Engineering Assistants	
		7(3)	Grant in writing an exemption and stipulate conditions and period for which the exemption is granted.	Director: City Health	Manager: Health Operations (Sub District specific); Snr Mechanical Engineer

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
--	------------------------	--------------------------------------	---	-----------------------	----------------------------

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 Practitioners; Snr Mechanical Engineer & Engineering Assistants

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 Practitioners and Air Pollution Officers
		16	Consider an 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	Director: City	Environmental

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
			serve the owner with a notice and take legal action in the case of non-compliance with notice - ALSO SEE CITY POLICE	Health	Health Practitioners; Air Pollution Officers & Diesel Emissions Testing Officers

THE CITY OF CAPE TOWN
CHIEF : METROPOLITAN POLICE DEPARTMENT

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	Chief : Metro Police Dept	
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.	Chief : Metro Police Dept	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:	Chief : Metro Police Dept	

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)	Chief : Metro Police Dept	(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	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	

THE CITY OF CAPE TOWN

CHIEF : METROPOLITAN POLICE DEPARTMENT

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.	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	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	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	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	Chief : Metro Police Dept	To be sub-delegated
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.	Chief : Metro Police Dept	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.	Chief : Metro Police Dept	
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	Chief : Metro Police Dept	
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).	Chief : Metro Police Dept	
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.	Chief : Metro Police Dept	

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

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 Manage	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 erven	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 1977	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	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 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	Services	

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
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

THE CITY OF CAPE TOWN

DIRECTOR: SOLID WASTE

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
1	Council	C33/06/03	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	C33/06/03	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	C33/06/03	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	Manager Cleaning
5	Dumping & Littering By-Law	2(4)	Issue notices w.r.t. dumping on private property.	Dir: Solid Waste	Manager Cleaning
6	Dumping & Littering By-Law	2(5)	Arrange cleanup of private property and recover costs.	Dir: Solid Waste	Manager Cleaning
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	Manager Planning
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	Manager Waste Disposal & Waste Disposal Area Managers

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
	1989)				
9	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

THE CITY OF CAPE TOWN

DIRECTOR: TRANSPORT

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATE D
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	All Managers
4	Urban Transport Act 78 of 1977	17(a) & (c)	Prepare a transport plan.	Director: Transport	Manager: Transport Planning
5		17(b)	Implement any applicable approved transport plan	Director: Transport	Manager: Transport Network & Infrastructure Development
6		17(d)	Prepare (and maintain) a complete map of the Metropolitan Transport Area and make it available to any interested person	Director: Transport	Manager: Support Services
7		17(e)	Conduct investigations in relation to the various aspects of transport	Director: Transport	Manager: Transport Planning
8		17(f)	Revise and bring up to date the approved transport plan	Director: Transport	Manager: Transport Planning

¹ Local Government Transition Act 209 Of 1993

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATE D
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	Manager: Transport Planning
10		17(h)	Conduct any investigation in connection with any scheme for amalgamating the revenues and expenditure of and the services rendered by, different transport undertakings	Director: Transport	Manager: Transport Network & Infrastructure Development
11		17(j)	Administer the Consolidated Metropolitan Transport Fund	Director: Transport	Manager: Support Services
12		17(l)	Conduct a program to involve the public in planning of urban transport facilities	Director: Transport	Manager: Support Services
13	109/1985 ²	<i>[Provincial Proc. 60/1993 of 5 March 1993]</i>	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... <i>[Provincial Proclamation 60/1993 of 5 March 1993]</i>	Director: Transport	Manager: Public Transport Services
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	Manager: Public Transport Services
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	Manager: Public Transport Services

² Regional Services Councils Act 109 of 1985
National Land Transport Transition Act 22 of 2000
TRANSPORT - UPDATED OCTOBER 2005

