Council's System of Delegations

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SCHEDULE OF AMENDMENTS TO SYSTEM OF DELEGATONS

THE ORIGINAL SYSTEM OF DELEGATIONS WAS ADOPTED BY COUNCIL ON 11 AUGUST 2016 DECEMBER 2016 SEE ITEM C12/08/16

SUBSEQUENT AMENDMENTS:

7 DECEMBER 2016	C20A/12/16
31 MAY 2017	C13/05/17 (CAME INTO EFFECT AS FROM 7 JULY 2017)

I N D E X

		Page
DEFINITIONS		5
INTRODUCTION		7
	---oOo---	
PART 1	Executive Mayor	12
PART 2	Executive Deputy Mayor	33
PART 3	Speaker	34
PART 4	Chief Whip	38
PART 5	Chairpersons of Portfolio and Cluster Committees	39
PART 6	Chairpersons of Sub-councils	41
PART 7	Section 79 “Portfolio” Committees: General Delegations	44
PART 8	Assets and Facilities Portfolio Committee	47
PART 9	Corporate Services Portfolio Committee	48
PART 10	Safety and Social Services Portfolio Committee	49
PART 11	Finance Portfolio Committee	51
PART 12	Utilities and Energy Services Portfolio Committee	52
PART 13	Transport and Urban Development Portfolio Committee	54
PART 14	Section 79 “Cluster” Committees: General Delegations	55
PART 15	Economy and Environment Cluster Committee	56
PART 16	Community Development Cluster Committee	57
PART 17	Sustainability and Resilience Cluster Committee	58
PART 18	Area Based Cluster Committees 1, 2, 3 and 4	60
PART 19	Rules Committee	62
PART 20	Municipal Public Accounts Committee	63

PART 21	Interim Planning Committee	64
PART 22	Disciplinary Committee	65
PART 23	General Appeals Committee	66
PART 24	Sub-councils	67
PART 25	Ward Committees	72
PART 26	Section 80 Committees	73
	SECTION A: Special Events Committee	
	SECTION B: Naming and Nomination Committee	
	SECTION C: Water Resilience Advisory Committee	
PART 27	City Manager	74
PART 28	Delegations applicable to all Executive Directors: General Delegations	92
PART 29	Executive Director: Directorate of the Mayor	98
PART 30	Executive Director: Corporate Services	104
PART 31	Executive Director: Energy	111
PART 32	Executive Director: Social Services	112
PART 33	Executive Director: Safety and Security	117
PART 34	Executive Director: Assets and Facilities Management	126
PART 35	Chief Financial Officer	138
PART 36	Commissioner: Transport and Urban Development Authority	142
PART 37	Executive Director: Area-Based Service Delivery	157
PART 38	Executive Director: Informal Settlements, Water and Waste Services	159
PART 39	Building Control Officer	163
PART 40	Supply Chain Management Bid Adjudication Committee	164
PART 41	Immovable Property Adjudication Committee	165

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DEFINITIONS

Unless the context otherwise indicates:

“Comment” in relation to the development and review of policies and by-laws, means giving input to the proposed policy or by-law and recommending same to the Executive Mayor.

“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.

“Delegating authority” shall have the meaning assigned thereto in the Systems Act No. 32 of 2000.

“**Designation”** in relation to decisions by the Executive Mayor means decisions relating to 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 No. 117 of 1998.

“Manager directly accountable to the City Manager” means managers appointed in terms of section 56 of the Municipal Systems Act No. 32 of 2000.

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

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

“Political 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 and such period shall commence at 17h00 and shall terminate at 08h00 on the dates determined.

“Executive Director” means official reporting level 1.

“Grant/approve” also means to “refuse”, “revoke”, “vary” and/or “amend”.

INTRODUCTION

Principles underpinning the compilation and revision of the System of Delegations:

The System of Delegations forms an essential part of our governance framework in the City. It stipulates rights conferred by Council from a range of sources including legislation, by-laws, regulations, oversight requirements, and operational requirements.

However, it is not the place of the System to replicate all of these instruments. Indeed, this System is to be read in conjunction with other instruments crucial to governance including relevant legislation, regulations, by-laws and policies, standard operating procedures, and terms of reference for committees. Where legislation and regulations require clarification in assigning multiple roles, such clarification is provided for in the System of Delegations.

This System of Delegations has been revised and updated to give expression to the City's efforts to modernise and reform itself organisationally, promote even better service delivery with an area focus, and overcome the spatial legacy of apartheid. These efforts are encapsulated in the Organisational Development and Transformation Plan (ODTP).

At its core, this System of Delegations, when read in conjunction with management and operational procedures, gives life to transversal management and the creation of a more efficient, effective, and responsive organisation.

Council 31 May 2017 C13/05/17

This System of Delegations has been compiled in accordance with the requirements of section 59 of the Systems Act, and is aimed at maximizing administrative and operational efficiency and provides for adequate checks and balances and ensuring a transversal approach by delegating appropriate powers, functions and duties to:

- the Executive Mayor and by designating certain of these powers, functions and duties in terms of the Structures Act
- the Executive Deputy Mayor
- the Speaker
- the Chief Whip
- the Portfolio and Cluster Committee Chairpersons
- the Sub-council Chairpersons
- the section 79 Committees
- Sub-councils
- Special Events Committee
- Naming and Nomination Committee
- Rules Committee
- Disciplinary Committee
- Municipal Public Accounts Committee
- General Appeals Committee
- Interim Planning Committee
- Ward Committees

and various officials in the administration. The political office bearers, political structures and officials are authorised to sub-delegate any of their delegated powers, duties and functions unless this provision is specifically excluded in this System of Delegations. Where a matter has been delegated to an individual Councillor, the matter cannot be sub-delegated to an official. A Sub-council's powers to sub-delegate any of its powers, duties and functions are limited to officials in terms of section 17 the Cape Town Sub-council By-law 2003.

The following are the checks and balances imposed by Council and the law upon this System of Delegations:

An official to whom a power, duty or function has been delegated or sub-delegated in this System of Delegations shall not unreasonably refuse to exercise such delegation and must motivate such refusal to the satisfaction of the delegator.

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 further sub-delegate such power, duty or function.

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

A political structure or a political office bearer to whom a power has been delegated may decline to exercise such power and must motivate such refusal to the satisfaction of the delegator, except for specific instances where Council directed in its delegations of power that in such circumstances the particular delegation be exercised by the Executive Mayor together with members of the Mayoral Committee.

A political structure, political office bearer or Councillor to whom the Council as the delegating authority has delegated a power, duty or function must report quarterly to the delegating authority, on decisions taken in terms of that delegated, power, duty or function.

NOTE: that in respect of an official, the Executive Mayor is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.

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 No. 3 of 2000 and the regulations promulgated in terms thereof.

In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or an official must comply with the provisions of Council's policies, By-laws and any law relating to the matter under consideration.

The exercise of any power, duty or function includes the right to do anything reasonably necessary for or incidental to the effective performance of such power, duty or function.

NOTE: Preambles and footnotes are also part of the delegations and should not just be considered as a guide to the interpretation thereof.

A power or duty may be conferred upon more than one person or political structure. In the case of irreconcilable provisions, the higher political structure or executive authority shall prevail.

Where in the opinion of the City Manager, an official exercises a delegation in a way that it is not in the best interests of the City, he/she may intervene and exercise the power in question and must report to the next meeting of Council thereon.

Council hereby expressly delegates to the City Manager the power to exercise all of the Executive Directors' powers in their absence.

- Executive Mayor

- Executive Deputy Mayor

- Speaker

- PART 1 -

EXECUTIVE MAYOR
DESIGNATED
STATUTORY POWERS, DUTIES AND RIGHTS

The Executive Mayor has extensive statutory powers and duties. The most important sources thereof are the Structures Act, Systems Act, and the Municipal Finance Management Act (MFMA).

Acting in terms of section 60(3) of the Structures Act, Council hereby designates the powers and functions ***"framed by a border":*** *in this document which must then be exercised and performed by the Executive Mayor together with the members of the Mayoral Committee.* ***(Note: Designated powers cannot be sub-delegated by the Executive Mayor.)*** *Notwithstanding this, the final decision is that of the Executive Mayor after duly considering the recommendations of the Mayoral Committee. The criteria used for identifying whether such powers need to be designated or not, are as follows:*

1. *The need to take urgent decisions;*
2. *The importance of the matter;*
3. *Whether checks and balances have already been incorporated in the System of Delegation which makes designation unnecessary;*
4. *Whether the nature of the power makes designation impossible; and*
5. *Transversal approach to be incorporated when decisions are made.*

A. The MFMA

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.

EXECUTIVE MAYOR

DELEGATED POWERS

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*Acting in terms of section 60(3) of the Structures Act, Council hereby designates the powers and functions **"framed by a border":** in this document which must then be exercised and performed by the Executive Mayor together with the members of the Mayoral Committee.* ***(Note: Designated powers cannot be sub-delegated by the Executive Mayor.)*** *Notwithstanding this, the final decision is that of the Executive Mayor after duly considering the recommendations of the Mayoral Committee. The criteria used for identifying whether such powers need to be designated or not, are as follows:*

1. *The need to take urgent decisions;*
2. *The importance of the matter;*
3. *Whether checks and balances have already been incorporated in the System of Delegation which makes designation unnecessary;*
4. *Whether the nature of the power makes designation impossible; and*
5. *Transversal approach to be incorporated when decisions are made.*

Furthermore, acting in terms of section 59 of the Systems Act Council hereby also delegates the following powers, functions and duties to the Executive Mayor including the power to sub delegate any of his or her delegated powers, functions and duties:

1. Civic and Ceremonial Duties

(1) To receive and interview representatives and delegations from international and national agencies, public interest groups etc.

(2) To represent the Council at meetings and functions other than those outside bodies to which Councillors have been nominated.

(3) To make media statements on all matters on behalf of the City.

(4) To perform the following ceremonial duties:

(a) Opening projects, civic functions and events, and new buildings;
(b) Hosting and welcoming dignitaries.

(5) To present a medal, memento, address or other commemorative token to-

a) any person who holds or has held office as a Councillor (excluding aldermanship);
b) any person who is or was an employee of the Council, for long or outstanding service with the Council;
d) public dignitaries, in commemoration of a public event of local or international importance, or
e) any person –
(i) for gaining distinction in a public examination
(ii) for performing an act of bravery within its municipal area; or
(iii) for a meritorious achievement within its municipal area.

(6) To enter into co-operative agreements**,** memoranda of understanding and protocol agreements with other cities, Foundations, international organisations and pledges on international matters of public interest, provided that these do not create any financial obligations.

2. Corporate Entities, Utilities, Agencies

(1) To appoint and nominate to, or remove or recall City representatives from the board of any corporate entity, utility or agency in terms of an

agreement or other legal instrument governing such appointment or nomination.

(2) To nominate to, or remove or recall Councillors from outside bodies.

(3) To appoint to, 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.

(4) To designate a Councillor or an official as municipal representative in terms of section 93D of the Systems Act and to instruct the municipal representative how to exercise the City's rights and responsibilities as a shareholder.

3. Legal

(1) To institute or defend legal proceedings, in any court, against other organs of state, where all reasonable steps in terms of the principles of co-operative government have failed.

(2) To institute or defend any court action in the High Court or court of equal stature, {excluding claims relating to recovery of debt owed to the Council}, in respect of matters referred to in paragraph (7)(a) to (d), in his or her sole discretion. In any other matter this delegation is to be exercised, after considering a recommendation from the City Manager.

(3) To institute or defend arbitration proceedings in matters where it otherwise would have been dealt with in the High Court or a court of equal stature, in in respect of matters referred to in paragraph (7)(a) to (d), in his or her sole discretion. In any other matter this delegation is to be exercised, after considering a recommendation from the City Manager.

(4) To institute, or defend, appeal and/or review proceedings, including arbitration rulings, in the High Court or a court of equal stature, Supreme Court of Appeal or the Constitutional Court, or any other forum, in respect of matters referred to in paragraph (7)(a) to (d), in his or her sole discretion. In any other matter this delegation is to be exercised, after considering a recommendation from the City Manager.

(5) To settle after considering a recommendation from the City Manager:

(a) any action instituted in any competent court excluding magistrates' court.
(b) arbitration referred to in (3) above;
(c) any other arbitration where the value of the settlement exceeds R500 000;
(d) any debt in a High Court in excess of R10 000 000.

(6) To settle those matters referred to in paragraph (7)(a) to (d), in his or her sole discretion.

(7) To obtain legal opinions including senior counsel's on any matter, including the following:

(a) The appointment, composition, powers and functions of political office bearers and political structures of Council;
(b) The appointment, discipline and conditions of service of the City Manager;
(c) The appointment, discipline and conditions of service of managers directly accountable to the City Manager; and
(d) Any matter affecting the constitutional powers of the municipality.

(8) To approve and submit comments on proposed legislation, regulations, policy frameworks, guidelines etc. including comments required in terms of any legislation.

(9) To provide legal representation, in terms of section 109A of the Systems Act, for the City Manager or manager(s) directly accountable to the City Manager, where:

(a) legal proceedings have been instituted against the official as a result of any act or omission by the official in the exercise of his or her powers or the performance of his or her duties, or

(b) an 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.

(10) To appoint lawyers, attorneys and counsel to provide professional assistance including that of senior counsel on any matter.

(11) To enter into implementation protocol agreements in accordance with section 35 of the Intergovernmental Relations Framework Act No. 13 of 2005.

(12) To authorise appeals in terms of any legislation where such legislation makes provision for appeals**,** except where otherwise indicated in this System of Delegation.

(13) To monitor the statistics of the municipal courts.

4. Human Resources

(1) To exercise the powers, duties and functions in terms of Chapter 3 section 13 of the Local Government: Regulations on Appointment and Conditions

of Employment of Senior Managers as published in GN 21 in GG37245 dated 17 January 2014

(2) To exercise the rights and obligations of Council in terms of the employment contracts of the City Manager and managers directly accountable to the City Manager, excluding disciplinary matters.

(3) To approve the remuneration packages of the City Manager and managers directly accountable to the City Manager as per notices issued in terms of the Local Government: Municipal Performance Regulations on the Appointment and Conditions of Employment and Conditions of Employment of Senior Managers (GN 21 of 17 January 2014) for Municipal Managers and Managers directly accountable to Municipal Managers, GG 37245 of 17 January 2014 read with section 60 of the Systems Act.

(4) 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.

(5) To authorise the City Manager to attend congresses, workshops, meetings, court and related legal engagements outside the boundaries of the municipality and abroad.

(6) To grant travel authority for non-officials attending to official City business abroad on behalf of the City.

(7) To report to Council on the evaluation of the performance of the City Manager and managers directly accountable to him/her in terms of their performance agreements.

(8) To recommend the payment of or to make recommendations to Council in regard to substandard performance after an evaluation of performance and approval of such evaluation by Council as per section 57 of the Systems Act.

(9) To grant the City Manager leave and sick leave.

(10) To appoint an Acting City Manager or Acting City Managers for a period not exceeding 60 days in any calendar year where after any further appointments for any person to act as City Manager shall be approved by Council.

(11) To appoint in vacant positions, after consultation with the City Manager, acting managers directly accountable to the City Manager for a period in excess of 60 days, provided that the total number of days for which any person may be so appointed per directorate by the City Manager and the Executive Mayor, shall not exceed 90 days in total in any calendar year, where-after any further appointments for any person to act as acting managers directly accountable to the City Manager shall be approved by Council.

(12) To approve after consultation with the City Manager and the Chief Financial Officer matters affecting the Cape Municipal Pension Fund or any other employees pension fund, where the actuary of the fund concerned has certified that the municipality will not be financially prejudiced, where the relevant pension fund requires Council approval.

(13) To approve the total staff establishment for the municipality subject to Council approved policies.

(14) To provide mandates for bargaining in respect of all labour issues and to

grant authority to conclude agreements between the City and the Trade Unions as well as to implement the provisions of collective agreements concluded in the SALGBC, including salary and wage collective negotiations.

5. Finance and Audit

(1) To consider audit reports from the Audit Committee and the Auditor General and to make recommendations to Council.

(2) To authorise audit investigations.

(3) To determine from time to time the maximum amount that the City Manager may authorise in respect of the transfer of operational and capital expenditure within a single budget vote.

(4) To authorise the transfer of operational and capital expenditure within a single budget vote over and above the maximum amount determined above from time to time.

(5) To write off individual bad debts exceeding R5 million on the recommendation of the Chief Financial Officer, provided that:

(a) an individual bad debt written off shall not exceed R10 million, and

(b) an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R10 million.

(6) To decide in terms of section 12(4) of the MFMA the circumstances in which money may be withdrawn by the Accounting Officer from a separate

bank account of the Municipality established for relief, charitable, trusts or other funds.

(7) To establish relief, charitable, trusts or other funds in the Municipality's name as provided for in terms of section 12(1) of the MFMA.

(8) To receive any grant, donation or gift and to agree to the conditions in terms of which said are made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.

(9) To approve the Annual Audit Plan, the Audit Committee's terms of reference and the Internal Audit Charter.

(10) To recommend to Council the appointment or removal of members of the Audit Committee, subject to due process being followed in accordance with the Audit Committee's Terms of Reference.

(11) To note reports tabled in terms of Section 116(2)(d) and 116(3) of the MFMA.

(12) To monitor reports tabled in terms of Regulation 36(2) of the Municipal Supply Chain Regulations for amounts of R200 000 and below.

5A The Financial Misconduct Procedures and Criminal Proceedings Regulations, 2014.

(1) To appoint the disciplinary board in terms of Regulation 4(1).

(2) To develop terms of reference for an investigation in terms of Regulation 6(1).

(3) To appoint an appropriate specialist expert or expert team in terms of Regulation 5(4)(c) if the seniority of the transgressor and the seriousness or sensitivity of the allegations warrants such a step.

(4) To receive reports of alleged financial misconduct against the accounting officer, a senior manager or the chief financial officer in terms of Regulation 3(1)(a).

(5) To receive tabled reports of alleged financial misconduct on behalf of council as required in terms of Regulation 3(2).

(6) To refer any report received in terms of Regulation 3(1) to the disciplinary board for a preliminary investigation.

(7) To receive reports of any concluded investigation in terms of Regulation 6(4).

6. Purchase, Lease and Expropriation of Immovable Property

(1) To authorise the purchase of immovable property or rights in or to immovable property for cash or any other consideration, after considering a report from the relevant directorate/s.

(2) To lease or rent immovable property from private or public bodies or any person where the value of the lease exceeds R200 000 per annum after considering a report from the relevant directorate.

(3) To expropriate immovable property or rights in or to immovable property.

7. Integrated Development Planning (IDP)

(1) To consult affected organs of state and to advise Council on the method of aligning the municipality's planning, development plans and strategies with such affected organs of state.

(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.

(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.

(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 of Municipality

(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 the administration, as required in terms of section 38 of the Systems Act.

(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.

(3) To exercise all of the powers relating to Core Components as provided for in section 41 of the Systems Act.

(4) 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.

(5) 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 Municipal Finance Management Act, within nine (9) months after the end of a financial year.

9. Performance Management of the City Manager and Managers Directly Accountable to Him or Her

(1) To constitute evaluation panels for the purpose of evaluation of the annual performance of the City Manager and managers directly accountable to him or her in terms of regulation 27 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to municipal managers, 2006 (GN 805 of 1 August 2006).

10. General

(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 and to determine strategies that will inform such consultations.

(2) To determine appropriate actions to be taken arising from consultations referred to (1) above.

(3) To authorise Councillors to attend or undertake congresses, workshops, meetings and study tours which are relevant to Council, within or outside South Africa.

(4) To attend or undertake congresses, workshops, meetings and study tours which are relevant to Council, within or outside South Africa.

(5) To exercise during recess any power of the Council and/or its political structures, as well as designated powers, after consultation with the City Manager, with the exception of:

a) the exercise of all powers reserved for Council in terms of law and as reserved by Council for exercising of such powers by Council itself;
b) the review and amendment/rescindment of any Council resolution.

(6) To establish and determine the terms of reference of any sub-committees of the Mayor.