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
17		23(1)	Prepare a "Current Public Transport Record"	Director: Transport	Manager: Public Transport Services
18		23(5)	Submit the "Current Public Transport Record" to the relevant MEC	Director: Transport	Manager: Public Transport Services
19		23(6)	Update the "Current Public Transport Record" annually in respect of prescribed matters	Director: Transport	Manager: Public Transport Services
20		24(1)	Prepare an "Operating Licenses Strategy" in accordance with prescribed requirements	Director: Transport	Head: Statutory Planning
21		24(4)(a)	After recommendation by Council, submit the "Operating Licenses Strategy" to the relevant MEC for approval	Director: Transport	Manager: Public Transport Services
22		24(5)	Update the "Operating Licenses Strategy" continuously and consolidate it annually	Director: Transport	Manager: Public Transport Services
23		25(1)	Prepare (under defined circumstances relating to subsidised public transport only) a "Rationalisation Plan" in accordance with prescribed requirements	Director: Transport	Manager: Public Transport Services
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	Manager: Public Transport Services
26		19(2)(d)	Prepare an "Integrated Transport Plan"	Director: Transport	Manager: Transport Planning

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATE D
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	Manager: Transport Planning
29	93/1996 ³	57(3)(a)	Display Road Traffic Signs (Traffic Lights [robots] included)	Director: Transport	Manager: Transport Network & Operations
30	93/1996	57(3)(b)	Authorise a person to display Road Traffic Signs. (Traffic Lights included)	Director: Transport	Manager: Transport Network & Operations
31	93/1996	57(3)(c)	Determine conditions for display and removal of Road Traffic Signs. (Traffic Lights included)	Director: Transport	Manager: Transport Network & Operations
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	Manager: Transport Planning
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	Manager: Transport Planning
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	Manager: Transport Network & Infrastructure Development
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	Director: Transport	Manager: Transport

³ National Road Traffic Act 93 Of 1996
TRANSPORT - UPDATED OCTOBER 2005

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATE D
			infrastructure or services, from owner of the relevant land or the holder of the relevant operating licence.		Planning
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	Manager: Transport Planning
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	Manager: Transport Planning
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	Manager: Transport Planning
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	Manager: Transport Planning
40		29(10)	Apply to the High Court for a demolition order under certain circumstances.	Director: Transport	Manager: Support Services
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	Manager: Transport Network & Operations
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	Manager: Transport Network & Operations

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
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	Manager: Transport Network & Operations
44	29/19891	83(3)4	Display, remove or adjust road traffic signs on any public road within the municipal area	Director: Transport	Manager: Transport Network & Operations
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	Manager: Transport Network & Operations
45			Approve and erect temporary directional indications to meetings, congresses etc. ⁸	Director: Transport	Manager: Transport Network & Operations
46	NLTTA 22 of 2000	5(10)	Establishing Transport Authorities	Director: Transport	Not to be sub-delegated
47		7(18)	Transport Planning	Director: Transport	Manager: Transport Planning
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

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-DELEGATED
51		20	Planning authorities	Director: Transport	Not to be sub-delegated
52		39	Operating licences for public transport services	Director: Transport	Manager: Public Transport Services
53		51	Withdrawal of operating licence or permit	Director: Transport	Manager: Public Transport Services
54		79	Continuation and conversion of existing permits	Director: Transport	Manager: Public Transport Services
55		83	Disposing of applications with regard to operating licences for non-contracted services	Director: Transport	Manager: Public Transport Services
56	Municipal Systems Act 2000	62	Comment on appeals	Director: Transport	Manager: Transport Planning

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	
		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	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	

**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	<u>Section 7</u> 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	

		<u>Section 12</u> 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

					Principal/Snr/Control Professional Building Inspector
		Section 14 Certificates of Occupancy in respect of buildings			
		Section 14(1)(a)	Issuing of certificate of occupancy.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors
		Section 14(1)(b) To be read in conjunction with Regulation R 141 of 23 September 1966	Refusal of certificate of occupancy.	Director: Town Planning	Manager: Building Development Management Principal/Snr/Control Professional Building Inspectors