(7) To recover unauthorised, irregular, fruitless or wasteful expenditure from political office bearers, the City Manager and managers directly accountable to the City Manager and any former Councillor(s) or former City Managers and former managers directly accountable to the City Manager or former City Manager subject to recommendations from MPAC to Council and the approval of such recommendations by Council.

(8) 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) To authorise an assessment in terms of section 78(1) of the Systems Act when the municipality has to decide on a mechanism for the provision of services.

(10) To appoint members of the Civilian Oversight Committee, in terms of the South African Police Services Act No. 68 of 1995 section 64J.

(11) To appoint statutory committees where this authority has not been reserved for Council.

(12) To authorise the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the City, any municipal entity as defined in the Systems Act and which is owned-controlled and/or effectively managed by the City and any Councillor or official of the City.

(13) To authorise the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

(14) To declare a local state of disaster in terms of section 55 of the Disaster Management Act No. 57 of 2002.

(15) To facilitate the establishment and operation of neighbourhood watches.

(16) To co-operate in mutual trust and good faith with all spheres of government as envisaged by section 41 of the Constitution and to enter into cooperative agreements and implementation of protocols.

(17) To authorise, after considering a recommendation from the City Manager, the payment of accommodation and travel expenses of expert or specialist contributors invited to participate in municipal workshops, meetings or similar organised by the City.

(18) To declare a major incident, on the recommendation from the Head: Disaster Risk Management, which enables the Executive Director: Safety and Security to mobilise, organise and provide relief measures to deal with a major incident/s.

11. Policy

(1) To determine appropriate policies that should be developed, to take steps for the development thereof and to recommend such policies to Council.

(2) To determine policy direction for the City Manager as the head of the administration in terms of section 55 of the Systems Act.

(3) To determine a policy framework in terms of section 66 of the Systems Act, in respect of the staff establishment, job description, remuneration and other conditions of service and evaluation of the staff establishment of the municipality.

12. Planning and Environment

Environmental, Heritage and Outdoor Advertising

Outdoor Advertising and Signage By-Law, No. 10518 2001

(1) To approve or amend a list or map of designated areas, prohibited areas and Areas of Control.

(2) To grant or refuse any application for outdoor advertising signs made in terms of this By-law and impose conditions on an approval.

Local Government: Municipal Systems Act, No 32 of 2000

(3) To recommend to Council that an amendment of the Cape Town Spatial Development Framework, be approved or refused in terms of section 34(b).

Cape Town Municipal Planning By-Law, 2015

(4) To approve a process, inclusive of public participation, for drafting the municipal spatial development framework which complies with the Municipal Systems Act and any other applicable law, in terms of section 4(1).

(5) To recommend to Council the adoption or amendment of the municipal spatial development framework, in terms of section 6.

(6) To, if the City intends developing a district spatial development framework or a local spatial development framework, approve –

(a) a specified geographic area; and

(b) the commencement of the drafting of a district spatial development framework or a local spatial development framework as the case may be,

in terms of section 13(1).

(7) To recommend to Council the adoption of a draft district spatial development framework, draft local spatial development framework or amendment thereof, in terms of section 14.

(8) To recommend to Council the adoption of a new overlay zoning or amendment or removal of an existing overlay zoning, in terms of section 24(3).

(9) To recommend to Council, in respect of each overlay zoning, except a subdivisional area overlay zoning, the approval of the publication in the Provincial Gazette of-

(a) the specified area or land units which have the overlay zoning;

(b) a reference to a map available on the City's website that depicts which specified area or land units have the overlay zoning; or

(c) a statement that no specified area or land unit has the overlay zoning,

in terms of section 24(4).

(10) To recommend to Council the designation of a specified area or land unit to have an overlay zoning, or to no longer have an overlay zoning, in terms of section 24(5).

(11) To request authorisation from the Provincial Minister in terms of section 60(2) of the Western Cape Land Use Planning Act, No 3 of 2014 to deviate from the provisions of that Act, in terms of section 68(6).

(12) To, after considering any timeous comments, declare land to be an emergency housing site and suspend the zoning applicable to the land for a period of up to 90 days to allow the land to be used for emergency housing, in terms of section 68(7).

(13) To extend the declaration of land to be an emergency housing site for a further period of up to 90 days, in terms of section 68(9).

(14) To declare an application for the establishment of housing to be an urgent housing application, in terms of section 69(1).

(15) To exempt an applicant from a procedural requirement or shorten a time period provided for in the By-Law, provided that the procedure must still comply with the provisions of applicable legislation dealing with advertising, in terms of section 69(3).

(16) To obtain authorisation from the Provincial Minister in terms of section 60(1) of the Western Cape Land Use Planning Act, No 3 of 2014 to deviate from the provisions of that Act in the processing of an urgent housing application, in terms of section 69(4), if necessary when an exemption is granted in terms of section 69(3).

(17) To, subject to section 60 of the Western Cape Land Use Planning Act, No 3 of 2014, exempt in writing an application from compliance with the provisions of the By-Law to reduce the financial burden of –

(a) the provision of housing with the assistance of a state subsidy; or
(b) the incremental upgrading of an existing settlement,

in terms of section 140.

(18) To appoint officials to an evaluation panel for the purposes of section 115(6).

13. Events

(1) To refuse or approve events within available budget except for events that have already occurred and for which ratification is sought. subject to the following conditions:

(a) the SCM processes being adhered to where applicable;

(b) the Executive Mayor may not consider supporting events that have already occurred and for which ratification is sought (where financial prudency dictates that alternative administrative processes be applied under such circumstances);

(c) the Executive Mayor may not consider any major event unless such event is supported by a detailed events plan and futher that such event appears on the Events Department annual business plan;

(d) the approval for the support of an event/s must not negate or substitute the statutory procurement requirements contained in law and the administration is therefore obliged to submit applications for support of an event/s in good time to the Executive Mayor to ensure that procurement procedures are adhered to;

(e) the procurement process required after approval for the staging of an event may not be initiated without the prior written approval of the Executive Mayor; and

(f) the relevant Sub-council(s) being informed once an event has been approved. Note: Terms of Reference for the Events Committee, which include conditions (a) to (f), are to be developed for approval by Council and thereafter added as an addendum to the System of Delegations.

(2) To waive the rental of facilities where approved events are to be held.

- PART 2 -

EXECUTIVE DEPUTY MAYOR

Acting in terms of section 59 of the Systems Act Council hereby delegates the following powers, functions and duties to the Executive Deputy Mayor including the power to sub-delegate any of his or her delegated powers, functions and duties:

1. General

None.

- PART 3 -

SPEAKER

Acting in terms of section 59 of the Systems Act Council hereby delegates the following powers, functions and duties to the Speaker including the power to sub delegate any of his or her delegated powers, functions and duties:

1. Legal

(1) To a legal opinion, including opinion from Senior Counsel, on any matter related to his or her powers, duties and functions in respect of the following, excluding litigation:

(a) Disciplinary investigation in terms of the Codes of Conduct;
(b) Rules of meetings of political structures and meeting procedures;
(c) Planning and General Appeals Committee;
(d) Political office bearers and political structures of Council.

(2) To provide legal representation, in terms of section 109A of the Systems Act, for the Executive Mayor, excluding litigation, where-

(a) legal proceedings have been instituted against the Executive Mayor as a result of any act or omission by the Executive Mayor in the exercise of his or her powers or the performance of his or her duties; or
(b) The Executive Mayor 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.

(3) To approve legal representation, in terms of section 109A of the Systems Act, for Councillors, where:

(a) legal proceedings have been instituted against the Councillor as a result of any act or omission by the Councillor in the exercise of his or her powers or the performance of his or her duties, or

(b) a Councillor 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) To appoint lawyers, attorneys and counsel to provide professional assistance including that of senior counsel on any matter pertaining to the statutory and delegated functions of the Office of the Speaker.

2. Political Oversight

(1) To have political oversight over committees of Council.

(2) To oversee the use of the Council Chamber in terms of Council policy.

3. Finance

(1) To appoint specialist and/or professional advisors to assist the Speaker with the discharging of his statutory duties or duties required by the Council in accordance with his delegations of power, subject to the availability of budget.

4. General

(1) Subject to relevant legislation, to permit a Councillor or an official to disclose any privileged or confidential information of the Council or a

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 –

(a) determined by the municipal Council or a committee to be privileged or confidential;
(b) discussed in closed session by the Council or committee;
(c) disclosure of which would violate a person's right to privacy; or
(d) declared to be privileged, confidential or secret in terms of law.

(2) To be responsible for and have the authority to enforce the Procedural Code for the Declaration of Financial Interests by Councillors as adopted by Council in terms of the Code of Conduct.

(3) To appoint an initiator to present a case against a Councillor for contravention of the Code of Conduct for Councillors at a disciplinary hearing and to undertake any investigation in connection therewith.

(4) To ensure that when an annual report is considered by Council the meeting is open to the public and any organs of state and that

(a) sufficient time is provided for the discussion of any written submissions received from a local community or organ of state;
(b) provision is made for any member of a community or organ of state to address Council;
(c) the Auditor General or his/her representatives are invited and permitted to address Council.

(5) To authorise forensic investigations into financial irregularities where Councillors may be implicated, upon receipt of at least one written complaint to that effect.

(6) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor where such act impacts on the interests of the municipality.

(7) To ensure that the municipal manager and managers directly accountable to the municipal manager declare their interests as required in terms of item 5A of the *Code of Conduct for Municipal Staff Members*

(8) To disclose in terms of Council policy the financial interests referred to in item 5A(1) of the *Code of Conduct for Municipal Staff Members* that may be made public.

(9) To attend congresses, workshops and meetings which relate to the Speaker's statutory and delegated powers, within the Republic of South Africa and subject to an approved budget to incur expenditure in this regard, and to report to Council.

(10) To determine where and when Council meets.

5. Financial Misconduct Regulations

(1) To investigate allegations of financial offence against Councillors in terms of Regulation 9(2).

(2) To investigate allegations of financial offences referred in section 174(4) and (5) of the MFMA after receiving a report referred to in Regulation 11(1) from the designated officer.

- PART 4 -

CHIEF WHIP

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, duties and functions to the Chief Whip including the power to sub delegate any of his or her delegated powers, functions and duties:

1. General

(1) To grant leave of absence to Councillors from meetings of Council and its committees and Sub-council meetings in accordance with the applicable Rules of Order.

(2) To monitor the attendance of councillors at meetings of Council and its committees.

(3) To establish a Chief Whips Forum 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 to determine the items for debate and submit the list of scheduled speakers to the Speaker, the Executive Mayor and all party whips.

(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.

(5) To approve, in consultation with the relevant chairperson of a committee, any change of a meeting time and dates of meetings and ensures that the calendar of meetings is appropriately amended, after consultation with the Speaker.

(6) To recommend to Council the appointment of Councillors to serve on its committees in consultation with party whips.

(7) To approve the use of office and meeting space by Councillors and political parties.

2. Councillor Training

(1) To determine and oversee the development needs of Councillors based on their individual performance assessments and after consultation with the relevant party whip.

(2) To determine and facilitate a programme of training for the development needs of Councillors.

- PART 5 -

CHAIRPERSONS OF PORTFOLIO AND CLUSTER COMMITTEE

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1. General

None.

- PART 6 -

CHAIRPERSONS OF SUB-COUNCILS

1. General

None.

TERMS OF REFERENCE

AND

DELEGATIONS

TO POLITICAL STRUCTURES OF COUNCIL

- *Committees established in terms of section 79 of the Structures Act 117 of 1998:*

  Portfolio Committees

  Corporate Services

  Finance

  Assets and Facilities

  Safety and Social Services

  Transport and Urban Development

  Utilities and Energy Services

  Cluster Committees

  Sustainability and Resilience

  Area Based Cluster 1, 2, 3, 4

  Economy and Environment

  Community Development

- *Other committees established in terms of section 79 of the Structures Act 117 of 1998:*

  Rules

  Municipal Public Accounts (MPAC)

  Interim Planning Committee – see Appendix F

- *Committee established in terms of section 62 of the Systems Act 32 of 2000:*

  General Appeals Committee

- *Committee established in terms of schedule 1 "Code of Conduct for Councillors" of the Systems Act 32 of 2000:*

  Disciplinary

NOTE: The Terms of Reference for these Committees promote an understanding of what the committees aims to achieve (scope and deliverables), the area of responsibility (roles and responsibilities) and how they will be achieved (deliverables/outputs). Please refer to Table of Contents, Appendix D Terms of Reference for each.

- PART 7 -

SECTION 79 "PORTFOLIO" COMMITTEES

GENERAL DELEGATIONS

These Committees have an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

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

- Corporate Services
- Finance
- Assets and Facilities
- Safety and Social Services
- Transport and Urban Development
- Utilities and Energy Services

1. General

(1) To consider and adopt the Chairperson's annual oversight workplan.

(2) To comment on draft by-laws and recommend same to the Executive Mayor.

(3) To comment on draft policy and recommend the same to the Executive Mayor.

(4) To consider the draft business plans and SDBIPs and recommend to the Executive Mayor.

(5) To make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for consideration by Council.

(6) To make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor.

(7) To monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor.

(8) To evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor.

(9) To assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor.

(10) To assist the Executive Mayor to identify the needs of the Municipality as far as it relates to the functional area of the committee and to recommend same to the Executive Mayor, in terms of section 56 (2)(a) of the Structures Act.

(11) To review and evaluate the needs of the municipality in order of priority, in terms of section 56 (2)(a) of the Structures Act and recommend same to the Executive Mayor.

(12) To require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area.

(13) To conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions.

(14) To consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee.

(15) To collaborate with the Public Participation unit in order to enhance the public participation process.

- PART 8 -

ASSETS AND FACILITIES PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following:

- Facilities management
- Property management
- Fleet management
- Home ownership transfer, Tenancy Management and Staff Housing
- Cape Town Stadium and Sea Point precincts

---oOo---

1. Specific Delegations

None.

- PART 9 -

CORPORATE SERVICES PORTFOLIO COMMITTEE

The committee exercises political oversight in respect of the following:

- Human Resources
- Legal Services
- Information Systems and Technology
- Executive and Council support
- Information and Knowledge Management

---oOo--

1. Specific Delegations

None.

- PART 10 -

SAFETY AND SOCIAL SERVICES
PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following:

SAFETY AND SECURITY:

- Metropolitan Police Services
- Law Enforcement
- Traffic and Coordination
- Disaster Risk Management
- Public Emergency Communication Centre (107)
- Fire and Rescue Services
- Events

SOCIAL SERVICES:

- City Health
- Library and Information Services
- Recreation and Parks
- Social Development and Early Childhood Development
- Planning, Development and Project Management Office

---oOo---

1. Safety

(1) To consider recommendations from the Civilian Oversight Committee and make a recommendation thereon to the Executive Mayor.

2. Recreation and Parks

(1) To monitor the implementation of the provisions of the Cemeteries, Crematoria and Funeral Undertakers By-Law 2011.

(2) To assist the Executive Mayor to initiate specific programmes and projects associated within the committee's functional area, and report thereon to the Executive Mayor

3. Social Development and Early Childhood Development

(1) The Committee must monitor the implementation Protocol concluded by and between the Provincial Government of the Western Cape via its Department of Social Development and the City of Cape Town for the implementation of projects and initiatives in support of the Department's social development programmes and report thereon to the Executive Mayor.

(2) To assist the Executive Mayor to initiate specific programmes and projects associated within the committee's functional area, and report thereon to the Executive Mayor.

- PART 11 -

FINANCE PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following:

- Supply Chain Management
- Expenditure
- Budgets
- Valuations
- Revenue
- Treasury
- Grant Funding

---oOo---

1. Specific Delegations

None.

- PART 12 -

UTILITIES AND ENERGY SERVICES PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following:

UTILITIES:

- Informal Settlements and Backyarders
- Water and Sanitation
- Solid Waste Management

ENERGY:

- Electricity Generation and Distribution
- Sustainable Energy Markets

---oOo---

1. Specific Delegations

(1) To monitor the regular updating of the City of Cape Town's energy and carbon emissions profile through Energy Futures studies.

(2) To monitor and recommend to the Executive Mayor on the implementation and regular reviews of the Energy and Climate Change Action Plan, including ensuring that:

(a) projects associated with this plan are included in the draft business plans and SDBIPs of relevant line departments;

(b) the plan contributes to resource efficiency, reduces the City's carbon footprint and builds the City's resilience to climate change;

(c) the plan maximises job creation and economic benefits to the City; and

(d) the plan is in line with national and provincial legal and regulatory requirements.

(3) To advise and recommend to the Executive Mayor on the development of an economic case for resource efficiency in the City of Cape Town, including a sustainable financial model for the City which is not dependent on electricity and water sales.

- PART 13 -

TRANSPORT AND URBAN DEVELOPMENT PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following:

- Authority
- Contracting Authority
- Municipal Regulatory Entity
- TDA Business Management
- Investment Management
- Enforcement
- Liaison, Communication and Stakeholder Management
- Infrastructure Management
- Network Operations Management
- Urban Planning
- Human Settlements
- Urban Sustainability

---oOo---

1. Specific Delegations

None.

- PART 14 -

SECTION 79 "CLUSTER" COMMITTEES

GENERAL DELEGATIONS

The committees exercise oversight where there are transversal implications especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The general delegations set out below are in respect of the following Section 79 Cluster Committees:

- Economy and Environment Cluster Committee
- Community Development Cluster Committee
- Sustainability and Resilience Cluster Committee
- Area Based Cluster Committees 1, 2, 3 and 4

1. General

(1) To assist the Executive Mayor to initiate specific programmes and projects associated within the committee's functional area, and report thereon to the Executive Mayor.

- PART 15 -

ECONOMY AND ENVIRONMENT CLUSTER COMMITTEE

The committee exercises oversight in respect of the following where there are transversal implications:

- The activities of transversal work groups which are formed in the administration and which align with the thematic area of the Committee.

---oOo---

1. Specific Delegations

(1) Consider and adopt the Chairperson's annual activity work plan.

(2) Comment on draft by-laws and recommend same to the Executive Mayor.

(3) Identify the economic needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward.

(4) Consult and invite reports from public bodies/persons and request them to address the committee in the analysis of economic issues affecting the City.

(5) Comment on draft policy and recommend the same to the Executive Mayor.

(6) To collaborate with the Public Participation unit in order to enhance the public participation process.

- PART 16 -

COMMUNITY DEVELOPMENT CLUSTER COMMITTEE

The committee exercises oversight in respect of the following where there are transversal implications:

- The activities of transversal work groups which are formed in the administration and which align with the thematic area of the Committee.

---oOo—

1. Specific Functions

(1) Consider and adopt the Chairperson's annual activity work plan.

(2) Comment on draft by-laws and recommend same to the Executive Mayor.

(3) Identify the social needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward.

(4) Consult and invite reports from public bodies/persons and request them to address the committee in the analysis of social issues affecting the City.

(5) Comment on draft policy and recommend the same to the Executive Mayor.

(6) To collaborate with the Public Participation unit in order to enhance the public participation process.

- PART 17 -

SUSTAINABILITY AND RESILIENCE CLUSTER COMMITTEE

The committee exercises oversight in respect of the following where there are transversal implications:

- City's Resilient Strategy

and the Committee exercises oversight over the

- Directorate of the Mayor:
    - Organisational policy and planning
    - Organisational performance management
    - Communications
    - Enterprise and investment
    - Organisational effectiveness and innovation
    - Probity (Ombudsman, Forensics, Ethics and Integrity, Risk and Audit)
    - Private Offices of the: Executive Mayor, Deputy Mayor, Chief Whip and Speaker
    - Chief Resilience Officer

---oOo---

1. Specific Delegations

(1) Consider and adopt the Chairperson's annual activity work plan.

(2) Comment on draft by-laws and recommend same to the Executive Mayor.

(3) Identify the needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward.

(4) Consult and invite reports from public bodies/persons and request them to address the committee in the analysis of social issues affecting the City.

(5) Comment on draft policy and recommend the same to the Executive Mayor.

(6) To collaborate with the Public Participation unit in order to enhance the public participation process.