		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 Principal/Snr/Control Professional
3	Building By-Laws	Building By-Laws	The issuing of Orders and Notices.	Director: Town Planning	Manager : Building Development Management Principal/Snr/Control Professional Building Inspectors
4	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 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:Env 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:Env 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:Env Planning	Man EE
			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: Env Planning	Princ EIA Review
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:Env Planning	Princ Perf & Info
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:Env Planning	Princ EIA Review
			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:Env Planning	Man IEM

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:Env Planning	Princ Perf & Info
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:Env Planning	??
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:Env Planning	Not to be sub delegated
A11	NEMA	30(9)	Claim reimbursement in the case of 30(8) from the person responsible	Dir:Env 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:Env Planning	Princ. EE
A13	NEMA	32	Take steps to enforce breach or threatened breach of environmental laws.	Dir:Env Planning	Princ Enforcement
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:Env Planning	Princ Enforcement
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:Env 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:Env Planning	Not to be sub delegated
A17	NEMA	35(1)	Chapter 8 : Environmental Management Cooperation Agreements (EMCA) Enter into an EMCA with any other party in order to promote compliance with principles of "the Act".	Dir:Env Planning Dir:Env Planning	Not to be sub delegated

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
A18	NEMA	39	Enter into agreements with Director General (DG) so that the latter may fulfill his or her responsibilities.	Dir:Env Planning	Not to be sub delegated
A19	NEMA	42(1) & (3)	May sub-delegate the delegation from the DG on permission of DG.	Dir:Env 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:Env Planning	Man IEM
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:Env 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:Env Planning	Not to be sub delegated
B	NEMA :ENVIRONMENTAL CONSERVATION ACT 73 OF 1989 & REGULATIONS (ECA)				
			Part V : Control of Activities which may have detrimental effect on the Environment	Dir:Env Planning	
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:Env 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:Env Planning	Man IEM
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:Env 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:Env Planning	Not to be sub delegated
B.5	ECA	23(3)	Request report from applicant applying for activity within a LDA.	Dir:Env Planning	Man IEM
B.6	ECA	23(4)	Make representations to competent authority regarding declaration of a LDA.	Dir:Env Planning	Man IEM
			Part VI : Regulations	Dir:Env	

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
				Planning	
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:Env Planning	Man IEM
			Part VIII : General Provisions	Dir:Env Planning	
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:Env Planning	Man IEM
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:Env Planning	Man IEM
B.10	ECA	31(A)(3)	Take necessary steps within LA itself to eliminate, reduce or prevent the damage, danger or detrimental effect.	Dir:Env Planning	Man IEM
B.11	ECA	31(A)(4)	Recover expenditure incurred in undertaking 31(a)(3) from the person concerned.	Dir:Env 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:Env Planning	Princ EIA Review
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:Env Planning	Princ Law
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:Env Planning	Man Nat Conser
C.2	BIODIVERSITY ACT	S. 43 (2)	Carry out assigned responsibilities for implementing a biodiversity management plan.	Dir:Env Planning	Man Nat Conser