2. Directorate of the Mayor

(1) To consider the draft business plans and SDBIPs and recommend to the Executive Mayor.

(2) To monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to the directorate's functional area, and report thereon to the Executive Mayor.

(3) To evaluate the impact and performance of service delivery generally within the functional area of the directorate (outcomes monitoring), and report to the Executive Mayor.

- PART 18 -

AREA BASED CLUSTER COMMITTEES 1, 2, 3 and 4

The committee exercises oversight in respect of the following where there are transversal implications:

- Area Management and Sub Councils
- Customer Relations
- Public Management Office Programme Management
- Area Management
- Public Participation
- Informal Trading
- Local Tourism Development
- Mayoral Urban Renewal Programmes

---oOo---

1. Specific Delegations

(1) Consider and adopt the Chairperson's annual activity work plan.

(2) Comment on draft by-laws and recommend same to the Executive Mayor.

(3) Identify the area based needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward.

(4) Consult and invite reports from public bodies/persons and request them to address the committee in the analysis of Area based issues affecting the City.

(5) Comment on draft policy and recommend the same to the Executive Mayor.

(6) To collaborate with the Public Participation unit in order to enhance the public participation process.

- PART 19 -

RULES COMMITTEE

1. Rules of Order

(1) To develop Rules of Order and amendments thereto, and recommend the same to Council.

- PART 20 -

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

1. General

(1) Consider and evaluate the annual report, and the annual report of any municipal entity under the City's sole or shared control, and to make recommendations to Council when it adopts the oversight report on the annual report in terms of section 129 of the Municipal Finance Management Act.

(2) To investigate unauthorized, irregular or fruitless and wasteful expenditure in terms of section 32 and 102 of the MFMA, as instructed by Council, and as guided by the National Treasury Circular 68: Unauthorised, Irregular and Fruitless and Wasteful Expenditure and advise Council in respect of such unauthorised, irregular or fruitless and wasteful expenditure in terms of section 32(2) of the MFMA.

- PART 21 -

INTERIM PLANNING COMMITTEE

NOTE:

Please refer to the Table of Contents, Appendix F for the delegations of this committee. The delegations derived from LUPO will remain in effect until the last planning application has been finalised, where after the delegations will no longer be applicable and will be removed from the System of Delegations.

- PART 22 -

DISCIPLINARY COMMITTEE

1. General

(1) To hear submissions, arguments and evidence and make a finding on any alleged breach of the Code of Conduct for Councillors and to make appropriate recommendations as set out in section 14(1)(b) of the Code of Conduct for Councillors set out in schedule 1 of the Systems Act 32 of 2000.

(2) To co-opt advisory members who are not members of Council provided that such members may not vote on any matter.

(3) The Chairperson to make any representation on behalf of the Committee, pertaining to an appeal by a Councillor to the MEC for local government in writing in terms of section 14(3)(c) of the Code of Conduct for Councillors.

- PART 23 -

GENERAL APPEALS COMMITTEE

1. Specific Delegations

(1) To 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.

- PART 24 -

SUB-COUNCILS

Acting in terms of section 59 of the Systems Act Council hereby delegates the following powers, functions and duties to Sub-council including the power to sub delegate any of their delegated powers, functions and duties to members of the municipal staff only in terms of section 17 the Cape Town Sub-council By-law 2003:

1. General

(1) To assess the performance of service delivery generally within their area of jurisdiction (outcomes monitoring).

(2) To recommend to the Executive Mayor the needs of the Municipality as far as it relates to the functional area of the Sub-council, in terms of section 56 (2)(a) of the Structures Act.

(3) To review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(a) of the Structures Act and recommend same to the Executive Mayor.

(4) To require:

(a) Councillors if so directed by the Speaker;
(b) Executive Directors if so directed by the City Manager, and/or
(c) official(s) designated by the relevant Executive Director

to appear at a time designated by the Sub-Council Chairperson, before the

Sub-council to assist the Sub-council in the performance of its functions.

(5) To request reports from the Area Based Directors on activities planned to be executed within the Sub-council area.

2. IDP, Budget and Business Planning

(1) To monitor the implementation of Council's budget, service delivery business implementation plans, strategic objectives, policies and programmes within the sub-council jurisdictional area.

(2) To comment and make recommendations to the Executive Mayor in regard to the IDP and budget and thereafter annually in respect of the review of the approved IDP.

(3) To make representation to the relevant line departments for the inclusion of the capital and operating budgetary requirements.

3. Business Licensing

(1) To grant licences for health facilities or entertainment as provided for in terms of item 2 of schedule 1 to the Businesses Act 1991, and to exercise all powers conferred on the Municipality in terms of section 2(4) to 2(10) of the aforesaid Act.

(2) To comment on and make recommendations regarding the demarcation and amendments thereto, of prohibited and restricted trading areas proclaimed in terms of the Businesses Act 1991.

(3) To comment on applications in terms of the Western Cape Gambling and

Racing Act 1996 (Act 4 of 1996)

4. Liquor Licences

(1) To comment on applications for liquor licences in terms of the Western Cape Liquor Act, 2008, (Act 4 of 2008).

(2) Approve, refuse or amend applications for extension of trading days and hours on premises where liquor licences have been granted in terms of section 6(2) of the By-law: Control of Undertakings that Sell Liquor to the public, 2013.

(3) To exercise the powers conferred on the City in terms of Section 6(3) of the By-law: Control of Undertakings that Sell Liquor to the public, 2013.

5. Public Participation

(1) To comment on by-laws and policies of Council within the timeframes advertised.

6. Policies, By-laws and Regulations

(1) Monitoring the implementation of Council's policies and by-laws in the Sub-council's area of jurisdiction.

7. Public Facilities (i.e. Amenities, Sport Facilities, Parks and Recreation, Beaches and Amusement Facilities, Public Jetties, Piers and Harbours)

(1) To oversee the maintenance and management of all public facilities within the Sub-council area and request the responsible Area Director to report on remedial action to be taken.

(2) To grant permission for the use of public open spaces, public squares and similar places within the Sub-council's area of jurisdiction.

(3) To designate, in terms of Section 13 of the City of Cape Town: Animal By-law, 2010, public places or portion of public places with appropriate signage as free-running; off-limits or public places where a dog must be on a leash, including the power to vary such designation according to the time of day or the season during which it will apply.

(4) To designate, in terms of Section 9(7) of the City of Cape Town: Graffiti By-law, 2010, certain Council-owned spaces to be used for murals, or any inscription, word, figure, letter, sign, symbol, sketch, picture, drawing, or design after consultation with the relevant communities**,** ward fora and Sub-councils.

8. Outdoor Advertising

Outdoor Advertising and Signage By-Law, 2017
(Note: Delegations hereunder only become effective once this bylaw has been promulgated.)

(1) To oversee the regulation of posters, placards, signs, bill-boards etc.

9. Transport

(1) To decide within its area of jurisdiction where traffic calming measures are to be applied subject to the relevant legislation and policy after considering a report from the Transport and Urban Development Authority.

(2) To consider the temporary closure of any road where objections have been received to such closure.

(3) To approve special events in or on local roads, subject to relevant legislation and policy.

(4) To approve or refuse any application for the placement of security huts on City-owned land, provided that all technical requirements have been met to the satisfaction of the Commissioner: Transport and Urban Development Authority.

10. Letting of Property

(1) To comment to the competent authority on the granting of rights to use, manage or control City immovable assets such as land, property and buildings.

(2) To recommend to the Chief Financial Officer, the approval or refusal of any applications from non-governmental organisations or registered neighbourhood watches to waive the payment of a site rental fee received from any such organization.

11. Ad-hoc Task-teams and Working Groups

(1) To establish and determine the terms of reference of ad-hoc task-teams, and working groups and to appoint the members and chairpersons thereof.

- PART 25 -

WARD COMMITTEES

Note: functions and powers of Ward Committees are contained in section 74 of the Structures Act and Rules for Operation of Ward Committees.

1. General

None

- PART 26 -

SECTION 80 COMMITTEES: GENERAL DELEGATIONS

SECTION A: SPECIAL EVENTS COMMITTEE

1. General

None.

SECTION B: NAMING AND NOMINATION COMMITTEE

1. General

None.

SECTION C: WATER RESILIENCE ADVISORY COMMITTEE

1. General

None.

- PART 27 –

CITY MANAGER

A: STATUTORY POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER

Acting in terms of section 59(4) of the Systems Act, Council hereby authorises the City Manager to delegate and sub-delegate any of his/her statutory powers, functions and duties to staff members unless the context indicate otherwise.

NOTE: Please refer to Table of Contents, section () for the City Manager's Statutory Powers.

B: POWERS, DUTIES AND FUNCTIONS DELEGATED BY COUNCIL TO THE CITY MANAGER

Acting in terms of section 59(1) of the Systems Act, Council hereby delegates to the City Manager the following powers, duties and functions including the power to sub-delegate any of these powers, duties and functions to staff members unless the context indicate otherwise.

1. Staff Reporting Lines and Designation of Scarce Positions

(1) To approve or delegate the approval of reporting lines of positions below that of Executive Director.

(2) To determine guidelines to inform the identification of jobs to be designated as scarce skills.

2. Staff Recruitment

(1) To appoint recruitment agents for advertising, sourcing and assessment of candidates where considered necessary.

(2) To authorise the advertising and filling of vacancies for staff.

(3) To approve the costs related to interviews of job applicants.

3. Resignations, Retractions and Retirement

(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.

(2) To accept the retraction of resignations.

(3) To authorise retirement on the grounds of ill health.

(4) To authorise the extension of retirement age subject to the relevant pension fund rules.

(5) To enter into a contract of employment with an applicant who is over the City's retirement age of 60, up to a maximum of 65 years of age.

4. Leave and Time Off

(1) To approve leave including the following:

(a) vacation;
(b) maternity;
(c) paternity;
(d) family responsibility;
(e) sick leave including additional sick leave where an employee has exhausted all sick leave;
(f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city;
(g) study leave and extended study leave, including leave in respect of municipal minimum competency training;
(h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned;
(i) compassionate leave.
(j) special leave for study purposes.

(2) To approve the encashment of leave.

(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.

(4) To approve requests for additional time off beyond that provided for in the Organisational Rights Agreement.

(5) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.

5. Overtime

(1) To approve the payment of overtime and/or time off in lieu of overtime.

(2) To determine the class of employee not entitled to overtime pay.

6. Standby Duties

(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.

7. Training and Study

(1) To authorise the training of members of staff within or outside the borders of South Africa.

8. Re-imbursements

(1) To authorise re-imbursement for occasional use of an employee's own car on official business.

9. Performance Evaluations

(1) To approve performance evaluations.

(2) To undertake the probation assessment of employees including employees appointed in terms of section 56 of the Systems Act and report thereon to Council.

10. Disciplinary Action

(1) To authorise investigations into allegations of misconduct.

(2) To authorise the institution of disciplinary procedures.

(3) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction.

(4) To authorise the suspension of an employee pending the finalisation of disciplinary action.

(5) To monitor the application of disciplinary procedures within directorates, which authority may not be sub-delegated lower than Executive Director level.

11. Disputes, Grievances and Labour Issues

(1) To authorise investigations into disputes and grievances.

(2) To settle labour relations disputes after following the prescribed processes, involving cases such as, but not limited to misconduct, incapacity, poor performance, ill health, injury, or an outcome of the grievance lodged by an employee.

(3) To give a mandate in respect of hearings, arbitrations and mediation of the CCMA, and to agree on settlement conditions in respect of corporate wide issues.

(4) To execute mandates from the Council in respect of Council wide labour issues.

(5) To coordinate and manage Council's responses to strike action.

12 Forensic and Ethics Investigations

(1) To authorise forensic and ethics investigations in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the City Of Cape Town.

(a) To issue appropriate executive instructions to any City employee, agent, contractor, supplier and/or service provider in respect of any Forensic and Ethics Department's activity.

13. Employee Debt

(1) To approve the terms and conditions for the repayment of debt owed to Council.

14. Allowances and Special Privileges Granted for the Performance of Duties

(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member.

(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.

(3) To approve participation in motor vehicle essential user schemes.

15. Long Service Bonuses and Other Benefits and Rewards

(1) To approve long service bonuses and other benefits and rewards in terms of applicable conditions of service.

16. Contracts, Agreements, Securities and Cheques

(1) To certify that funds to cover a Bank Guarantee in respect of a Housing Loan, are available in the staff member's pension fund.

(2) To enter into and sign employment contracts.

(3) To approve a notice of staff appointment.

(4) To enter into and sign contracts and other documents, with or without

financial consequences, which contracts are necessary for the functioning of the municipality.

(5) When the interest of the City so demands, to terminate, any contract to which the City is a party.

(6) To enter into and sign implementation protocols with other spheres of government and organs of state.

(7) To enter into and sign staff related contracts e.g., bursaries, studying overseas etc.

(8) To authorise officials to sign cheques and withdraw money on behalf of the Council.

17. Uniforms and Protective Clothing

(1) To determine what uniforms and protective clothing should be issued to the various categories of staff.

18. Ex Gratia Payments

(1) To authorise *ex gratia* payments to staff in respect of loss and damage to personal property when acting within the scope of his/her employment.

19. General

(1) To grant authority for officials to attend conferences, congresses, seminars, workshops, symposia, lectures, courses, court and related legal engagements, and meetings outside of the municipal boundaries of Cape Town but within the Republic of South Africa.

(2) To grant travel authority for non-officials attending to official City business on behalf of the City outside of the municipal boundaries of Cape Town but within the Republic of South Africa.

(3) To grant authority for Executive Directors to attend conferences, congresses, seminars, symposia, and lectures within the municipal boundaries of Cape Town municipality.

(4) To permit Departments to enter competitions/ exhibitions to show case Council projects / work and to authorise associated costs in consultation with the Communications Department.

(5) To approve corporate criteria to govern the authorisation and budgetary control of the attendance of staff at conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings. Monitors compliance with criteria by managers.

(6) To administer and award External Scholarships and Bursaries.

(7) To approve applications for bursaries for internal staff.

(8) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.

(9) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.

(10) To ensure that Declaration of Interest(s) for officials are received, considered and approved.

(11) To develop and adopt in terms of section 67 of the Systems Act appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration.

(12) To determine guidelines for the appointment of non-permanent staff and periodically monitor the usage and continued employment of such staff.

(13) To authorise deviations from salary payment date, i.e. 27th of each month, in appropriate circumstances, including the determination of salary payment date in December of each year.

20. Appointments in terms of legislation

(1) To make appointments as Responsible Officer and Deputy Responsible Officer in terms of Section 2(4)(a) of the Regulation of Gatherings Act, No 205 of 1993.

(2) To appoint in terms of the Fire Brigade Services Act 1987 (Act 99 of 1987) a Chief Fire Officer who possesses the prescribed qualifications and experience to be in charge of the Municipality's fire service.

(3) To appoint officials to represent Council on outside bodies.

(4) To designate employees as contemplated in Regulations 9(a) and (b) of the Western Cape Noise Control Regulations, 2013, PN 200 dated 20 June 2013.

(5) To appoint Law Enforcement Officers in terms of Part 5(a) of GN R209 of 19 February 2002, Declaration of Peace Officers.

21. Legal

(1) To 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 provided that this amount does not exceed R10 000 000.

(2) To provide a member of staff, other than the City Manager or managers directly accountable to the City Manager, with legal representation, in terms of section 109A of the Systems Act where:

(a) legal proceedings have been instituted against the member of staff as a result of any act or omission by the official in the exercise of his or her powers or the performance of his or her duties; or

(b) the official has been summoned to attend any legal proceedings in the exercise of his or her powers or the performance of his or her duties.

(3) To obtain legal opinions including that of Senior Counsel on any matter, excluding those matters reserved for the Executive Mayor by delegation Part 1.B. Delegation 3(7).

(4) To appoint lawyers, attorneys and Counsel to provide professional assistance including that of Senior Counsel on any municipal matter, excluding those matters reserved for the Executive Mayor by delegation Part 1. B. 3(7).

(5) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against;

(a) the municipality, or

(b) its employees

provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.

(6) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.

22. Procurement and Leasing

Procurement

(1) To decide on any procurement of goods and services, subject to the Supply Chain Management Regulations and Council's Supply Chain Management and Procurement Policies, to a value up to R200 000. Where the acceptance of the most financially beneficial offer to Council is not accepted, the reasons therefore should be motivated and recorded in writing.

(2) After considering a recommendation by the Supply Chain Management Bid Adjudication Committee {in terms of regulation 29(1) of the Supply Chain Management Regulations and clause 214 of the Council's Supply Chain Management Policy} to take such steps as he/she deems appropriate under the circumstances to proceed with the relevant procurement.

(3) To cancel the awarding of tenders relating to non-responsive tenders and tender cancellations (where the successful bidder fails to perform) in terms of the City's disposal management system.

(4) To consider and approve condonations upon the recommendation from the BAC in terms of paragraphs 266 and 310 of the City's Supply Chain Management Policy.

Leasing

(5) To authorise the public participation process for the granting of rights to use, control or manage capital assets for the following categories listed:

(i) capital assets less than R10 mil, longer than 3 years (<R10 m and >3 yrs)
(ii) capital assets more than R10 mil, not longer than 3 years (>R10m and <3 yrs)
(iii) capital assets less than R10 mil, not longer than 3 years (<R10m and <3 yrs)

(6) To approve the granting of rights to use, manage or control capital assets of a value less than R10 m and for a period of not longer than 3 years, provided that this delegation may only be exercised after considering the comments of the Sub-council in whose area of jurisdiction the capital asset is situated.

(7) To approve in principle the rights to use, control or manage the capital asset in terms of Regulation 34(1)(b) of the MATR, excluding capital assets of a value in excess of R10 million and for a period longer than 3 years.

(8) To approve the granting of the rights to use, control or manage capital assets less than R10 million, longer than 3 years (<R10 million and > 3 years) and capital assets more than R10 million, not longer than 3 years (>R10 million and < 3 years) for the following categories:

a) Social Care leases: Leases to Social Care organisations (NPOs, NGOs, sports organisations not for profit) at a tariff rental as approved by Council annually.
b) Non-viable gardening and security leases: Leases of non-viable portion(s) of municipal land to adjacent land owners at a tariff rental as approved by Council annually;

Provided that this delegation may only be exercised after considering the comment from the sub council in whose area of jurisdiction the capital is situated.

(9) To authorise the public participation process for the disposal of capital assets excluding high value capital assets (exceeding R50 million).

(10) To approve the cession, assignment and sub-letting of leases provided that the existing lease agreement makes provision for the cession, assignment and sub-letting and that the same terms and conditions of the existing lease agreement will apply.

23. Finance

(1) To authorize subject to the Virement Policy, after consultation with the relevant Mayoral Committee member, and subject to the provisions of the MFMA, the virement of funds within any operational or capital vote to an amount determined by the Executive Mayor.

(2) To determine the upper limit of virementation within operational and capital votes of Executive Directors, Directors and Managers.

(3) To write off individual bad debts exceeding R1 million on the recommendation of the Chief Financial Officer, provided that:

*(a) an individual bad debt written off shall not exceed R5 million, and

(b) an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R5 million

*NOTE: See section 22(1) of the Credit Control and Debt Collection Policy adopted by Council.

(4) To write off assets up to a value of R5 million subject to section 14(2)(a) and (b) of the MFMA.

(5) To dispose of movable capital assets below a value of R5 million subject to Section 14(2)(a) and (b) of the MFMA, provided that, in respect of capital assets above a value of R200 000, the City Manager shall first consider a recommendation from the Immoveable Property Adjudication Committee.

(6) To recover unauthorised, irregular or fruitless or wasteful expenditure from staff or former staff, other than those staff members directly accountable to the City Manager.

(7) To set-up and maintain a Register of Unauthorised, Irregular, Fruitless and Wasteful Expenditure.

(8) To receive any grant, donation or gift to a value not exceeding R1 000

000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.

(9) To act as the "Delegated authority" in terms of the Council Policy on Contributions to the City of Cape Town.