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:Env 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:Env Planning	Man Nat Conser
C.5	BIODIVERSITY ACT	S.48	Incorporate provisions of the national biodiversity framework into the IDP, and demonstrate implementation.	Dir:Env Planning	Not to be sub delegated
C.6	BIODIVERSITY ACT	S.49	Monitor and report if required by Minister.	Dir:Env Planning	Man Nat Conser
C.7	BIODIVERSITY ACT	S.50	Conduct research on biodiversity conservation.	Dir:Env Planning	Man Nat Conser
C.8	BIODIVERSITY ACT	S.54	Take into account the need for protection of listed ecosystems in the IDP.	Dir:Env Planning	Not to be sub delegated
C.9	BIODIVERSITY ACT	S.57, 65, 71, 81	Assist in identifying when permits required.	Dir:Env Planning	Man Nat Conser
C.10	BIODIVERSITY ACT	S.69	Duty of care relating to alien species.	Dir:Env Planning	Man Nat Conser
C.11	BIODIVERSITY ACT	S.69, 73, 74	Competent authority to issue directive, implement and recover costs.	Dir:Env Planning	Man Nat Conser
C.12	BIODIVERSITY ACT	S.75	Coordinate control of invasive species.	Dir:Env Planning	Man Nat Conser
C.13	BIODIVERSITY ACT	S.76	Prepare invasive species control plans.	Dir:Env Planning	Man Nat Conser
C.14	BIODIVERSITY ACT	S.77	Preparing invasive species status reports	Dir:Env Planning	Man Nat Conser
C.15	BIODIVERSITY ACT	S.82	Protect the interests of stakeholders, and deal with benefit-sharing agreements.	Dir:Env Planning	Man Nat Conser
C.16	BIODIVERSITY ACT	S.84	Deal with material transfer agreements.	Dir:Env Planning	Man Nat Conser
C.17	BIODIVERSITY ACT	S.88, 91, 92, 93	Issue or cancel permits where designated as an issuing authority.	Dir:Env Planning	Man Nat Conser
C.18	BIODIVERSITY ACT	S.97	Undertake all assigned powers, duties and functions in terms of Regulations.	Dir:Env Planning	Man Nat Conser
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:Env Planning	Man Nat Conser
D.2	PROTECTED AREAS ACT	S.39(3)	Participate in preparation of management plans.	Dir:Env Planning	Man Nat Conser
D.3	PROTECTED AREAS ACT	S.39(4)	Ensure the municipality's IDP/(MSDF's) applicable aspects are incorporated into a management plan.	Dir:Env Planning	Man Env Stra
D.4	PROTECTED AREAS ACT	40(1)(iv)	Ensure that the management authority is adhering to municipal by laws.	Dir:Env Planning	Man Env Stra
D.5	PROTECTED AREAS ACT	41(3)(a)	Assess integrated development plan framework's economic opportunities as part of management plan.	Dir:Env Planning	Man Env Stra
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-l)	Dir:Env Planning	Man Nat Conser
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:Env Planning	Princ Heritage
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:Env Planning	Man Nat Conser
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:Env Planning	Man Nat Conser
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:Env 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:Env Planning	Princ Heritage
F.3	NHRA	4 to 10	Management of Heritage Resources (policy, identify resources, assess and grade, perform local responsibilities, database).	Dir:Env Planning	Princ Heritage
F.4	NHRA	26	Formulate agreement with provincial heritage authority on competence and perform delegated duties and powers.	Dir:Env Planning	Princ Heritage
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:Env Planning	Princ Heritage
F.6	NHRA	28	Make recommendations regarding provision in By-laws or zoning scheme for managing Protected Areas.	Dir:Env Planning	Princ Heritage
F.7	NHRA	29	Provisionally protect places considered conservation-worthy or threatened, public notices.	Dir:Env 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:Env Planning	Princ Heritage
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:Env Planning	Princ Heritage
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:Env Planning	Princ Heritage
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:Env Planning	Princ Heritage
F.12	NHRA	39	Inform of destruction of listed heritage place.	Dir:Env Planning	Princ Heritage
F.13	NHRA	42	Negotiate heritage agreements.	Dir:Env Planning	Princ Heritage
F.14	NHRA	43	Recommend on the provision of incentives in By-law or planning scheme.	Dir:Env Planning	Princ Heritage
F.15	NHRA	44	Promote presentation and use of heritage resources.	Dir:Env Planning	Princ Heritage

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:Env Planning	Princ Heritage
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:Env Planning	Princ Heritage
F.18	NHRA	49	Make appeals against decisions.	Dir:Env Planning	Princ Heritage
F.19	NHRA	50	Perform all functions of appointed Heritage Inspector.	Dir:Env Planning	Princ Heritage
F.20	NHRA	51	Lay charges, make submissions for offences.	Dir:Env Planning	Princ Heritage
F.21	NHRA	55	Assist and cooperate with heritage bodies.	Dir:Env Planning	Princ Heritage
F.22	NHRA	58	Provide for the protection of conservation areas under previous National Monuments Act, or perform other transitional powers.	Dir:Env Planning	Princ Heritage
G	MUNICIPAL ACT (MSA)	SYSTEMS			
G.1	MSA	62	Comment on appeals.	Dir:Env Planning	Princ Heritage
H	ZONING SCHEMES/LAND USE PLANNING ORDINANCE 15 OF 1985 (ZS/LUPO)				
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:Env Planning	Man IEM

ITEM NO.	LEGISLATION	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
H.2	ZS (Ch XII 93, 94, Special Areas or 108, 106, equivalent provision in the relevant zoning scheme (read with section 39 and 40 of land use planning ordinance))	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:Env Planning	Princ Heritage
H.3	ZS (or 108 equivalent provision in the relevant zoning scheme)		Consent for work in Urban Conservation Areas & tree permits.	Dir:Env Planning	Man Nat Conserv
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:Env Planning	Man Nat Conserv
I	LAND USE PLANNING ORDINANCE REGULATIONS P/N 333/1986 (LUPO REGS)				
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:Env Planning	Man IEM
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:Env Planning	Man IEM
J.2	OAS LAW	BY- 2.2	Determining completeness of applications and calling for initial information	Dir:Env Planning	Man IEM
J.3	OAS LAW	BY- 2.7	Requesting additional information	Dir:Env Planning	Man IEM
J.4	OAS LAW	BY- 3	Requesting an impact assessment	Dir:Env Planning	Man IEM
J.5	OAS LAW	BY- 4	Determining public participation requirements	Dir:Env Planning	Man IEM
J.6	OAS LAW	BY- 5	Requesting a signage master plan	Dir:Env Planning	Man IEM
J.7	OAS LAW	BY- 6	Calling for additional requirements and payment of fees	Dir:Env Planning	Man IEM
J.8	OAS LAW	BY- 8	Requiring written notification	Dir:Env Planning	Man IEM
J.9	OAS LAW	BY- 9	Calling for fees and deposits	Dir:Env Planning	Man IEM
J.10	OAS LAW	BY- 10	Extension of approval; determining area of control	Dir:Env Planning	Man IEM
J.11	OAS LAW	BY- 11	Granting/ refusing exemption of sign and area of control	Dir:Env Planning	Man IEM
J.12	OAS LAW	BY- 14	Issuing/ signing notice for sign to be repaired	Dir:Env Planning	Man IEM
J.13	OAS LAW	BY- 27	Requiring impact assessment for illuminated sign.	Dir:Env Planning	Man IEM
J.14	OAS LAW	BY- 41/42	Decrease distances between signs	Dir:Env Planning	Man IEM
J.15	OAS LAW	BY- 44	Grant or refuse applications with or without further conditions	Dir:Env Planning	Man IEM
J.16	OAS LAW	BY- 45	Withdrawing approvals, amending conditions or imposing further conditions	Dir:Env Planning	Man IEM
J.17	OAS LAW	BY- 46	Granting or refusing extension of time.	Dir:Env Planning	Man IEM
J.18	OAS LAW	BY- 47	Extending approval period before lapsing	Dir:Env Planning	Man IEM

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

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:Env Planning	Man IEM
	TMNP HoA	15	Grant or refuse written consent for any building or ancilliary infrastructure or facility	Dir:Env Planning	Man IEM
	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:Env 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

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 to 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	Process applications and make recommendations 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

ITEM NO.	ACT	SECTION	CRYPTIC DESCRIPTION OF POWER OR DUTY	DELEGATED	SUB-DELEGATED
THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985 (LUPO)					
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) b	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

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 subdivisions, rezonings , departures, consent use and conditional use approvals and comment to PAWC on appeals.	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

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. Refer contraventions to the relevant legal branch and where necessary give evidence in Court.	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	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	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)**

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

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	
20	EMR	8(7)	<u>ELECTRICAL MACHINERY REGULATIONS No. 1593 of 1988 (EMR)</u> 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>	DELEGATED	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