(10) To authorise the reallocation of Council approved credit limits for the short-term credit facility categories, limited to the total short-term credit amount approved in terms of section 45(2), in order to maximise the benefits to the City.

24. Emergency Decision-making

(1) To decide on and act–in cases requiring an immediate decision, in consultation with the Executive Mayor or Deputy Executive Mayor or Speaker. If the Executive Mayor or Deputy Executive Mayor or Speaker are not available, then only in exceptional cases the Municipal Manager may act on his/her own initiative.

(a) This delegation may only be exercised in an emergency or in exceptional circumstances which may severely prejudice and have a detrimental impact on the Municipality and/or its residents, without detracting from the principle of accountability.

(b) This power cannot be delegated or sub-delegated and whenever it is exercised, a report must be submitted to Council as soon as possible.

25. Appointment of Acting Managers accountable to the City Manager

(1) To appoint, after consultation with the Executive Mayor, acting managers directly accountable to the City Manager.

(2) To appoint in vacant positions acting managers directly accountable to the City Manager, provided that the total number of days for which any person may be so appointed per directorate shall not exceed 60 days in total in any calendar year. **This power may not be delegated or sub-delegated.**

26. Rewards

(1) To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the City, 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 any Councillor or official of the City.

(2) To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

27. Financial Misconduct Regulations

(1) To receive as the “designated official” reports of allegations of financial offences against councillors or members of the board of directors of municipal entities.

(2) To establish reporting procedures as required by the regulations.

- PART 28 -

DELEGATIONS APPLICABLE TO ALL EXECUTIVE DIRECTORS

GENERAL DELEGATIONS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the all Executive Directors including the power to sub delegate:

1. GENERAL

(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Directorate concerned.

(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences**,** where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.

(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.

(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.

(5) To approve directorate specific events where budgeting provision has been made. This authority may not be sub-delegated lower than the level of director.

(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in terms of the applicable conditions of service.

(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.

2. Appointment of Staff

(1) To approve a notice of staff appointment.

(2) To enter into and sign employment contracts.

3. Resignations and Retractions

(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.

(2) To accept the retraction of resignations.

4. Training and Study

(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.

(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.

5. Performance Evaluations

(1) To approve performance evaluations.

6. Leave and Time Off

(1) To approve leave including the following:

(a) vacation;

(b) maternity;

(c) paternity;

(d) family responsibility;

(e) sick leave including additional sick leave where an employee has exhausted all sick leave;

(f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city;

(g) study leave and extended study leave, including leave in respect of municipal minimum competency training;

(h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned;

(i) compassionate leave.

(j) special leave for study purposes.

(2) To approve the encashment of leave.

(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.

(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.

7. Overtime

(1) To approve the payment of overtime and/or time off in lieu of overtime.

8. Standby Duties

(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.

9. Re-imbursements

(1) To authorise re-imbursement for occasional use of an employee's own car on official business.

10. Allowances and Special Privileges Granted for the Performance of Duties

(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member.

(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.

(3) To approve participation in motor vehicle essential user schemes.

11. Private Work

(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.

12. Grants, Gifts and Donations

(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.

(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to,

(a) sign documentation on behalf of the City to give effect to projects funded from such allocations;
(b) report to the relevant Provincial and National departments on the prescribed bases;
(c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and

approve individual human settlement subsidy applications from beneficiaries relating to approved projects.

13. Disciplinary Procedures

(1) To authorise the institution of disciplinary procedures.

(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**

(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.

(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**

14. Laying of Criminal Charges

(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against;

(a) the municipality, or
(b) its employees

provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.

(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.

- PART 29 -

EXECUTIVE DIRECTOR:
DIRECTORATE OF THE MAYOR

The Executive Director: Directorate of the Mayor is responsible for the following functional areas:

- Organisational policy and planning
- Organisational performance management
- Communications
- Enterprise and investment
- Organisational effectiveness and innovation
- Probity (Ombudsman, Forensics, Ethics and Integrity, Risk and Audit)
- Private Offices of the: Executive Mayor, Deputy Mayor, Chief Whip and Speaker
- Chief Resilience Officer

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Directorate of the Mayor, including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To approve the external use of the City branding and logo.

2. Organisational Policy and Planning

Integrated Development Plan

(1) To participate in national and provincial development programmes as required in section 153 (b) of the Constitution and Section 24(2) of the Municipal Systems Act.

(2) To initiate together with appropriate internal structures the establishment of appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Systems Act, to allow for the local community to be consulted on its development needs and priorities, organs of state, and other role players to be identified on the drafting of the integrated development plan in terms of Section 29 and Regulation 15 of the Municipal Systems Act.

Legislative Development

(3) To draft proposed by-laws and amendments thereto and after the Council approval of the proposed or amended by-law, to proceed with the promulgation process.

Research

(4) To consider any request for the commissioning of an organizational wide research report in the City and to approve or refuse such a request.

(5) To grant authority to external parties that wish to conduct research within the City of Cape Town and/or publish the results thereof.

(6) To after consultation with the relevant Executive Director: grant permission to employees of the City of Cape Town to conduct research, surveys etc related to their studies, within the relevant directorate.

3. Communications

(1) To approve the City's communication campaigns.

4. Organisational Performance Management

In terms of Municipal Systems Act

(1) To conduct ongoing research into, and to make recommendations in respect of and submit progress reports on international best practice regarding systems and legislation for purposes of developing, establishing and improving an organisational performance management system (OPMS) in terms of Section 38(1).

(2) To develop OPMS (Balanced Scorecard) and related framework in terms of legislative requirements and SALGA resolution, as adopted by Council on 26 March 2003 in terms of Sections 39, 41 (1) (a) and (b) – 44 (MSA) and Regulation 7, 8-10, 12 and 15 (Regs).

(3) To ensure implementation of the OPMS for the City of Cape Town and its municipal entities in terms of Sections 38 (a) and 81 (1).

(4) To establish and facilitate the use of mechanisms to enable Council to (a) monitor, measure, review, improve and report on the City's OPMS and development priorities, objectives and key performance indicators as identified in IDP and (b) ensure that the City administers its affairs, and

those of its municipal entities, in an economical, effective, efficient and accountable manner, in terms of Sections 38, 40, 41 (1) (c), 42 and 81 (1) (MSA) and Regulation 7, 11, 13 (1), (2), (3), (4) and 15 (Regs).

(5) To ensure that quarterly corporate performance progress reports in respect of the City's Service Delivery and Budget Implementation Plan, and in respect of the City's municipal entities, are prepared and submitted to Portfolio Committees, Mayco and Audit Committee in terms of Section 41 and 81(1).

(6) To co-ordinate the compilation of the City's annual report, in terms of Section 46 (MSA) (as amended by Section 6 of Act 44 of 2003) and Section 121, 127-132 (MFMA)

(7) To co-ordinate the compilation of the City's mid-year service delivery performance assessment report (part of the mid-year budget and performance assessment report), in terms of Section 72 of the MFMA.

(8) To ensure that the service delivery performance portion is combined with the financial / adjustment budget portion of the report compiled by the Budgets Department before submission to the Mayor, National Treasury and Provincial Treasury as required by the MFMA.

(9) To recommend to the Executive Mayor and the City Manager performance management targets and evaluations for the City and its executive managers.

5. Probity

Risk Management and Internal Audit

(1) To have timely and unrestricted access to all the City's records, personnel and physical property relevant to the performance of Risk Management and Internal Audit's functions, whether performed personally or via one or more Internal Audit or Risk Management employees or contractors.

6. Forensic and Ethics Investigations

(1) To undertake a preliminary enquiry/assessment into any matter that may give rise to a formal investigation with a view to establishing whether a forensic investigation is warranted, prior to recommending to the City Manager.

(2) To pursue, institute, facilitate and/or represent the City in respect of any appropriate disciplinary, criminal, civil and/or related proceedings flowing from any forensic or ethics investigation in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the City Of Cape Town.

(3) In the performance of any of his/her functions, whether performed personally or via one or more Forensic and Ethics Department's employees or contractors:

(a) To have access to all immovable property, premises, movable property, including motor vehicles, owned by, under the control of and/or managed by the City;

(b) 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 such register, file, document and/or record which may be maintained by any employee, in relation to the performance of his/her official functions;

(c) To have access and to be able to question any 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.

- PART 30 -

EXECUTIVE DIRECTOR:
CORPORATE SERVICES

The Executive Director: Corporate Services is responsible for the following functional areas:

- Human Resources
- Legal Services
- Executive and Council Support
- Information and Knowledge Management
- Information Systems and Technology

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Corporate Services, including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To authorise the commencement of public participation processes and to determine the level of public participation required only in terms of Section 116 (3) of the MFMA.

2. Human Resources

(1) To facilitate the development and implementation of performance agreements for the City Manager and Executive Directors, in terms of Section 57 (MSA) (as amended by Section 8 of Act 44 of 2003) and the Regulations promulgated in terms of the MSA and Section 53 (MFMA) and the Regulations promulgated in terms of the MSA.

(2) To exercise the powers in section 57A of the Systems Act 32 of 2000.

(3) To determine competency profiles for posts in consultation with relevant departments.

(4) To create co-operative student posts and to appoint the said students.

(5) To formulate a process to regularly evaluate the staff establishment, remuneration and conditions of services.

(6) To determine guidelines for the job evaluation process.

(7) To make application for refunds in respect of training from SETA.

(8) To adjust 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.

3. Information and Knowledge Management

In terms of Spatial Data Infrastructure Act 54 of 2003

Spatial Information Standards and Prescriptions

(1) To adhere to the standards and prescriptions for spatial information referred to in Section 11 of the Act in terms of section 11(3).

Capture and publishing of Spatial Information metadata

(2) To capture and maintain metadata for spatial information in accordance with the Act in terms of section 12(1).

(3) To ensure that metadata for spatial information is available to users by making metadata available to the Department of Land Affairs in the prescribed manner for inclusion in the electronic metadata catalogue in terms of section 12(2).

Supply of and accountability for spatial information

(4) To be accountable for the integrity of unmodified spatial information in terms of section 14(2).

(5) To provide (a) the information in a prescribed manner and (b) the relevant metadata together with the spatial information when supplying information, in terms of section 14(3).

Maintenance of Spatial Information Base Data Sets

(6) To ensure regular updating of base data sets in accordance with the provisions of the Act in terms of section 16 (2).

Reporting on Spatial Information Data Quality

(7) To report on data quality by responding in the prescribed time and manner, to the user after receiving the report on that deficiency in terms of section 17 (3).

Security of Spatial Information

(8) To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorised or unlawful access to and modification or disclosure of that spatial information in terms of section 18(a).

(9) To ensure the protection of the copyright of the State and other interested parties in spatial information in terms of section 18(b).

In terms of Land Survey Act 8 of 1997

Town Survey Mark Reference System

(10) To position, create and maintain the City's Town Survey Mark Reference System in terms of section 42(4).

4. Legal Services

(1) To advise the City Manager and Executive Mayor whether to

institute,
defend,
review,
appeal,
settle

matters in the High Court, Labour Court, Equality Court, Supreme Court of Appeal and the Constitutional Court except those matters reserved for the Executive Mayor, this includes arbitrations.

(2) To resolve not to defend any High Court or court of equal stature matter where there are no cost or adverse implications for the City, provided that a report is submitted immediately to the City Manager and the Executive Mayor for information.

(3) To institute, oppose or abide any interlocutory application.

(4) To defend urgent High Court or courts of equal stature applications, where it is impossible due to time constraints to obtain the necessary authority and failure to do so will severely prejudice and/or have a detrimental impact on the City provided that a report is submitted forthwith to the Executive Mayor for information.

(5) To institute, in consultation with the City Manager, urgent High Court or courts of equal stature, applications where it is impossible due to time constraints to obtain the necessary authority and failure to do so will severely prejudice and/or have a detrimental impact on the City provided that a report is submitted forthwith to the Executive Mayor for information.

(6) To instruct attorneys to enter notice of appearance on behalf of the Council in any matter instituted against the City in the High Court or ~~a~~ court of equal stature where time is of the essence, and to sign all of the necessary documents for this purpose, pending the submission of a report to the City Manager and Executive Mayor advising as to how the matter should be proceeded with.

(7) To appoint attorneys and counsel in respect of any litigation which has been duly authorised in terms of Council's System of Delegation.

(8) To conduct any necessary action in any matter instituted by or against the City, including the signature of the powers of attorney, affidavits and other documents in order to finalise the matter provided the necessary authority exists.

(9) To institute, defend or abide by the decision of the Court, in any matter before the Lower Court or court of equal stature or any arbitration and mediation which would otherwise be heard in the Lower Court. This power includes the power to settle any such matter.

(10) To institute and defend matters in the CCMA and the Bargaining Council.

(11) To appoint persons to represent Council in the CCMA and the Bargaining Council.

(12) To deny payment or to settle any claim or action prior to litigation, in consultation with the City Manager.

(13) To obtain legal opinions, including from senior counsel, excluding those matters reserved for the Executive Mayor by delegation 3(7).

(14) To instruct attorneys to collect any monies owed to the City prior to the institution of legal proceedings.

(15) To appear before a notary to execute any document or to appoint any other person to appear before the notary on behalf of the City, including the power to sign any documents relating thereto.

(16) To attest and authorise any other person to attest to an affidavit on behalf of the City or in respect of any other matter where the City bears knowledge.

(17) To appoint a person to serve legal documents, including court process and all other documents in respect of criminal prosecutions in terms of section 15(2)(a) and (b) of the Magistrates Court Act, 32 of 1944.

(18) To appoint attorneys and counsel to provide professional assistance including that of senior counsel on any matter, excluding those matters reserved for the Executive Mayor by delegation 3(7).

(19) To settle any arbitration that is not before any court up to an amount of not more than R500 000.

(20) To appoint any person to represent the City in the Small Claims Court.

(21) To appear in Court on behalf of the City, or authorise a member of his or her staff to do so, in terms of Rule 52(1)(b) of the Magistrate's Court Rules promulgated in terms of the Magistrate's Court Act, Act 32 of 1944.

(22) To appoint mediators and arbitrators.

(23) To agree or to authorise an official to agree, on behalf of the City, to plea bargain agreements in terms of the Criminal Procedure Act, provided that in the case involving Councillor/s, the Speaker is consulted.

(24) To issue instructions and sign any necessary documents to invest money held in trust by attorneys on behalf of the City in terms of section 78(2) or (2A) of the Attorneys' Act 53 of 1979, as amended.

- PART 31 -

EXECUTIVE DIRECTOR: ENERGY

The Executive Director: Energy is responsible for the following functional areas:

- Electricity Generation and Distribution
- Sustainable Energy Markets

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Energy, including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

- PART 32 -

EXECUTIVE DIRECTOR: SOCIAL SERVICES

The Executive Director: Social Services is responsible for the following functional areas:

- City Health
  - Municipal Health Services
  - Primary Health Care Services
  - Specialised Health Services
- Library and Information Services
- Recreation and Parks
- Social Development and Early Childhood Development
- Planning, development and Project Management Office

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Social Services, including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

2. Business Licences

In terms of Businesses Act 71 of 1991

PN 67/2003 dated 28 February 2003

(1) To receive all applications for licences, to process same and where applicable refer to the applicable Sub-council.

(2) To grant licences as provided for in terms of items 1 and 3 of schedule 1 to the Businesses Act 1991 (excluding health facilities or entertainment as provided for in terms of item 2 of schedule 1), and to exercise all powers conferred on the Municipality in terms of section 2(4) to 2(10).

3. Health Services

In terms of National Health Act 61 of 2003

(1) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 18(2), 32 and 76.

Regulations relating to
the management of human remains 363 of 22 May 2013
Promulgated under the Health Act, No 61 of 2003

(2) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 27(1)(d), 3(1)(a), 3(1)(b), 2(2)(a), 2(2)(b), 4(3), 4(4), 5, 6, 7(1) and 9.

Regulations relating to hygiene requirements for milking sheds, the transport of milk and related matters 961 of 23 November 2012

Promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972

(3) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 2(3), 3(3) – 3(5), 4, 4(1)(a), 4(1)(b), 4(3), 5 and 12.

Regulation governing general hygiene requirements for food premises and the transport of food and related matters 364 of 30 April 2015

Promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.

(4) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 3(5), 3(8), 3(9)(c), 4(4) and 14.

In terms of 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.

(5) To exercise and enforce powers which vest in the Municipality in terms of the Act and the Regulations.

Noise Control Regulations replaced
by Provincial Notice 200, June 2003

(6) To exercise and enforce powers which vest in the Municipality in terms of the Provincial Notice.

In terms of National Building Regulations and Standards Act 103 of 1977
SABS 0400 of 1990 Part O ventilation

(7) 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.

In terms of Environmental Health By-law
Published in Provincial Gazette Extraordinary 6041
dated 30 June 2003

(8) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 2(1), 2(3), 3(1), 3(2), 7, 9, 23(6)(a), 24(4), 24(6), 25(3)(a), 26(1), 26(2), 28(1)(h), 28(3)(a), 28(3)(b), 28(3)(c), 28(3)(d) and 41.

In terms of the City of Cape Town
Animal Bylaw promulgated on the 5 August 2011
Chapter 5, sections 22 through 29

(9) To exercise the powers, duties and functions which vest in the Municipality, in terms of the by-law.

In terms of the City of Cape Town Air Quality Management Bylaw, 2016

(10) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 4(1) – (5), 11(1) and (3) and (4); 12(2) and (3) 17(1) – (3) read with sections 31, 19(1) – (4), 20 and 31.

4. Parks and Recreation

(1) To implement the provisions of the Cemeteries, Crematoria and Funeral Undertakers By-Law 2011.

(2) To, after consultation with the Commissioner: TDA, grant or refuse permission to plant a tree or shrub in a public road, or in any way cut down same or remove it therefrom, in terms of section 9(1)(a).

(3) Where section 9(1) of the by-law is contravened, to serve notice, instruction or other directive on an offending party, undertake on behalf of such party appropriate action to rectify the contravention where they fail to comply with a notice, and to recover the costs thereof from the owner or the offender, in terms of section 22.

5. Social Development and Early Childhood Development

(1) To authorise street collections.

(2) To grant or refuse permission in terms of section 9 of the Graffiti By-law of 2010, for mural/public art as designated by subcouncils.

(3) To grant permission for temporary public art as designated by the Arts and Culture and Creative Industries Policy and the Public Art Management Framework.

(4) To request or instruct the removal of temporary public art due to non-compliance or as may be required from time to time.

- PART 33 -

EXECUTIVE DIRECTOR: SAFETY AND SECURITY

The Executive Director: Safety and Security is responsible for the following functional areas:

- Metropolitan Police Services
- Law Enforcement
- Traffic and Coordination
- Disaster Risk Management Centre
- Public Emergency Communication Centre (107)
- Fire and Rescue Services
- Events

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Safety and Security including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To authorise peace officers in the City's employ, in terms of section 15(2)(a) of the Magistrates Court Act, 1944, to serve court process and all other documents in respect of criminal prosecutions.

(3) To act as Incident Commander with authority to issue reasonable instructions to relevant officials and departments necessary to assist in the process of relief, rehabilitation and repair required in respect of the major incident and report thereon to the City Manager on a weekly basis.

2. Payment of Rewards

(1) To authorise the payment of rewards for information on criminal activities in the Cape Metro Area being reported to the City's Metro Police Department, Traffic Services, Law Enforcement Department and Special Investigations Unit.

(2) To authorise the payment of a reward not exceeding R5 000 to any person for information provided;

a) payment of the reward will be considered for information that leads to:

i) an arrest, confiscation of stolen goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;

ii) any other consequence, which, in the discretion of the Executive Director, will promote good governance in the City, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.

b) the exercise of such delegation be done in terms of a standard operating procedure to be approved by the City Manager and Chief Financial Officer to ensure accountability and good governance, including provisions for the protection of the identify of informers where appropriate.

3. Emergency Services

Municipal Disaster Management

(1) To initiate the process of ensuring a written agreement for the rendering of a Disaster Risk Management Service and assistance outside the metropolitan boundary.

Fire and Rescue Services

In terms of Fire Brigade Services Act 1987

(2) To decide on the most appropriate systems for the control, management, planning, coordination and regulation of firefighting services which serve the area of the municipality.

(3) To decide on the most appropriate deployment of the fire and emergency services of the municipality and to determine priorities in this regard.

(4) To grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered, in terms of Section 9(3).

(5) To give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time, in terms of Section 9(6).

(6) To grant authority that goods placed in safe storage may be sold, in terms of Section 9(6).

(7) To take all necessary steps on behalf of and at the cost of an owner who failed to comply with the directions in regard to the utilisation and storage of hazardous substances and safety precautions, in terms of Section 18.

(8) To grant authority for the utilisation of the fire service outside the area of jurisdiction of the municipality, as provided for in Section 12.

(9) To initiate the process of ensuring a written agreement for the rendering of Fire and Rescue Services and assistance outside the metropolitan boundary.

(10) To appoint a person(s) as a member(s) of the Fire Brigade Reserve Force.

4. Traffic Services

Parking, Parking Meter and Toll Parking

In terms of Regulation 305 Sub Regulation (1) – (6) R/W Section 80 Act 93 of 1996

(1) To grant exemption regarding any stipulation of law on the parking of a motor vehicle inside the jurisdiction of the City with regard to:

(a) A doctor
(b) A registered midwife
(c) A disabled person

Traffic Safety

(2) To instruct 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 owner / occupant in terms of section 11 of the Road Ordinance 19 / 1976.

(3) To instruct 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 s.11 of the Road Ordinance 19 / 1976.

Traffic signs, markings and indicators

In terms of Section 57 of Act 93 of 1996.

(4) To serve 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.

Races and sport on public roads

In terms of Regulation 317/2000 act 93 0f 1996

(5) To grant exemption from complying with road traffic signs on a public road where approval was granted for the organizing of sport or a race on a public road(s).

Closure or re – route of roads
In terms of Section 11 (g) of Road Traffic Act No 29 of 1989

(6) To regulate and control traffic upon any public road.

In terms of Road Traffic Act 29 of 1989 section 3

Appointment of persons

(7) To appoint the following staff members:

(a) Inspector of licences
(b) Examiner of vehicles
(c) Examiner of drivers licences
(d) Traffic officers
(e) Traffic wardens
(f) Reserve traffic officers/traffic wardens/casual constables

5. Metropolitan Police

Regulations for Municipal Police Services

In terms of Government Gazette 11 June 1999

(1) To issue and replace a certificate of appointment to members of the municipal police service in the prescribed format in terms of regulation 8.

In terms of Firearms Control Act (Act 60 of 2000)

(2) To apply for an accreditation of the Metropolitan Police Department as an official institution as defined in the Act in terms of section 95(a)(vi).

(3) To issue a permit to an employee to possess and use a firearm under its control in terms of section 98 (2).

(4) To authorise the application to the Registrar for a copy of any licence, permit or authorization which has been defaced, lost or stolen in terms of section 29.

(5) To authorise the storage and transport of firearms and ammunition in the prescribed manner in terms of section 83.

(6) To authorise the acquisition, use, safe keeping and disposal of firearms, subject to the conditions imposed by the Registrar in terms of section 97.

(7) To keep a register in the prescribed form with the particulars of every firearm under its control, the particulars of every employee who is allowed to be in possession of a firearm, the conditions specified in every permit issued, particulars regarding the disposal, transfer, loss, theft or destruction of firearms, and particulars regarding the report of the loss or theft to the South African Police Service in terms of section 99.

(8) To establish and maintain a workstation and provide the Registrar with access to the workstation and registers (referred to in Sec 99) in terms of section 101.

(9) To authorise an employee to have the firearm in his or her possession after his or her working hours, carry the firearm on his or her person outside the premises of his or her workplace, or store the firearm at his or her residence provided the Registrar determines in writing that the Official Institution as contemplated in Sec 95(a)(v) may do so in terms of section 98.

(10) To report the loss or theft of any firearm immediately to the Registrar and to the nearest police station.

(11) To dispose of or destroy a firearm in the prescribed manner.

Civil Aviation Act, 2009 (Act No. 13 of 2009)

(12) To exercise the powers, duties and functions which vest in the Municipality, in terms of Regulation 101.05.2 (b).

The following delegations were relevant, must be exercised subject to the recommendations/decisions exercised by the Executive Mayor in terms of the Executive Mayor's delegations set out in Part 1 delegation 13 Events.

6. Events, Arts and Culture Institutions

(1) To negotiate and conclude all agreements and business contracts subject to supply chain management processes, section 67 of the MFMA and the Grants policy.

(2) To negotiate contracts with global sport, artistic, music or other global icons/organisations/clubs/ associations/bodies with their South African or International agents subject to Council's due processes.

(3) To negotiate vending and commercial opportunities with key products, services, food, beverages and merchandising opportunities as may presented from time to time, based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes.

(4) To negotiate strategic events and other opportunities with members of the event and marketing community opportunities as may be presented from time to time, based on an agreed allocation of funding to be determined, or such value in kind (VIK) as may be agreed, subject to Council's due processes.

(5) To negotiate and conclude short term agreements for a maximum period not exceeding 12 months based on an agreed rental determined by property management services in relation to the strategic assets and facilities of the directorate.

(6) To negotiate and conclude all agreements related to city services and event services related to the holding of individual events within assets (whether city owned or private) subject to the provisions of delegation (13)(1) as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.

- PART 34 -

EXECUTIVE DIRECTOR: ASSETS AND FACILITIES MANAGEMENT

The Executive Director: Assets and Facilities Management is responsible for the following functional areas:

- Property Management
- Home Ownership Transfer, Tenancy Management and Staff Housing
- Facilities Management
- Fleet Management
- Cape Town Stadium and Sea Point Precincts

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Director: Assets and Facilities Management including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIPs in the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Greenpoint Urban Park, subject to the provisions of delegation 13(1), as set out in the Executive Mayor's delegations, and section 67 of the MFMA which relates to the grants in aid policy.

(3) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Green Point Urban Park as set out in the stadium rental model as contained in the approved annual rental and related fees.

(4) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Green Point Urban Park subject to the provisions of delegation 13(1), as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.

(5) To negotiate and conclude all agreements and business contracts related to the holding of individual events at Athlone Stadium, Good Hope Centre, Grand Parade and City Hall including facilities within the department subject to the provisions of delegation (13)1, as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.

(6) To in consultation with the CFO, approve or refuse any applications from non-governmental organisations or registered neighbourhood watches to waive the payment of a site rental fee received from any such organization after recommendation by the relevant sub-council.

(7) To authorize the demolition of unoccupied informal structures on Council housing schemes.

Leasing

(8) To lease immovable property to and from private and public bodies or any

person where the value of the rental does not exceed R200 000 per annum provided that such lease is in the best interests of the City.

(9) To cancel all lease and/or rental agreement/(s).

(10) To cancel, amend, sign and exercise all rights and duties in terms of a lease entered into where the City is the Lessee.

2. Property Management

Property Matters

(1) To recommend, administer and manage the acquisition, enhancement, alienation, leasing and utilisation of City owned immovable property and rights in property in terms of the City of Cape Town Immovable Property By-law, 2015.

(2) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease, servitudes and other legal instruments related to the incumbent's area of jurisdiction.

(3) To advise Council on property transactions provided that in respect of the granting of rights to use, manage or control City immovable assets such as land, property and buildings where the value of the asset is more than R10m and the duration of the right is longer than 3 years such advice must include a comment from the Sub-council in whose area of jurisdiction the asset is situated.

(4) To initiate after being authorised by the City Manager in terms of delegation 24(6) all property transactions.

(5) To reserve property for municipal purposes.

(6) To determine whether or not to cancel leases where the terms and conditions thereof have been breached and to, in consultation with the Director: Legal Services, 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.

(7) To frame the conditions of lease, granting of rights, acquisitions and sales to execute all documents and rights in connection with the letting, selling and acquisition of immovable property, including Powers of Attorney.

(8) To recommend to Council or the City Manager as the case may be, the consideration due for the granting of rights to use, control or manage or dispose of City owned capital assets in so far as it relates to Immovable Property or acquire immovable property.

(9) To authorise the amount of compensation to be paid by Council where applicable to lessees whose leases are terminated before the expiry of the lease.

(10) To authorise the payment of compensation in respect of acquisition of servitudes for municipal services, land and rights where the necessary authority has been given.

(11) To renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for a renewal.

(12) To approve application for the removal of reversionary claims.

(13) To appoint valuers on such terms and conditions as he/she 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.

(14) To authorise projections and projection structures over Council's land to frame and conclude relevant agreements and to impose the levying of a fee.

(15) To authorise encroachments over Council's land, frame and conclude relevant agreements and impose the levying of a fee/tariff.

(15A) To approve the granting of rights to use, control or manage City owned capital assets in so far as it relates to Immovable Property limited to a short term use of less than 30 days.

(16) To give possession of land or buildings prior to conclusion of the formal lease agreement provided that the lessee has indemnified the Council in respect of such prior occupation.

(17) To permit occupation of municipal land by a purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser – deposits with Council the purchase price and/or pays an occupational rental and complies with any other condition that may be relevant in the circumstances.

(18) To, in consultation with the Director: Legal Services, institute legal or other proceedings for the cancellation of a deed of sale or lease agreement and for the recovery of monies owing to Council where such cancellation arose from the purchaser's or lessee's default in complying with the conditions of sale or lease within a reasonable time of conclusion of the sale or lease.

(18A) Acceptance of a tender value up to 30% less than the valuation determined by the City's Market Valuation Section after consultation with the Director: Property Management.

(18B) Recommend the tender value as per paragraph (18A) to the decision-making authority.

(18C) Report to Council (for noting) the value as per paragraph (18A) if approved by the Immovable Property Adjudication Committee, constituted as per the prescripts of Regulation 29(2) of the Supply Chain Management Regulations.

(19) To authorise the lease and determine rentals of business units, stores, stables, and other non-residential units, within housing estate areas and subject to all necessary prescribed approvals having been obtained and procedures complied with.

Council funded properties used for commercial purposes in Council's housing estates

(20) To enter into Lease Agreements and determining rentals for the letting of offices, business premises, garages, stables, vacant plots, and other non-residential units, at economic related rentals.

In terms of Municipal Systems Act

(21) To recommend to Council the approval 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 agreements, advertisements and encroachments.

(22) To authorise payment of interest on approved purchases of land or buildings whether the municipality wishes to take or has already taken occupation of the property prior to the registration of transfer in its favour.

In terms of Deeds Registries Act, No 47 of 1937

(23) To consider and approve the transfer of land gratuitously ceded to the Council or where the Council is compelled to take transfer and authorisation of the costs involved in terms of section 31.

(24) To authorise the refunding of the 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 in terms of section 31.

(25) To assess the market value of Council land for rental purposes and determine 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.

In terms of Local Government:
Municipal Property Rates Act, No 6 of 2004

(26) To authorise 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.

(27) To initiate, at the request of a service department, the acquisition of land or a right in land for any approved municipal scheme or project where provision has been made on an approved budget and reporting thereon to the relevant authority.

(28) To repudiate claims to ownership of municipal land by acquisitive prescription.

3. Events

(1) To negotiate contracts with global sport, artistic, music or other global / national and local icons/organisations/clubs/associations/bodies with their South African or International agents subject to Council's due processes.

(2) To negotiate vending and commercial opportunities with key products, services, food, beverages and merchandising opportunities as may presented from time to time, based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes.

(3) To negotiate strategic event and other opportunities with members of the event and marketing community opportunities as may be presented from time to time, based on an agreed allocation of funding to be determined, or such value in kind (VIK) as may be agreed, subject to Council's due processes.

(4) To negotiate and conclude short term agreements for a maximum period not exceeding 12 months based on an agreed rental determined by property management services in relation to the strategic assets and facilities of the directorate.

(5) To negotiate outdoor media and other marketing related agreements such as naming rights with media companies, corporate investors, 3rd parties and any/all other relevant parties (be it internal or external entities), based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes.

(6) To conclude (sign) agreements where such agreements are standardised and where such agreements entail the hiring of this portfolio's assets when it is let-out according to Council's approved tariff schedule only.

4. Home Ownership Transfer, Tenancy Management and Staff Housing

(1) To authorise the lease and/or sale of Council dwellings, financed ex National Housing Funds and Council funding, and single residential property (and related properties) to persons on the Council's waiting lists (housing estates only).

(2) To authorise the selling of saleable Council dwellings, and serviced sites, financed ex National Housing Funds and Council funding, to existing tenants of said dwellings or where applicable to their heir/s in title and in accordance with Council policies.

(3) To authorise the repossession, repurchasing and resale of Council property, financed ex National Housing Funds and Council funds.

(4) To exercise Council's right of pre-emption in regard to houses in the Council's selling schemes on the terms and conditions contained in the agreement of sale and the Housing Act.

(5) To authorise the voluntary cancellation of sales of housing scheme land and dwellings in accordance with Council policy.

(6) To allocate housing scheme dwellings on a priority basis on the terms and conditions determined by Council.

(7) To allocate rental housing opportunities in new settlement developments as determined by Council.

(8) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease and/or sale, servitudes and other legal instruments related to the incumbent's area of jurisdiction.

(9) To determine in consultation with the Director: Legal Services:

(a) whether or not to cancel leases and/or sales where the terms and conditions thereof have been breached;
(b) institute legal proceedings for the eviction of tenant's/purchasers consequent upon such cancellation, and
(c) for the recovery of monies owing to Council.

(10) To frame the conditions of lease and sales to execute all documents and rights in connection with the letting and selling of Council dwellings, financed from national or provincial housing funds and City funds, including Powers of Attorney.

(11) To renew an agreement of lease with the existing tenant in respect of Council dwellings, financed from national or provincial housing funds and City funds where the lease provides for a renewal.

(12) To grant prior occupation, give possession and pass risks in Council dwellings, financed from national or provincial housing funds and City funds, prior to conclusion of the formal lease/sale agreement provided that the relevant authorities have been obtained and the tenant/purchaser has indemnified the Council in respect of such prior occupation.

(13) To authorize and approve the relocation of dwellings on residential sites within housing schemes, necessitated by adverse subsoil conditions or by other unforeseen circumstances.

(14) To initiate the process for the demolition of unoccupied structures in Council housing schemes.

(15) To in consultation with the Chief Financial Officer, authorize the cancellation of bonds registered over Council property, financed from national or provincial housing funds and City funds, in favour of the City.

(16) To authorise the issuing of power of attorney to Conveyancers, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the City in respect of Council dwellings financed from national or provincial housing funds and City funds.

(17) To initiate the eviction process from Council premises occupied unlawfully and where tenants are in contravention of the lease agreement.

(18) To serve notices on tenants to vacate Council owned properties, financed from national or provincial housing funds and City funds, required for the development of housing schemes/projects or for undertaking any town planning improvement, services upgrading or other public work.

(19) To authorise the payment of all transfer, survey and incidental costs, in respect of Council owned properties, financed from national or provincial housing funds and City funds, where such costs are for the City's account.

(20) To apply for amendments to plans and specifications of rental dwellings in consultation with the Executive Director Transport Development Authority.

(21) To consider the application of abutting owners to Council owned properties, financed from national or provincial housing funds and City funds, requiring consent in respect of the relaxation of zoning scheme regulations and building plan approval.

- PART 35 -

CHIEF FINANCIAL OFFICER

The Chief Financial Officer is responsible for the following functional areas:

- Expenditure
- Budgets
- Revenue
- Treasury
- Supply Chain Management
- Valuations
- Grant Funding

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Chief Financial Officer including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIPs in the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To take all steps that may be necessary to give effect to an award of the Bid Adjudication Committee.

(3) To write off individual bad debts provided that:

*(a) an individual bad debt written off shall not exceed R1 million, and

(b) an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R1 million.

(4) To agree to a premium and annual rate adjustment in respect of any relevant Group Life Scheme for members of staff.

(5) To manage and certify the annual stocktaking of Council's assets.

(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.

**NOTE:* *See the relevant sections of the Credit Control and Debt Collection Policy.*

2. Revenue

(1) To approve applications for a rates rebate in terms of Council's Rates Policy.

In terms of the Systems Act

(2) To sign and issue Section 118 clearance certificates.

(3) To sign and issue Low Cost Housing [S118(4)] clearance certificates.

In terms of Local Government:
Municipal Property Rates Act, No. 6 of 2004

(4) To collect and refund any credits and/or deposits held for property transactions, including housing debtors and property leases.

(5) To collect, adjust and refund any credits and deposits held for property leases debtors.

(6) To implement all actions associated with the Housing Indigent Grant of Council.

(7) To implement debt relief processes in respect of Council dwellings, in accordance with the Credit Control and Debt Collection By-law.

(8) To exercise all powers, duties and functions which vest in the Municipality, in terms of the Credit Control and Debt Collection By-law (sections 6 and 8) and Credit Control and Debt Collection Policy.

(9) To approve applications for a rates rebate in terms of Council's Rates Policy.

3. Valuations

Local Government:
Municipal Property Rates Act, No. 6 Of 2004
(Property Rates Act)

(1) To exercise the powers, duties and functions which vest in the Municipality, in terms Sections
14(2), 23, 33(1), 33(4), 35(4), 35(5), 36(4), 36(5), 41(2), 49(2), 50(4), 66(1) and 79 of the Local Government: Municipal Property Rates Act

(2) Approve the remuneration and compensation of valuation appeal board members in terms of the Conditions of Appointment of Members of an Appeal Board.

4. Treasury

(1) To manage the General Insurance Fund and its day-to-day operations, including the fixing of premium rates, acceptance, settlement and repudiation of claims and matters incidental thereto in terms of an approved policy.

5. Grant Funding

(1) To sign all conditional grant funding documents and grant funding Memoranda of Agreements, after consultation with Legal Services where applicable, related to projects funded from transversal Provincial and National Conditional grant allocations.

- PART 36 -

COMMISSIONER: TRANSPORT AND URBAN DEVELOPMENT AUTHORITY

The Commissioner is responsible for the following functional areas:

- Transport Planning Authority
- Contracting Authority
- Municipal Regulatory Entity
- TDA Business Management
- Investment Management
- Enforcement
- Liaison, Communication and Stakeholder Management
- Infrastructure Management
- Network Operations Management
- Urban Planning
- Human Settlements
- Urban Sustainability

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Commissioner: Transport and Urban Development Authority (TDA) including the power to sub-delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

(2) In respect of conditional grant funding allocations associated with the Public Transport Network (PTNG), Integrated City Development (ICDG), Urban Settlements Development (USDG) and the Human Settlements Development Grants (HSDG), to

(a) sign documentation on behalf of the City to give effect to projects funded from such allocations;
(b) report to the relevant Provincial and National departments on the prescribed bases;
(c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and
(d) approve individual human settlement subsidy applications from beneficiaries relating to approved projects.

2. Roads and Integrated Transport

Advertising on Roads and Ribbon Development Act, No 21 of 1940

(1) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 8, 9, 9A, 10 and 11.

Urban Transport Act, No 78 of 1977

(2) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 17(a), (b), (c), (d), (e), (f), (h) and (i).

National Road Traffic Act, No 93 of 1996

(3) To exercise the powers, duties and functions vested in the Municipality with regard to the erection, display and maintenance of road traffic signs and signals, or to authorise another person to do so, in terms of section 57.

National Land Transport Act, No 5 of 2009

(4) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 11, 14, 15, 16, 17, 18, 19, 27, 33, 36, 37, 38, 39, 40, 41, 42, 43, 86 and 87.

Roads Ordinance, No 19 of 1976

(5) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 7(2), 8(1), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 28 and 59, including signing non-compensation agreements on behalf of the City where such arise out of a condition of approval in terms of section 17 and to grant written consent to transfer a property where such agreements require a prospective owner to enter into a similar agreement with the City prior to transfer of such property.

By-law relating to Streets, Public Places
and the Prevention of Noise Nuisances, 2007

(6) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 5(2), 7, 8, 10, 11, 15, 16, 17, 18, 21 and 22, including granting of wayleaves.

(7) To authorise, regulate and manage the building of bridges and crossings over gutters (channels) and sidewalks (footways) in a public road in terms of section 17.