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 Director Director	To be delegated To be delegated To be delegated
	S 5 - By-law Par 7.11 Policy	d) Authorize the payment of compensation in respect of servitudes for municipal services e) Renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for a renewal.	Director Director	To be delegated 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 Par 2.1 - Policy	h) Enter into and renew railway siding agreements in respect of council land on existing terms and conditions i) Enter into lease agreements where council is the lessee/tenant and the land or buildings are required for approved council purposes	Director Director	To be delegated 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 S 4(1) – By-law Par 4.11 and 4.13 - Policy S 4(1) – 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 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 Director Director Director Director	To be delegated To be delegated To be delegated To be delegated 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	S 4(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, 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				
	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

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)				
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)				
			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

CITY OF CAPE TOWN

DIRECTOR: INNOVATION, INFORMATION AND 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	Head: Geomatics

THE CITY OF CAPE TOWN

DELEGATION OF POWERS AND DUTIES - SUPPLY CHAIN MANAGEMENT

MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS

Notice 868 of 2005

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
3(1)(c)	Submit when considered necessary, proposals for the amendment of the policy to the council.	Accounting Officer	Chief Financial Officer	Relevant Level 2
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guideline standard, or any modified version thereof, as a draft policy.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	with Regulation 2.			
3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
3(4)	Must, in terms of section 62(1)(f)(iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
5(2)(a)	Make a final award above R10 million (VAT included).	Municipal Council	Accounting Officer (after considering recommendation of Bid Adjudication Committee)	May not be sub-delegated.
5(2)	Make a final award above R200 000 (VAT included), but not exceeding R10 million (VAT included).	Municipal Council	Accounting Officer	Bid Adjudication Committee
5(2)	Make a final award not exceeding R200 000 (VAT included) but excluding the appointment of consultants	Municipal Council	Accounting Officer	Relevant Level 2

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
5(3)	Submit to the official referred to in subsection (4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including - (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person		Applicable to the relevant entities or individuals delegated with the power to make a final award in terms of Regulation 5 (2).	
6(1)	Maintain oversight over the implementation of the supply chain management policy.	Municipal Council	Power reserved by Council	
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
6(2)(a)	Submit to council a report from any municipal entity made in terms of this Regulation 6(2)(a)(ii) regarding implementation of the municipal	Accounting Officer	Director: City Secretariat	Relevant Level 2

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
(ii)	entity's supply chain management policy.			
6(2)(a) (iii)	Immediately submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii).	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
7(1)	Establish a supply chain management unit.	Municipal Council	Chief Financial Officer	Director: Supply Chain Management
7(2)	Establish a joint supply chain management unit between the parent municipality and a municipal entity under its sole or shared control.	Municipal Council	Chief Financial Officer	Director: Supply Chain Management
11(3)	Must make public the fact that the municipality procures goods or services contemplated in section 110(2) of the MFMA.	Municipal Council	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
12(2)(a)`	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified	Accounting	Chief Financial	Director: Supply Chain

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	in subregulation (1).	Officer	Officer	Management
12(2)(b)	Direct that (i) written quotations be obtained for any specific procurement of a transaction value lower than R2000; (ii) formal written price quotations be obtained for any specific procurement of a transaction value lower than R10 000; or (iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
14(1)(a) (i)	Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through written quotations and formal written price quotations.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
14(1)(a)	Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the	Accounting Officer	Director: Supply Chain	Manager: Procurement, tenders and contract