By-law relating to Stormwater Management, 2005

(8) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 3, 4, 5, 9(1)(a) and 10(1), (2) and (3).

3. Land Use Management

Title deeds

(1) To grant or refuse written consent where a title deed condition permits an owner to exceed the use or development parameters or other land use planning or building development or aesthetic restrictions set in the title deed conditions of a property with the written consent of Council.

(2) To grant or refuse consent to amend or cancel a notarial tie required in terms of conditions imposed as part of a previous approval.

Sectional Titles Act, No 95 of 1986

(3) To exercise the powers, duties and functions vested in the Municipality, in terms of section 4(5).

Land Survey Act, No 8 of 1997

(4) To exercise the powers, duties and functions vested in the Municipality, in terms of section 37(2).

Cape Town Municipal Planning By-law, 2015

(5) To exercise the powers, duties and functions vested in the Municipality, in terms of section 30(3) and (6), 37(9), 47(4)(a), 62(2) and (4), 63(1) and (4), 65(3), (4), (7), (8) and (11), 66(2), 70(1), 73(1) and (2), 79(1), (2) and (3), 94(1) and (3), 102(2), 105(4), 106(1) and (2), 109(3) and (10), 113(1) and (3), 115(3) and (8), 125(2) and (3), 126(1), 127(1), (2) and (4), 128(1) and (2), 135(1), 136(1), (7) and (8) and 140.

(6) To grant an exemption or rebate from the payment of development charges in accordance with approved policy or the applicable legislation, in terms of section 66(2) of the Planning By-law, in consultation with the Executive Director: Informal Settlements, Water and Waste Services.

(7) To perform all other administrative functions set out in the by-law, including signing documentation, the execution of recordals, the updating of the zoning map and the zoning register, providing copies of documentation upon payment of the prescribed fees and other information required, and giving notice of a decision, as required in terms of the by-law.

(8) To publish documentation on the City's website or by Provincial Gazette or notice, when required to do so, in terms of the by-law.

Schedule 3 (ie the Development Management Scheme) of the Cape Town Municipal Planning By-law, 2015

(9) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.

(10) To notify or consult with owners where required to do so in terms of the development management scheme.

(11) To serve notices calling for compliance with instructions set out in such notice and/or cessation of the use of premises in question for such land use activity.

(12) To call for a cessation of a land use or activity, or impose conditions in order to minimize any potential nuisance to surrounding neighbours or the general public.

(13) To prepare a contextual framework in respect of a particular development/site as a component of a package of plans, in terms of item 136.

(14) To require a package of plans be submitted for approval, in terms of item 136.

(15) To approve or refuse one or all components of a package of plans, in terms of item 136.

(16) To approve, refuse or amend a plan or plans which indicate(s) the areas deemed to be PT1 and PT2 areas, or similar plans or maps, in terms of item 137.

(17) To designate by approval in terms of the development management scheme any heritage place it considers in terms of its heritage strategy to be conservation worthy as a Heritage Protection Overlay zoning.

(18) In respect of land above Boyes Drive and subject to the overlay zone, determine that Council is satisfied that a building to be erected or the subdivision of land is desirable, that a satisfactory road system in accordance with Council's standards for the provision of services is possible and that the cost of providing and maintaining essential services will not be excessive, in terms of the Boyes Drive Local Area Overlay Zoning.

(19) To, where provided for in the development management scheme, exercise the power to. **–**

(a) formulate requirements and/or make determinations;
(b) waive a requirement or exempt matters;
(c) approve matters,
(d) lay down restrictive requirements; and
(e) approve agreements and enter into same, provided where relating to City land, after consultation with the Executive Director Assets and Facilities Management.

By-law relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007

(20) To exercise the powers, duties and functions vested in the Municipality, in terms of section 20(1), (2), (3) and (4) and 21.

4. Building Control

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

(1) To exercise the powers, duties and functions vested in the Municipality, in terms of section 2(4), 4(2), 5(2), 7(1), (3), (4) and (6), 10(1), 11(1), (2), (3) and (4), 12(1), (3), (4) and (5), 13(3), 14(1) and (1A), 15 and 18(1).

(2) To comment on appeals lodged in term of section 9 as read with the regulations thereto and authorising officials to appear at the Review Board Hearing of the appeal.

National Building Regulations (GNR 2378 of 12 October 1990)

(3) Application and enforcement of the National Building Regulations GNR 2378 of 12 October 1990 (as amended).

(4) To supply the levels at which a portion of a street is intended to be constructed or is likely to be reconstructed and, where unable to do so, to furnish reasons to that effect, in terms of Regulation A11(2).

5. Environmental Resource Management

Environment Conservation Act, No 73 of 1989

(1) To exercise the powers, duties and functions vested in the Municipality, in terms of section 28(A) and 31(A)(1),(2),(3) and (4).

Directions in terms of the Environment Conservation Act, No 73 of 1989 (PN 161/1997: Declaration of Lourens River Protected Natural Environment)

(2) To grant or refuse approval in terms of these directions with or without conditions, in respect of land situated within the Lourens River Protected

Natural Environment.

National Environmental Management Act, No 107 of 1998

(3) To monitor whether City departments take reasonable measures to prevent pollution or degradation of the environment from occurring, where it occurs, to instruct the relevant service unit or official to take appropriate remedial action as contemplated in section 28(3), to identify measures needed to minimize and rectify such pollution or degradation, to compile an environmental compliance register and report same to the City Manager such that he can report it to the Minister or MEC as appropriate, in terms of section 28(1).

(4) To exercise the powers, duties and functions vested in the Municipality in terms of section 30(6), (7), (8), (9) and (10), 35(1), 39 and 43(1), (1A) and (2).

(5) To recommend to the Executive Mayor to institute a prosecution in respect of any breach or threatened breach of any duty concerned with the protection of the environment where the breach of that duty is an offencern, in terms of section 33.

(6) To recommend to the Executive Mayor that the City enter into agreements with the Minister, Director-General or MEC with regard to the delegation or powers or duties vested in him/her in terms of the Act or a specific environmental management act, in terms of section 42 and 42A.

(7) To submit responding statements on appeals lodged, in accordance with any appeal regulations made by the Minister, in terms of section 44(1)(a) read with section 43(4).

NEMA Regulations on Environmental Authorisation & Regulations on Exemptions

(8) To make comments, objections and representations in a basic assessment, full scoping or other EIA process, and on an advertised report or submission including applications for exemption from any provision of the Act or Specific Environmental Management Act.

NEMA Regulations on Environmental Management Frameworks

(9) To initiate, prepare, publicly participate and submit for approval by the relevant authority Environmental Management Frameworks.

National Heritage Resources Act, No 25 of 1999

(10) To exercise the powers, duties and functions vested in the Municipality, in terms of section 8, 25, 26(1), 27, 29(2) and (10), 30(5), (10) and (13), 31(7)(a) and (c), 39(3)(b), 42(1), 44, 49(2), 51(1) and (9), and 58.

(11) To compile an inventory of heritage resources within the City's area of jurisdiction, submit same to the provincial heritage resources authority, recommend aspects thereof to be listed in the provincial Heritage Register and assist in compiling Cape Town's part of same, in terms of section 30(5).

(12) To request the Provincial Heritage Resources Authority to apply section 34(3), 38(9) and 48(3) exemptions within an identified area.

(13) To comment on HIAs, or where the power to decide an application is delegated to the City in terms of section 38, or where impact is assessed

in an application in terms of the Municipal Planning By-law, 2015, Development Management Scheme or other relevant law, approve same.

(14) To maintain a list of and assist and cooperate with heritage bodies, as provided for in section 25(1).

Minerals and Petroleum Resources Development Act, No 28 of 2002

(15) To comment on applications for prospecting, mining, exploration, production or related activities, or an environmental management programme or environmental management plans, in terms of sections 10, 16, 22 and 27.

National Environmental Management: Protected Areas Act, No 57 of 2003

(16) To manage a nature reserve or protected environment (if assigned by the MEC or Minister as the case may be) in terms of section 38, and to develop and implement internal rules and management procedures for same including nature reserves declared in terms of section 52(1).

(17) To prepare or ensure the preparation of management plans and submission thereof to the relevant authority for approval, in terms of section 39(2) or provide input to same initiated by other management authorities, in terms of section 39(3).

(18) To co-manage protected areas and regulate human activities that affect the environment with regard to the issues listed in section 42(2) and (3), in terms of an agreement in terms of section 42(1)(a).

(19) To, in accordance with prescribed norms and standards, make internal rules for the proper administration of nature reserves and protected areas where the City is the management authority, in terms of section 52.

NEMPAA Regulations for the proper administration of nature reserves, 2012

(20) To where the City is the management authority, exercise the powers, functions and duties of the management authority of a nature reserve or protected area, in terms of regulation 4(1), 5, 6, 7, 15 to 50.

(21) To establish one or more advisory committees in respect of a nature reserve or protected are where the City is the management authority, in terms of regulation 9, appoint it members (except where these are councillors, as they are appointed by the executive mayor and/or chief whip), including City employees as ex officio members, define such committees' specific mandate, and undertake all other required and related actions to give effect to such establishment as set out in regulation 10 to 14.

National Environmental Management: Biodiversity Act, No 10 of 2004

(22) To exercise the powers, duties and functions vested in the Municipality, in terms of section 43(1), 43(3)(c), 44, 46(2), 49(2), 76 and 77(1).

(23) To, where the City is the management authority of a protected area, prepare and submit to the MEC or Minister invasive species status reports, in terms of section 77(1).

National Environmental Management:
Integrated Coastal Management Act, No 24 of 2008

(24) To exercise the powers, duties and functions vested in the Municipality, in terms of section 18(1) and (5), 25(3) and 48(1),(3) and (4), and where designated thereto in terms of section 31C of the National Environmental Management Act, No 107 of 1998, also those in terms of section 59(1) and (5), 60(1).

(25) To request the relevant MEC to approve and publish the establishment of a coastal management setback line(s) or the amendment thereof, or comment on same where proposed by the MEC, in terms of section 25.

(26) To prepare and submit for adoption by Council a coastal management programme and associated policies for managing the coastal zone or parts thereof, including review or amendment thereof where necessary, and where so adopted, publish same for general notification, in terms of section 48(1), (3) and (4).

(27) To upon instruction, prepare a draft by-law to provide for implementation, administration and enforcement of a coastal management programme and submit same to the Executive Mayor together with Mayco for consideration, in terms of section 50.

(28) To where a contravening party fails to comply with a notice issued in terms of section 59(1) or (5), or section 60(1), instruct and appropriate person to carry out the required actions, and to recover the costs reasonably incurred from the relevant party.

Nature Conservation Ordinance, No 19 of 1974

(29) To appoint persons as nature conservation rangers, subject to the law governing the appointment of employees of a local authority, for the

purposes of carrying out the provisions of the ordinance, in terms of section 23(1).

Outdoor Advertising and Signage By-law, 2001

(30) To exercise the powers, duties and functions vested in the Municipality, in terms of section 2.4, 2.5, 2.7, 3, 4, 6, 8, 10.1, 11, 27.1, 27.3, 42, 44 to 50, 55, 67 to 70, 73, 75, 76, 78 and 79, as well as Schedule 10(10).

(31) In addition to the above, to also;

(a) call for documentary proof (which may include bank statements) of the non-profit status or community benefit objective of a non-profit body;
(b) remove or alter an unlawful sign erected or displayed on municipal property, or to do such work as may be specified in a notice, without a court order, where a notice in terms of section 75 is not heeded;
(c) remove a sign displayed on municipal property in contravention of the by-law in cases where no prior notice is required;
(d) make amendments and modifications to areas of control and to approve or amend a list or map of designated areas, prohibited areas and Areas of Control;
(e) waive, or refuse to waive parameters set out in Schedules 4 and 5 where the power to waive is provided for; and
(f) determine that the specified standards and criteria set out in the schedules for a specified sign, have been met.

Outdoor Advertising and Signage By-law, 2017

(Note: Delegations hereunder only become effective once this bylaw has been promulgated.)

(32) To exercise the powers, duties and functions vested in the Municipality, in terms of section 3(3) and (4), 4(1), (2)(c) and (3), 6(1), (2) and (6), 7(1), (2), (4) and (5), 8(1) and (2), 9, 11(1) to (4), (6), (7), (9) and (11)(d) and (h), 12(3), (4) and (6), 14(2) and (4), 19(1)(b) and 25(1), (2), (6) and (7), as well as Schedules 3 to 8.

- PART 37 -

EXECUTIVE DIRECTOR: AREA-BASED SERVICE DELIVERY

The Executive Director: Area-based Service Delivery is responsible for the following functional areas:

- Area Based Management and Sub-councils
- Customer Relations
- Area Management
- Public Participation
- Local Tourism Development
- Informal Trading
- Mayoral Urban Renewal Programmes

Acting in terms of section 59 of the Systems Act 32 of 2000, Council hereby delegates the following powers, functions and duties to and the Executive Director: Area-Based Service Delivery including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

(2) To implement the Social Development Implementation Protocol Agreement entered into between the City and Western Cape Provincial Administration within their respective areas.

(3) To establish and maintain a database of organizations within the area of the Sub-council and facilitate the liaison between the civic organisations, ratepayers associations and similar fora within the Sub-council.

(4) To facilitate the celebration of important local, national and international celebrations and events e.g. Youth Day, Human Rights Day etc.

2. Area Based Management and Sub-councils

(1) To, in consultation with the relevant line departments, identify and prioritise projects and service delivery initiatives for approval by Council.

(2) To, in consultation with the relevant line departments, facilitate and oversee the implementation of Service Level and Service Level Agreements within all operational areas.

(3) To oversee implementation of transversal projects and service delivery initiatives and resolve service delivery issues across areas.

3. Liquor Licences

(1) To lodge a complaint with the Western Cape Liquor Authority regarding the conduct of a licenced business or the renewal of a liquor licence.

(2) To report contraventions of the Western Cape Liquor Act, 2008, as amended and the By-law: Control of Undertakings that Sell Liquor to the public, 2013 to the designated Liquor Officer of the South African Police Services (SAPS) and the Western Cape Liquor Authority.

(3) To give notice of the application to neighbouring residents or such persons who may be affected by, or have an interest in, the granting or refusal of the application in terms of section 37(5) of the Western Cape Liquor Act, 2008, as amended, and in accordance with the policy laid down by Council.

- PART 38 -

EXECUTIVE DIRECTOR: INFORMAL SETTLEMENTS, WATER & WASTE SERVICES

The Executive Director: Informal Settlements, Water and Waste Services is responsible for the following functional areas:

- Informal Settlements and Backyarders
- Water and Sanitation
- Solid Waste Management

Acting in terms of section 59 of the Systems Act 32 of 2000, Council hereby delegates the following powers, functions and duties to and the Executive Director: Informal Settlements, Water & Waste Services including the power to sub delegate:

1. General

(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.

2. Solid Waste Management

In terms of Integrated Waste Management Policy

(1) To exercise the powers, duties and functions which vest in the Municipality, in terms

Part 1, Paragraph 5(a)

Part 2, Paragraph 5(ii)(b)

Part 3, Paragraph 2.1.3

Part 3, Paragraph 7

of the Integrated Waste Management Policy.

In terms of Solid Waste Management Tariffs (Tariff Policy)

(2) To exercise the powers, duties and functions which vest in the Municipality, in terms of

Clause 14, 17, and 21

of the Solid Waste Management Tariffs (Tariff Policy)

Clause 14 may not be sub-delegated

Clause 17 must be exercised within the parameters of Chapter 6 of the Credit Control & Debt Collection Policy.

(3) To authorise the issuing of free unsifted compost on request with the proviso barring the recipient from selling or obtaining material gain as a result – in terms of clause 1.3.5.1.2.7 of the Solid Waste Management Tariff Book.

In terms of Integrated Waste Management By-Law, 2009 as amended 2010
And Policy for the Accreditation of Service Providers
of Waste Management Services in Cape Town, 2009

(4) To exercise all powers, duties and functions which vest in the City, in terms of Sections 8(5), 10(10(j), 13(1), 13(2) and 17(1),
of the Integrated Waste Management By-law.

(5) To exercise all powers, duties and functions which vest in the Municipality, in terms of

Sections 7(2), 10(6) and 15(7)

of the Policy for the Accreditation of Service Providers of Waste Management Services in Cape Town, 2009.

In terms of the National Environmental Management:
Waste Act, Act No 59 of 2008

(6) To exercise the powers, duties and functions which vest in the Municipality, in terms of
Sections 58 and 61
of the National Environmental Management: Waste Act.

3. Water and Sanitation Management

In terms of National Water Act: Act 36 of 1998.

(1) To exercise all powers, duties and functions which vest in the Municipality, in terms of
Sections 19, 20, 21, 22, 33, 34, 35, 39, 40, 59, 118, 120 and 141
of the National Water Act.

In terms of Water Services Act: Act 108 of 1997.

(2) To exercise the powers, duties and functions which vest in the Municipality, in terms of
Sections 1 to 27
of the Water Services Act.

In terms of By-law relating to
Stormwater Management (PN 31420/2005)

(3) To exercise all powers, duties and functions which vest in the Council, in terms of
Sections 3, 4, 5, 7, 8(1), 9(1) and 10,
of the By-law relating to Stormwater Management.

4. Informal Settlements and Yarders

(1) To provide temporary housing relief measures in emergencies/disasters (e.g. Fire and flood kits).

(2) To authorise the demolitions of all illegal unoccupied structures in Informal Settlements in circumstances where these are vacant and not occupied at any time.

(3) To authorise and arrange for the relocation of families from informal settlements within City boundaries.

- PART 39 -

BUILDING CONTROL OFFICER

Acting in terms of section 59 of the Systems Act, as read with section 6(4) of the National Building Regulations and Building Standards Act no 103 of 1977 (the Act) Council hereby authorises the Building Control Officer to delegate to an official under his or her control any power, duty or function granted or entrusted to building control officers in terms of the Act.

PART 40 -

SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE

Acting in terms of section 59 of the Systems Act 32 of 2000, Council hereby delegates the following powers, functions and duties to the Bid Adjudication Committee, these may not be delegated or sub-delegated:

1. Function Specific Delegations

(1) To make a final award or to refuse to make a final award in respect of the procurement of goods and services where such award exceeds R200 000,00.

(2) To cancel any competitive bidding process and/or any item contained in such a tender after consideration of a written report from a Bid Evaluation Committee containing a recommendation to cancel, provided that such report has been signed by the relevant Executive Director and the report justifies such action.

(3) To approve awards to other organs of state as contemplated in section 110 of the Municipal Finance Management Act.

(4) To approve and award a tender or to approve and award any part of such a tender.

- PART 41 -

IMMOVABLE PROPERTY ADJUDICATION COMMITTEE

Acting in terms of section 59 of the Systems Act 32 of 2000, Council hereby delegates the following powers, functions and duties to the Immoveable Property Adjudication Committee, these may not be delegated or sub-delegated:

1. Function Specific Delegations

(1) To make recommendations to Council on the exercise of its powers in terms of Section 14 of the MFMA in so far as it relates to Immovable Property.

(2) To make recommendations to Council on the exercise of its powers in terms of the Municipal Asset Transfer Regulations in so far as it relates to Immovable Property.

(3) To make recommendations to the City Manager on the exercise of his/her powers in terms of the Municipal Asset Transfer Regulations in so far as it relates to Immovable Property.

(4) To approve or not approve transfer of ownership or disposal or granting of rights to use, control or manage non-exempted immovable capital assets provided that:

(a) Public participation process has been conducted (where necessary);
(b) S14 MFMA determinations (where applicable); and
(c) Approval in principle in terms of the Municipal Asset Transfer Regulations or approval by the decision making authority at the time prior to the Municipal Asset Transfer Regulations has been completed, and subject to final approval not being materially or significantly

different from the in principle approval by the relevant decision-making authority.

Overview of Contents

Appendix A:

Executive Mayor’s delegations to Mayco Members

- Alderman JP Smith
- Councillor Raelene Arendse
- Councillor Suzette Little
- Councillor Eddie Andrews
- Councillor Brett Herron
- Councillor Stuart Diamond
- Councillor Anda Ntsodo
- Councillor Xanthea Limberg
- Alderman Neilson
- Councillor Johan van der Merwe
- Councillor Siya Mamkeli

Appendix B:

City Manager’s sub-delegations

- Sub-delegations
- Statutory delegations
- MFMA delegations

Appendix C:

Executive Director’s Functional Delegations

- Directorate of the Mayor
- Corporate Services
- Energy
- Social Services
- Safety and Security
- Assets and Facilities Management
- Finance
- Transport and Urban Development Authority
- Area-based Service Delivery
- Informal Settlements, Water and Waste

Appendix D:

Terms of Reference

- Establishment of Committees in terms of the approved Governance Structures
- Establishment of Immovable Property Adjudication Committee
- Area-based Cluster Committee
- Assets and Facilities PC
- Communities Development Cluster Committee
- Corporate Services PC
- Disciplinary committee
- Economy and Environment Cluster Committee
- Finance PC
- Municipal Public Accounts Committee
- Naming and Nomination Committee
- Rules Committee
- Safety and Social Services PC
- Section 62 General Appeals Committee
- Sustainability and Resilience Cluster Committee
- Transport and Urban Development PC
- Utilities and Energy Services PC

Appendix E:

Guide and Rules of Order for BAC

Appendix F:

Planning Delegations in terms of LUPO

- Executive Mayor
- Interim Planning Committee
- Sub-Councils
- Commissioner: Transport and Urban Development Authority

APPENDIX A:

EXECUTIVE MAYOR'S DELEGATIONS TO MAYCO MEMBERS

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Alderman JP Smith

Dear Alderman

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: SAFETY & SECURITY AND SOCIAL SERVICES

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

PdeLille.

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2016~~ PdeL 2017

JP Smith

30-01-2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Councillor Raelene Arendse

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: CORPORATE SERVICES

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

PdeLille.

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2017~~ 2017 PdeL

18 January 2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 **F:** 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

To: Councillor Suzette Little

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: AREA BASED MANAGEMENT FOR AREA: NORTH[1]

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your area of jurisdiction are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

[1] This includes areas such as Mamre, Atlantis, Durbanville, Melkbos, Milnerton, Brooklyn, Maitland, Langa, Kraaifontein, Observatory, Cape Town, Sea Point, Camps Bay and Hout Bay

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the portfolio mayoral committee members regarding the engagement of the community and relevant sub-council chairs in your area of jurisdiction;

3.3 Ensuring transversal collaboration in the departments within your area of jurisdiction and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your area of jurisdiction and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor, are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your area of jurisdiction;

Yours faithfully,

P de Lille

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18·01·~~2016~~ P.d.L. 2017

18/1/2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

To: Councillor Eddie Andrews

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: AREA BASED MANAGEMENT FOR AREA: SOUTH[1]

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your area of jurisdiction are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

[1] This includes areas such as Constantia, Noordhoek, Cape Point, Muizenberg, Retreat, Phillipi, Mitchells Plain, Newlands and Rondebosch

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the portfolio mayoral committee members regarding the engagement of the community and relevant sub-council chairs in your area of jurisdiction;

3.3 Ensuring transversal collaboration in the departments within your area of jurisdiction and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your area of jurisdiction and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor, are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your area of jurisdiction;

Yours faithfully,

P.de Lille.

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01. ~~2016~~ 2017 P.deL.

20/01/2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Councillor Brett Herron

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: TRANSPORT & DEVELOPMENT AUTHORITY

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

P de Lille

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18·01·~~2016~~ 2017 P de L

18/1/2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Councillor Stuart Diamond

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: ASSETS & FACILITIES MANAGEMENT

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

P. de Lille.

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2016~~ P. de L. 2017

18.01.2016.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

To: Councillor Anda Ntsodo

Dear Cllr Ntsodo

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: AREA BASED MANAGEMENT FOR AREA: EAST[1]

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your area of jurisdiction are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

[1] This includes areas such as Kuils River, Khayelitsha, Eerste River, Somerset West, Strand and Sir Lowry's Pass

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the portfolio mayoral committee members regarding the engagement of the community and relevant sub-council chairs in your area of jurisdiction;

3.3 Ensuring transversal collaboration in the departments within your area of jurisdiction and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your area of jurisdiction and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor, are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your area of jurisdiction;

Yours faithfully,

Pdelille.

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2017~~ 2017 PdeL.

18/01/2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Councillor Xanthea Limberg

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: INFORMAL SETTLEMENTS, WATER, WASTE SERVICES AND ENERGY

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

PdeLille

PATRICIA DE LILLE

20/01/2017

EXECUTIVE MAYOR PdeL

Date: 18·01·~~2016~~ 2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

To: Alderman Neilson
Executive Deputy Mayor

Dear Alderman Neilson

YOUR DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment by Council as the Executive Deputy Mayor.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

PART A: DELEGATIONS IN TERMS OF LEGISLATION

1. Section 56 of the Structures Act

1.1 Identify the needs of the municipality [subsection 2(a)];

1.2 Evaluate progress against the key performance indicators [subsection 3(b)];

1.3 Monitor the management of the municipality's administration in accordance with the directions of the municipal council [subsection 3(d)];

1.4 Oversee the provision of services to communities in the municipality in a sustainable manner [subsection 3(e)];

1.5 Annually report on the involvement of communities and community organisations in the affairs of the municipality [subsection 3(g)];

1.6 Ensure that regard is given to public views and report on the effect of consultation on the decisions of the council [subsection 3(h)].

2. Section 36 of the Systems Act

2.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL

3.1 Make media statements, in consultation with the Office of the Executive Mayor;

3.2 To adopt a strategy in consultation with the Executive Mayor for the promotion of a culture of performance management among the municipality's political office bearers, political structures and Councillors;

3.3 Consult the community on the development, implementation and review of the municipality's performance management system.

PART C: YOUR ROLES AND RESPONSIBILITIES

Your specific functional roles for which you have oversight are the following:

4.1 Project Portfolio Management;

4.2 Probity;

4.3 Convenco;

4.4 Audit Committee;

4.5 Cape Town Stadium (Proposed Municipal Entity);

4.6 Legislative Development, including Government Circulars;

4.7 Intergovernmental Relations with National and Provincial Government and other state entities.

PART D: JOINT RESPONSIBILITIES

Please note that we will be jointly considering/participate in the following matters:

5.1 Performance Management matters;

5.2 Civic Duties;

5.3 International Relations;

5.4 Policy, Strategy and Budgeting matters;

5.5 Auditor-General

5.6 Investment promotion on behalf of the City.

These duties will be distributed according to directorate operating procedures.

Yours faithfully,

P. de Lille.

PATRICIA DE LILLE
EXECUTIVE MAYOR
Date: 2.2.2017

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth

PA to the Executive Mayor

Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313

E: Monique.scharffenorth@capetown.gov.za

To: Councillor Johan van der Merwe

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: FINANCE

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your directorate are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members for area-based service delivery and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the area-based mayoral committee members regarding the engagement of the community and relevant sub-council chairs;

3.3 Ensuring transversal collaboration in the departments within your directorate and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your directorate and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your directorate.

Yours faithfully,

P de Lille

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2018~~ 2017 PdeL 18/01/2017.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

OFFICE OF THE EXECUTIVE MAYOR

Monique Scharffenorth
PA to the Executive Mayor
Manager: Mayoral Administration

T: 021 400 2525 F: 021 400 1313
E: Monique.scharffenorth@capetown.gov.za

To: Councillor Siya Mamkeli

Dear Councillor

DELEGATIONS, SUB-DELEGATIONS AND ROLES AND RESPONSIBILITIES FOR YOUR DIRECTORATE: AREA BASED MANAGEMENT FOR AREA: CENTRAL[1]

I refer to the correspondence addressed to you dated 15 December 2016, specifically paragraph 2 thereof, which stated that further correspondence regarding your delegations and sub-delegations will follow in terms of your appointment to the mayoral committee.

I confirm that you have been appointed in terms of section 60(1)(a) of the Local Government: Municipal Structures Act, No. 117 of 1998 as a member of the mayoral committee from among the councillors to assist the Executive Mayor.

Section 60(3) of the Local Government: Municipal Structures Act, No. 117 of 1998 stipulates that all designated functions must be exercised and performed by the Executive Mayor, together with the other members of the mayoral committee. To give effect to section 60(3) and section 60(1)(a), you must ensure that all designated functions related to your area of jurisdiction are brought formally to the mayoral committee to be exercised together with the other members. Failure to do so will constitute a breach of section 69 of the Local Government: Municipal Structures Act, No. 117 of 1998.

Please note that members of the mayoral committee represent the Executive Mayor in their respective directorates and advise the Executive Mayor accordingly. While the directorates of the mayoral committee have been revised, each position is of equal weight and merit.

I, in my capacity as the Executive Mayor, am permitted to delegate statutory powers, functions and duties and to sub-delegate delegated powers, functions and duties. In order

[1] This includes areas such as Goodwood, Epping, Parow, Bellville, Delft, Manenberg, Gugulethu and Athlone

to maximise administrative and operational efficiency, I have decided to delegate and sub-delegate you the following as set out below:

1. **PART A: DELEGATIONS IN TERMS OF LEGISLATION**

Section 36 of the Systems Act

1.1 To give effect to the Integrated Development Plan and conduct the affairs in a manner which is consistent with the Integrated Development Plan.

2. **PART B: SUB-DELEGATION OF DELEGATED POWERS AS CONFERRED UPON ME BY COUNCIL**

2.1 Make media statements, in consultation with the Office of the Executive Mayor.

3. **PART C: YOUR ROLES AND RESPONSIBILITIES**

Please note you will also be responsible for the following:

3.1 Working together, and in consultation, with the mayoral committee members and departments to give effect to area-based service delivery and to ensure that service levels, operational and project agreements are implemented. In this regard, you must report monthly to the Executive Mayor, in accordance with agreed performance indicators;

3.2 Working together, and in consultation, with the portfolio mayoral committee members regarding the engagement of the community and relevant sub-council chairs in your area of jurisdiction;

3.3 Ensuring transversal collaboration in the departments within your area of jurisdiction and across other directorates where necessary;

3.4 Ensuring transversal project collaboration for multi-disciplinary projects in your area of jurisdiction and across other directorates where necessary;

3.5 Ensuring that all transversal strategies and performance processes determined by the Executive Mayor, are adhered to;

3.6 Reporting, on a monthly basis, on key implementation notices, official decisions regarding your delegation in 1 above and your sub-delegation in 2 above, and also tasks instructed by the Executive Mayor and your roles and responsibilities in Part C;

3.7 Using the project portfolio management system to review and monitor capital programmes and projects in your area of jurisdiction;

Yours faithfully,

P de Lille

PATRICIA DE LILLE

EXECUTIVE MAYOR

Date: 18.01.~~2017~~ PdeL 2017

18/01/2017

APPENDIX B:

CITY MANAGER'S SUB-DELEGATIONS

- Statutory delegations
- MFMA

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY MANAGER'S SUB-DELEGATIONS IN TERMS OF COUNCIL'S DELEGATIONS

eff. July 2017

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority
1. Staff Reporting Lines and Designation of scarce positions										
(1) To approve or delegate the approval of reporting lines of positions below that of Executive Director.	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
(2) To determine guidelines to inform the identification of jobs to be designated as scarce skills.	Remains with the ED:CS only									
❖ **This delegation is to identify and confirm posts designated as scarce skills or premium positions in terms of the guidelines;** ❖ **This delegation is for the approval of individual salary adjustments or allowances arising out of the application of the scarce skills policy and must be exercised by Corporate Services.**	Remains with the ED:CS									

SUB-DELEGATIONS TO OFFICIALS

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2. Staff Recruitment										
(1) To appoint recruitment agents for advertising, sourcing and assessment of candidates where considered necessary. ❖ This delegation is to appoint recruitment agents for advertising, sourcing and assessment of candidates from a panel of recruitment agents previously approved in accordance with the Supply Chain Management Regulations and in accordance with the Recruitment and Selection Policy, where such resources are not available internally. ❖ External service providers are to be administered by the Manager: Strategic Staffing to ensure consistency of application of City policies and quality of service delivery – this will ensure that all the paperwork is done and concluded before the service provider departs.	Remains with the ED: CS									

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(2) To authorise the advertising and filling of vacancies for staff. ❖ This delegation is to authorise the advertising and filling of vacancies for staff and the posts advertised must be based on *approved Job Description(s) and Grade(s). NOTE: In respect of Directors and Managers reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services.	ED: CS; NOTE: Directors delegated to determine interview panels. In consultation with Employment Equity.	ED: Social Services, ***Recreation & Parks only*** – Director, Manager, Heads	ED: Energy, HR Business Partner	ED: Directorate of the Mayor	Remains with the CFO	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED S&S, Directors and Managers or equivalent positions exercising management function	ED: ISWWS, Manager: Support Services	Commissioner: T&UDA; T&UDA Directors and Managers or equivalent positions exercising management function

SUB-DELEGATIONS TO OFFICIALS

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❖ This delegation is to manage the interview process for all staff recruited within the Directorate. For Director and Manager posts, the relevant ED together with the ED: CS, one other ED and the relevant HR representative must conduct the interview. *NOTE: Please note that the reference to Manager posts i.r.o the interviews to be conducted by the relevant ED means only "Managers reporting directly to EDs" In respect of Directors and Managers reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services.	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy; Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED: S&S; Directors and Managers or equivalent positions exercising management function	ED: ISWWS; Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function

SUB-DELEGATIONS TO OFFICIALS

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(3) To approve the costs related to interviews of job applicants. NOTE: In respect of Directors and Manager reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services.	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy, Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED: S&S; Directors and Managers or equivalent positions exercising management function	ED: ISWWS, Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function
3. Resignations, Retractions and Retirement										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(2) To accept the retraction of resignations. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										

SUB-DELEGATIONS TO OFFICIALS

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(3) To authorise retirement on the grounds of ill health. ❖ **This delegation is to authorise retirement on the grounds of ill health after the approved process for incapacity due to ill health has been followed.**	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
(4) To authorise the extension of retirement age subject to the relevant pension fund rules. City Manager only to exercise this delegation										
(5) To enter into a contract of employment with an applicant who is over the City's retirement age of 60, up to a maximum of 65 year of age. ❖ **This delegation is subject to it strictly being a scarce skill and further subject to a skills transfer taking place during this period.** City Manager only to exercise this delegation **Guidance Note:** **1. Council approved pensionable age as 65 years of age. Succession planning is imperative.**										

SUB-DELEGATIONS TO OFFICIALS

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4. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave; (j) special leave for study purposes **DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS**										

SUB-DELEGATIONS TO OFFICIALS

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(2) To approve the encashment of leave. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(4) To approve requests for additional time off beyond that provided for in the Organisational Rights Agreement. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

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(5) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS **Guidance Note:** **1. Process for incapacity due to ill health must be followed**										
5. Overtime										
(1) To approve the payment of overtime and/or time off in lieu of overtime. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS **Guidance Note:** **1. Granting of TOIL rather than payment of overtime can be exercised.** **2. Maximum overtime hours as per basic conditions of employment act.**										

SUB-DELEGATIONS TO OFFICIALS

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(2) To determine the class of employee not entitled to overtime pay. ❖ To be exercised in consultation with EMT.	Remains with the ED: CS									
6. Standby Duties										
1) To approve the performance of standby duties and where applicable, the payment of a standby allowance. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS **Guidance Note:** **1. In accordance with collective agreements and/or policy guidelines.**										

SUB-DELEGATIONS TO OFFICIALS

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7. Training and Study										
(1) To authorise the training of members of staff within or ***outside the borders of South Africa.** DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS *NOTE: EDs to authorise the training of members of staff inside the jurisdiction of the City of Cape Town municipality. In respect of training outside the borders of the City of Cape Town, the delegation for travel remains with the City Manager. Where training is outside the borders of South Africa the delegation remains with the Executive Mayor.										

SUB-DELEGATIONS TO OFFICIALS

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8. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
9. Performance Evaluations										
(1) To approve performance evaluations. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

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(2) To undertake the probation assessment of employees including employees appointed in terms of section 56 of the Systems Act and report thereon to Council. ❖ **ED undertakes assessment of Directors and Managers reporting directly to EDs.** **Note: In respect of Directors and Managers reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services.**	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy; Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED S&S, Directors and Managers or equivalent positions exercising management function	ED: ISWWS; Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function

SUB-DELEGATIONS TO OFFICIALS

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10. Disciplinary Action										
(1) To authorise investigations into allegations of misconduct. **Guidance Note:** 1. **This authority excludes forensic investigations, which is covered further below.**	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy; Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED S&S, Directors and Managers or equivalent positions exercising management function	ED: ISWWS; Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function
(2) To authorise the institution of disciplinary procedures. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										

SUB-DELEGATIONS TO OFFICIALS

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(3) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. This authority may not be further sub-delegated. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(4) To authorise the suspension of an employee pending the finalisation of disciplinary action. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(5) To monitor the application of disciplinary procedures within Directorates, which authority may not be sub-delegated lower than Executive Director level. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										

SUB-DELEGATIONS TO OFFICIALS

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11. Disputes, Grievances and Labour Issues										
(1) To authorise investigations into disputes and grievances.	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy; Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED S&S, Directors and Managers or equivalent positions exercising management function	ED: ISWWS; Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function
(2) To settle labour relations disputes after following the prescribed processes, involving cases such as, but not limited to misconduct, incapacity, poor performance, ill health, injury, or an outcome of the grievance lodged by an employee. ❖ **This sub-delegation is in respect of disputes referred to the SALBC for conciliation or arbitration, after following the prescribed processes, in concurrence with Executive Director: Corporate Services.**	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA

SUB-DELEGATIONS TO OFFICIALS

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(3) To give a mandate in respect of hearings, arbitrations and mediation of the CCMA, and to agree on settlement conditions in respect of corporate wide issues.	Remains with the ED: CS only									
(4) To execute mandates from the Council in respect of Council wide labour issues.	Remains with the ED: CS only									
(5) To coordinate and manage Council's responses to strike action.	Remains with the ED: CS only									

SUB-DELEGATIONS TO OFFICIALS

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12. Forensic and Ethics Investigations										
(1) To authorise forensic and ethics investigations in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the City of Cape Town. (a) To issue appropriate executive instructions to any City employee, agent, contractor, supplier and/or service provider in respect of any Forensic and Ethics department's activity. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

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DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority
13. Employee Debt										
(1) To approve the terms and conditions for the repayment of debt owed to Council. NOTE: The sub-delegation to the CFO excludes employee debt in the Finance Directorate. The Executive Director: Corporate Services is to approve the terms and conditions for the repayment of debt owed to Council by staff employed in the Finance Directorate.					CFO; Directors and Managers in Revenue & Debt Management unit					

SUB-DELEGATIONS TO OFFICIALS

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14. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location. DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS										
(3) To approve participation in motor vehicle essential user schemes.	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA

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15. Long Service Bonuses and Other Benefits and Rewards										
(1) To approve long service bonuses and other benefits and rewards in terms of applicable conditions of service. ❖ **This sub-delegation is to be exercised in consultation with the relevant ED(s).**	Remains with the ED: CS only									
16. Contracts, Agreements, Securities and Cheques										
(1) To certify that funds to cover a Bank Guarantee in respect of a Housing Loan, are available in the staff member's pension fund.					Remains with the CFO only					
(2) To enter into and sign employment contracts. **DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS**										
(3) To approve a notice of staff appointment. **DELEGATED DIRECTLY TO ALL EDs IN THEIR GENERAL DELEGATIONS**										

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(4) To enter into and sign contracts and other documents, with or without financial consequences, which contracts are necessary for the functioning of the municipality. City Manager only to exercise this delegation										

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(5) When the interest of the City so demands, to terminate any contract to which the City is a party.										