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
(ii)	municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers		Management	management
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Municipal Council	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Municipal Council	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Director: Supply Chain Management	Relevant Level 2
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.		To the relevant delegatee	
16(d)	Record the names of potential providers requested to provide written quotations with their quoted prices.	Accounting Officer	To the relevant delegatee	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
17(1)(c)i	Record the reasons for not obtaining at least three formal written price quotations.		To the relevant delegatee	
17(1)(c)ii	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Director: Supply Chain Management	
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	To the relevant delegatee	
17(2)	Report to the CFO within three days of the end of the month on any approvals given during that month by that the designated official referred to in subregulation (1)(c).		Director: Supply Chain Management	
18(b)	Must promote ongoing competition amongst providers, including by inviting providers to submit quotations on a rotation basis, when using the list of accredited prospective providers.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.		To the relevant delegatee.	
22(2)	Determine a closure date for submission of bids which is less than the 30 or 14 day requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
23(c)	(i) record in a register all bids received in time; (ii) make the register available for public inspection; (iii) publish the entries in the register and the bid results on the website of the municipality.	Accounting Officer	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such	Accounting Officer	Director: Supply Chain Management	Director: Legal Services and relevant Level 2

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	negotiation- (a) does not allow any preferred bidder a second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.			
26(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account section 117 of the MFMA.	Accounting Officer	Director: Supply Chain Management	
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer	Director: Supply Chain Management	
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
27(1)	Compile specifications for the procurement of goods or services by the municipality.	Bid Specification Committee	Bid Specification Committee	Not to be sub-delegated
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Director: Supply Chain Management	Relevant Level 2
28(1)(a)	Evaluate bids in accordance with- (i) the specifications for a specific procurement; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and as prescribed in terms of the Preferential Procurement Policy Framework Act.	Bid Evaluation Committee	Bid Evaluation Committee	Not to be sub-delegated
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Bid Evaluation Committee	Bid Evaluation Committee	Not to be sub-delegated
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Bid Evaluation Committee	Bid Evaluation Committee	Not to be sub-delegated

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee	Bid Evaluation Committee	Not to be sub-delegated
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl).	Accounting Officer	Bid Adjudication Committee	Not to be sub-delegated
29(1)(b) (i)	For bids above R10 million, the SCMBAC will make recommendation to the City Manager to make the final award.	Accounting Officer		Not to be sub-delegated
29(1)(b) (ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Bid Adjudication Committee	Bid Adjudication Committee	Not to be sub-delegated
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid - (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service	Bid Adjudication Committee	Bid Adjudication Committee	Not to be sub-delegated

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	charges are not in arrears; and (ii) notify the accounting officer.			
29(5)(b)	(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and (ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.	Accounting Officer	Accounting Officer	
29(6)	Refer any recommendation made by the evaluation committee or a djudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer	Accounting Officer	
29(7)	Comply with section 114 of the MFMA within ten working days.	Accounting Officer	Accounting Officer	
31(1)	Request the Sta te Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through	Accounting Officer	Director: Supply Chain	Director: IT

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	a competitive bidding process.		Management	
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer	Director: Supply Chain Management	Director: IT
31(3)	Notify SITA together with a motivation of the IT needs of the municipality if- (a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT included); or (b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.	Accounting Officer	Director: Supply Chain Management	Director: IT
31(4)	Submit to the council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Director: Supply Chain Management	Director: IT
32(1)	To procure goods or services for the municipality under a contract secured by another organ of	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	state, but only if- (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and (d) that other organ of state and the provider have consented to such procurement in writing.			
35(1)	Procure consulting services up to the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.	Accounting Officer	Director: Supply Chain Management	Relevant Level 2
35(1)	Procure consulting services above the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting	Accounting Officer	Bid Adjudication Committee	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	services are taken into account when such procurements are made.			
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Director: Supply Chain Management	Relevant Level 2
36(1)(a)	Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only- (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it	Accounting Officer	Chief Financial Officer	Director: Supply Chain Management

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	is impractical or impossible to follow the official procurement processes.			
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Accounting Officer	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and report them to the next meeting of the council and include as a note to the annual financial statements	Accounting Officer	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
37(2)	Decide to consider an unsolicited bid but only if- (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole	Municipal Council	Accounting Officer	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.			
37(3)	Make public in accordance with section 21A of the Municipal Systems Act the decision to consider an unsolicited bid that complies with Regulation 37(2) together with- (a) reasons as to why the bid should not be open to other competitors; (b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.	Municipal Council	Accounting Officer	
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Municipal Council	Accounting Officer	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
37(5)	Consider the unsolicited bid.	Bid Adjudication Committee	Bid Adjudication Committee	Not to be sub -delegated
37(5)	Award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer or Adjudication committee	Bid Adjudication Committee for bids up to R10 million (VAT included) and Accounting Officer for bids above R10 million (VAT included) after consideration of recommendation of Bid Adjudication Committee	
37(7)	Take into account when considering an unsolicited bid- (i) any comments submitted by the public; and (ii) any written comments and	Bid Adjudication Committee	Bid Adjudication Committee	Not to be sub -delegated

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	recommendations of the National Treasury or the relevant provincial treasury.			
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Chief Financial Officer	
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	Director : Supply Chain Management
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified- (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Chief Financial Officer	Director: Internal Audit

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Director : Supply Chain Management	Manager: Procurement, tenders and contract management
38(1)(d)	Reject any bid from a bidder- (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Accounting Officer	To all relevant delegates	
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	To all relevant delegates	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
38(1)(f)	Cancel a contract awarded to a person if- (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Accounting Officer	Director : Supply Chain Management	Director: Legal Services
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors- (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system; (ii) has been convicted for fraud or corruption during the last five years; (iii) has wilfully neglected or reneged on or failed to comply with any government, municipal or other public sector	Accounting Officer	To all relevant delegates	

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	contract during the past five years; or (iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (no 12 of 2004).			
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e) or (f).	Accounting Officer	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person	Municipal Council	Director: Supply Chain Management	Manager: Procurement, tenders and contract management
45	Disclose on the notes to the annual financial statements of the municipality particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including - (a) the name of that person; (b) the capacity in which that person is in the service of the state; and	Municipal Council	Chief Financial Officer	Level 2: Treasury

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	(c) the amount of the award.			
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Director: Supply Chain management	Manager: Procurement, tenders and contract management
46(3)(b)	Ensure that declarations from the accounting officer in terms of Regulation 46(2)(d) and (e) are recorded in the register.	Mayor	Chief Financial Officer	Director: Supply Chain management
46(5)	Adopt the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management.	Municipal Council	Accounting Officer	
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Director: Supply Chain management	Manager: Procurement, tenders and contract management
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether	Accounting Officer	Director: Supply Chain	Manager: Procurement, tenders and contract

REG. Nr.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	SUB-DELEGATED
	directly or through a representative or intermediary, by any person who is - (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.		Management	management
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes and to deal with objections, complaints or queries as described more fully in Regulation 50(1).	Accounting Officer	Accounting Officer	
50(3)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer	Accounting Officer	

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	Manager: (Legislative Compliance and Investigations and Manager : (General Complaints and Office Management	Investigation Officers And Compliance Officers
			Interview any employee for the purpose of obtaining relevant information regarding the complaint and possibly for the giving of evidence. Determine the procedure at meetings and enquiries relevant to the investigation.	Manager: (Legislative Compliance and Investigations and Manager: (General Complaints and Office Management	Investigation Officers And Compliance Officers
			Exclude from any examination or meeting any person whose presence, in the circumstances, is not desirable.	Manager: (Legislative Compliance and Investigations and Manager: (General Complaints and Office	Investigation Officers And Compliance Officers

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.	Manager. (Legislative Compliance and Investigations and Manager. (General Complaints and Office Management	Investigation Officers And Compliance Officers
			Recommend corrective actions	Manager. (Legislative Compliance and Investigations and Manager. (General Complaints and Office Management	Investigation Officers And Compliance Officers
			Conduct a preliminary investigation for the purpose of determining the merits of the complaint. Develop and Compile a final report for submission to the complainant and the relevant authorities.	Manager. (Legislative Compliance and Investigations and Manager. (General Complaints and Office Management	Investigation Officers And Compliance Officers
			Provide an informal mediation and conciliation service to staff members.	Manager. (Legislative Compliance and	Investigation Officers And

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