CITY MANAGER:

CM retains the authority to terminate procurement contracts to the value of R10 m and more (excl VAT)

Note: If termination of the contract is more than R10 m (excl. VAT) the signatures will be:

- Relevant Director in which jurisdiction the termination of the contract has occurred
- Director: Supply Chain Management
- Director: Legal Services
- ED: Corporate Services
- City Manager

SUB-DELEGATION:

1. ED: Corporate Services terminates procurement contracts with a value equal to or exceeding R200 000.00 but less than R10 m (excl VAT)

Note: If the termination of the contract exceeds R200 000 and is less than R10 m (excl. VAT) the signatures will be:

- Relevant Director in which jurisdiction the termination of the contract has occurred
- Director: Supply Chain Management
- Director: Legal Services
- ED: Corporate Services

2. Director: Legal Services terminates procurement contracts with a value less than R200 000.00 (excl VAT)

Note: If the termination of the contract is less than R200 000 (excl. VAT) the signatures will be:

- Relevant Director in which jurisdiction the termination of the contract has occurred
- Director: Supply Chain Management
- Director: Legal Services

SUB-DELEGATIONS TO OFFICIALS

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(6) To enter into and sign implementation protocols with other spheres of government and organs of state. City Manager only to exercise this delegation										
(7) To enter into and sign staff related contracts e.g., bursaries, studying overseas etc. ❖ **This sub-delegation is to be exercised in consultation with the relevant ED.**	Remains with the ED: CS only									
(8) To authorise officials to sign cheques and withdraw money on behalf of the Council.					Remains with the CFO only					

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17. Uniforms and Protective Clothing										
(1) To determine what uniforms and protective clothing should be issued to the various categories of staff. ❖ **The ED: Corporate Services is delegated with determining guidelines for such clothing.**	Remains with the ED: CS only									
❖ **EDs have delegated authority to allocate such clothing i.t.o. these guidelines.**	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
18. Ex Gratia Payments										
(1) To authorise ex gratia payments to staff in respect of loss and damage to personal property when acting within the scope of his/her employment. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

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19. General										
(1) To grant authority for officials to attend conferences, congresses, seminars, workshops, symposia, lectures, courses, court and related legal engagements, and meetings outside of the municipal boundaries of Cape Town but within the Republic of South Africa. **City Manager only to exercise this delegation**				See memo dated 27/01/2017 in respect of VIP officials						
(2) To grant travel authority for non-officials attending to official City business on behalf of the City outside of the municipal boundaries of Cape Town but within the Republic of South Africa. **City Manager only to exercise this delegation** ***NOTE: In respect of travel within South Africa, the delegation for travel remains with the City Manager. Where attendance is outside the borders of South Africa the delegation remains with the Executive Mayor.**										

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(3) To grant authority for Executive Directors to attend conferences, congresses, seminars, symposia and lectures within the municipal boundaries of Cape Town municipality. **City Manager only to exercise this delegation**										
(4) To permit Departments to enter competitions/ exhibitions to show case Council projects / work and to authorise associated costs in consultation with the Communications Department. **City Manager only to exercise this delegation**										
❖ **Authorisation for the reservation and booking of a council-owned facility for the purposes of any of the above events.** ❖ **Should it be proven that all efforts to secure the use of a council-owned facility have failed, then the ED only has the authority to approve the reservation and booking of an external venue.**	ED: CS; Directors and Managers	ED: Social Services; Directors and Managers	ED: Energy; Directors and Managers	ED: Directorate of the Mayor; Directors and Managers	CFO; Directors and Managers	ED: ABSD; Directors and Managers	ED: AFM; Directors and Managers	ED: S&S; Directors and Managers or equivalent positions exercising management function	ED: ISWWS; Directors and Managers	Commissioner: T&UDA; Directors and Managers or equivalent positions exercising management function

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(5) To approve corporate criteria to govern the authorisation and budgetary control of the attendance of staff at conferences, congresses, seminars, workshops, symposiums, lectures, courses and meetings. Monitors compliance with criteria by managers. ❖ **To be exercised in consultation with EMT.** ❖ **EDs are responsible for monitoring manager's compliance with criteria.**	Remains with the ED: CS only									
(6) To administer and award External Scholarships and Bursaries. ❖ **The City Manager awards the External Scholarships and Bursaries in consultation with the relevant ED(s).** ❖ **ED: Corporate Services administers the process, as well as the fulfilment of the scholarship or bursary conditions / or terms.**	Remains with the ED: CS only									

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(7) To approve applications for bursaries for internal staff. ❖ **This sub-delegation is to approve applications for study allowances/bursaries for first post school qualification (i.e. up to NQF6)**	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
❖ **This sub-delegation is to approve applications, in consultation with respective EDs, for post graduate studies.**	Remains with the ED: CS only									
(8) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application. **This delegation should be exercised strictly in accordance with Council policy.**	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA

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(9) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	Remains with the ED:CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
(10) To ensure that Declaration of Interest(s) for officials are received, considered and approved. **Guidance Note:** 1. **Private work & declaration of interest SOP applies.** 2. **EDs are to submit quarterly Declaration of Interests updates to the City Manager.**	ED: CS; All Directors, Managers and Heads or equivalent positions	ED: Social Services; All Directors, Managers and Heads or equivalent positions	ED: Energy; All Directors, Managers and Heads or equivalent positions	ED: Directorate of the Mayor; All Directors, Managers and Heads or equivalent positions	ED: Chief Finance Officer; All Directors, Managers and Heads or equivalent positions	ED: Area-based Service Delivery; All Directors, Managers and Heads or equivalent positions	ED: AFM; All Directors, Managers and Heads or equivalent positions	ED: S&S; All Directors, Managers and Heads or equivalent positions	ED: ISWWS; All Directors, Managers and Heads or equivalent positions	ED: T&UDA; All Directors, Managers and Heads or equivalent postiions
(11) To develop and adopt in terms of section 67 of the Systems Act appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration.	Remains with the ED: CS only									

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(12) To determine guidelines for the appointment of non-permanent staff and periodically monitor the usage and continued employment of such staff. ❖ **This delegation is in respect of Labour Broker staff and their appointment.**	Remains with the ED: CS only									
(13) To authorise deviations from salary payment date, i.e. 27th of each month, in appropriate circumstances, including the determination of salary payment date in December of each year. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

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20. Appointments in terms of legislation										
(1) To make appointments as Responsible Officer and Deputy Responsible Officer in terms of Section 2(4)(a) of the Regulation of Gatherings Act, No 205 of 1993.						Remains with the ED: ABSD				
(2) To appoint in terms of the Fire Brigade Services Act 1987 (Act 99 of 1987) a Chief Fire Officer who possesses the prescribed qualifications and experience to be in charge of the Municipality's fire service.								Remains with the ED: S&S only		
(3) To appoint officials to represent Council on outside bodies.	Remains with the ED: CS	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
(4) To designate employees as contemplated in Regulations 9(a) and (b) of the Western Cape Noise Control Regulations, 2013, PN 200 dated 20 June 2013. **City Manager only to exercise this delegation**										

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(5) To appoint Law Enforcement Officers in terms of Part 5(a) of GN R209 of 19 February 2002, Declaration of Peace Officers.								Remains with the ED: S&S only		
21. Legal										
(1) To 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 provided that this amount does not exceed R10 000 000. ❖ **This sub-delegation is to be exercised in consultation with Executive Director: Corporate Services**					Remains with the CFO only					

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(2) To provide a member of staff, other than the City Manager or managers directly accountable to the City Manager, with legal representation, in terms of section 109A of the Systems Act where: (a) legal proceedings have been instituted against the member of staff as a result of any act or omission by the official in the exercise of his or her powers or the performance of his or her duties; or (b) the official has been summoned to attend any legal proceedings in the exercise of his or her powers or the performance of his or her duties.	Remains with the ED: CS									
(3) To obtain legal opinion including that of Senior Counsel on any matter, excluding those matters reserved for the Executive Mayor by Part 1. B. delegation 3(7).	Remains with the ED: CS									
(4) To appoint lawyers, attorneys and Counsel to provide professional assistance including that of Senior Counsel on any municipal matter, excluding those matters reserved for the Executive Mayor by Part 1.B. delegation 3(7).	Remains with the ED: CS									

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(5) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	ED:CS; Director: Legal Services	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA
(6) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	ED:CS; Director: Legal Services	Remains with the ED: Social Services	Remains with the ED: Energy	Remains with the ED: Directorate of the Mayor	Remains with the CFO	Remains with the ED: ABSD	Remains with the ED: AFM	Remains with the ED: S&S	Remains with the ED: ISWWS	Remains with the Commissioner: T&UDA

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22. Procurement and Leasing										
(1) To decide on any procurement of goods and services, subject to the Supply Chain Management Regulations and Council's Supply Chain Management and Procurement Policies, to a value up to R200 000. Where the acceptance of the most financially beneficial offer to Council is not accepted, the reasons therefore should be motivated and recorded in writing. ❖ **This delegation is to initiate any procurement of goods and services, subject to the Supply Chain Management Regulations and Council's Supply Chain Management and Procurement Policies, to a value up to R200 000, provided that the funds are available on the directorates budget.**	Directors; Managers reporting directly to the ED; All authorised cost centre managers in respect of OPEX expenditure.									

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NOTE: The delegation to procure goods and services, subject to the Supply Chain Management Regulations and Council's Supply Chain Management and Procurement Policies, to a value up to R200 000, provided that the funds are available on the directorates budget is sub-delegated to the Director: Supply Chain Management. Where the acceptance of the recommended supplier is not in respect of the most financially beneficial offer to Council, the initiator should motivate the reasons therefore in writing on the standard report template provided and submit the request to the Director: Supply Chain Management for final consideration.										
(2) After considering a recommendation by the Supply Chain Management Bid Adjudication Committee {in terms of regulation 29(1) of the Supply Chain Management Regulations and clause 214 of the Council's Supply Chain Management Policy} to take such steps as he/she deems appropriate under the circumstances to proceed with the relevant procurement. City Manager only to exercise this delegation **Guidance Note:** **1. The above reference to the City's SCM Policy**										

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clause 214 is erroneous as it conflicts with the reference to the regulation. (Refer to the regulation)										
(3) To cancel the awarding of tenders relating to non-responsive tenders and tender cancellations (where the successful bidder fails to perform) in terms of the City's property disposal management system.							ED: AFM			

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(4) To consider and approve condonations upon the recommendation from the BAC in terms of paragraphs 266 and 310 of the City's Supply Chain Management Policy. City Manager only to exercise this delegation **Guidance Note:** 1. **The above references to the City's SCM Policy is erroneous. (Refer: 2017 SCM Policy paragraphs 275 & 326)**										
(5) To authorise the public participation process for the granting of rights to use, control or manage capital assets for the following categories listed: (i) capital assets less than R10 mil, longer than 3 years (<R10 m and >3 yrs) (ii) capital assets more than R10 mil, not longer than 3 years (>R10m and <3 yrs) (iii) capital assets less than R10 mil, not longer than 3 years (<R10m and <3 yrs) NOTE: This delegation is to be exercised in consultation with the ED: Area-based Service Delivery.							Remains with the ED: AFM			

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(6) To approve the granting of rights to use, manage or control capital assets of a value less than R10 Million and for a period of not longer than 3 years, provided that this delegation may only be exercised after considering the comments of the Sub-council in whose area of jurisdiction the capital asset is situated. ❖ **Once the Sub-council(s) has submitted a recommendation, the Executive Director: Area-based Service Delivery is to make the final recommendation to the ED: Assets & Facilities Management to whom this authority has been sub-delegated to.**							ED: AFM			
(7) To approve in principle the rights to use, control or manage the capital asset in terms of regulation 34(1)(b) of the MATR, excluding capital assets of a value in excess or R10 million and for a period longer than 3 years.							ED: AFM			

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(8) To approve the granting of the rights to use, control or manage capital assets less than R10 million, longer than 3 years (<R10 million and >3 years) and capital assets more than R10 million, not longer than 3 years (>R10 million and <3 years) for the following categories: a) Social Care leases: Leases to Social Care organisations (NPOs, NGO's, sports organisations not for profit) at a tariff rental as approved by Council annually. b) Non-viable gardening and security leases: Leases of non-viable portion(s) of municipal land to adjacent land owners at a tariff rental as approved by Council annually; Provided that this delegation may only be exercised after considering the comment from the Sub-council in whose area of jurisdiction the capital is situated.							Remains with the ED: AFM			
❖ **Once the Sub-council(s) has submitted a recommendation, the Executive Director: Area-based Service Delivery is to make the final recommendation to the ED: Assets & Facilities Management to whom this authority has been sub-delegated to.**										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(9) To authorise the public participation process for the disposal of capital assets excluding high value capital assets (exceeding R50 million). NOTE: This delegation is to be exercised in consultation with the ED: Area-based Service Delivery						ED: ABSD	ED: AFM			
(10) To approve the cession, assignment and sub-letting of leases provided that the existing lease agreement makes provision for the cession, assignment and sub-letting and that the same terms and conditions of the existing lease agreement will apply.							ED: AFM			
23. Finance										
(1) To authorise subject to the Virement Policy, after consultation with the relevant Mayoral Committee member, and subject to the provisions of the MFMA, the virement of funds within any operational or capital vote to an amount determined by the Executive Mayor. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(2) To determine the upper limit of virementation within operational and capital votes of Executive Directors, Directors and Managers. City Manager only to exercise this delegation	To process for the approval by Director: Budgets, the upper limit of virementation within **operational votes** of Executive Director's /Director's and authorised Cost Centre Managers within a single vote the following limitations are applicable: • EDs, CFO & Commissioner: Transport and Urban Development Authority R0 – R2 million • Directors R0 – R1 million • Cost Centre Managers R0 – R50 000,00 To process for the approval by Director: Budgets, the upper limit of virementation within **capital votes** of Executive Directors, Directors and Managers within a single vote the following limitations are applicable: EDs, CFO & Commissioner: Transport and Urban Development Authority R0 – R2 million per WBS element.									
(3) To write off individual bad debts exceeding R1 million on the recommendation of the Chief Financial Officer, provided that: *(a) an individual bad debt written off shall not exceed R5 million, and (b) an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R5 million *NOTE: See section 22(1) of the Credit Control and Debt Collection Policy adopted by Council. City Manager only to exercise this delegation **Guidance Note:** 1. **The reference to the above Policy is erroneous. (Refer: section 22)**										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(4) To write off assets up to a value of R5 million subject to section 14(2)(a) and (b) of the MFMA.					Remains with the CFO only					
(5) To dispose of movable capital assets below a value of R5 million subject to Section 14(2)(a) and (b) of the MFMA, provided that, in respect of capital assets above a value of R200 000, the City Manager shall first consider a recommendation from the Immoveable Property Adjudication Committee. **City Manager only to exercise this delegation**										
(6) To recover unauthorised, irregular or fruitless or wasteful expenditure from staff or former staff, other than those staff members directly accountable to the City Manager. **NOTE: The sub-delegation to the CFO excludes recovering costs from employees and former employees in the Finance Directorate. The Executive Director: Corporate Services is to exercise the delegation in such an instance.**					Remains with the CFO only					
(7) To set-up and maintain a Register of Unauthorised, Irregular, Fruitless and Wasteful Expenditure. **City Manager only to exercise this delegation**										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(8) To receive any grant, donation or gift to a value not exceeding R1 000 000.00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget. City Manager only to exercise this delegation										
(9) To act as the "Delegated authority" in terms of the Council Policy on Contributions to the City of Cape Town. City Manager only to exercise this delegation										
(10) To authorise the reallocation of Council approved credit limits for the short-term credit facilities categories, limited to the total short-term credit amount approved in terms of section 45(2), in order to maximise the benefits to the City. City Manager only to exercise this delegation										
24. Emergency Decision-making										
(1) To decide on and act in cases requiring an immediate decision, in consultation with the Executive Mayor or Deputy Executive Mayor or Speaker. If the Executive Mayor or Deputy Executive Mayor or Speaker										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
are not available, then only in exceptional cases the Municipal Manager may act on his/her own initiative. (a) This delegation may only be exercised in an emergency or in exceptional circumstances which may severely prejudice and have a detrimental impact on the Municipality and/or its residents, without detracting from the principle of accountability. (b) This power cannot be delegated or sub-delegated and whenever it is exercised, a report must be submitted to Council as soon as possible. City Manager only to exercise this delegation										
25. Appointment of Acting Managers accountable to the City Manager										
(1) To appoint, after consultation with the Executive Mayor, acting managers directly accountable to the City Manager. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(2) To appoint in vacant positions acting managers directly accountable to the City Manager, provided that the total number of days for which any person may be so appointed per directorate shall not exceed 60 days in total in any calendar year. This power may not be delegated or sub-delegated. City Manager only to exercise this delegation										
26. Rewards										
(1) To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the City, 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 any Councillor or official of the City. City Manager only to exercise this delegation										

SUB-DELEGATIONS TO OFFICIALS

The City Manager has sub-delegated the following powers, duties and functions – derived from Part 27B of the System of Delegations approved by Council on 31 May 2017 (C13/05/17).

DELEGATION	ED: Corporate Services (CS)	ED: Social Services	ED: Energy	ED: Directorate of the Mayor	Chief Finance Officer (CFO)	ED: Area-based Service delivery (ABSD)	ED: Assets and Facilities Management (AFM)	ED: Safety & Security (S&S)	ED: Informal Settlements, Water and Waste Services (ISWWS)	Commissioner: Transport and Urban Development Authority (T&UDA)
(2) To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations. City Manager only to exercise this delegation										
27. Financial Misconduct Regulations										
(1) To receive as the "designated official" reports of allegations of financial offences against councillors or members of the board of directors of municipal entities.					Remains with the CFO only					
(2) To establish reporting procedures as required by the regulations.					Remains with the CFO only					

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY MANAGER'S DELEGATIONS IN TERMS OF HIS STATUTORY POWERS

w.e.f. July 2017

TABLE OF CONTENTS

		Page
A	**STATUTORY POWERS AND FUNCTIONS OF THE CITY MANAGER**	
1.	Staff Establishment, Job Descriptions and Conditions of Service	3
2.	Training and Study	6
3.	Considering Appeals	8
4.	Appointment of Staff	9
5.	Transfer of Staff	14
6.	Displaced Staff	15
7.	Appointments in terms of Legislation	16
8.	Municipal Property Rates Act, 6 of 2004 (MPRA)	17
9.	Informal Trading By-Law, 2009	19
10.	Municipal Planning By-Law, 2015 (MPBL)	23
11.	General	24

Original 5 January 2017

Amended May 2017

☒ = Cannot be sub-delegated ✕ = Permitted sub-delegation

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the City Manager.

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
1. STAFF ESTABLISMENT, JOB DESCRIPTIONS AND CONDITIONS OF SERVICES												
(1) Subject to the council policy framework and any applicable legislation: (a) to draft the total staff establishment **(the approval of the final draft remains with the City Manager and is not to be delegated)** • **This delegation is to be exercised in consultation with EMT and is to be undertaken on an annual basis together with the budgeting process.**			☒									
(b) to provide a job		☒										

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
description for each post on the staff establishment. • **This delegation is to provide and approve a job description.**												
(c) to draft the remuneration package structure and conditions of service for each post **(the approval thereof remains with the City Manager and is not be delegated)** • **This delegation is to be exercised after consultation with EMT.**			☒									

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
• This delegation is to approve benchmarked posts for filling as critical vacancy/cies on recommendation from the Head: Job Evaluation. NOTE: In the event of the appointment needing to be above and beyond the commencement notch, the relevant line Executive Director must make a suitable motivation in terms of experience, competitive salary arguments, skill sets and relevant comparisons to the Executive Director: Corporate Services (ED: CS) who must consider the matter for approval. In the event of the line Executive Director and ED: CS not being able to find resolution, the City Manager must make the determination.		☒										

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
• **This delegation is to draft a standard contract of employment after consultation with the relevant Executive Director.** **NOTE: The approval of the relevant contract remains with the ED: CS.**			☒									
2. TRAINING AND STUDY												
(1) To authorise contracts for the outsourcing of training provision. **NOTE: The ED: CS is responsible for authorising contracts for the outsourcing of the Corporate training provision, whilst all other EDs may outsource training in respect of their specific directorate training needs.**		☒										

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(2) To authorise expenditure on the total directorate training budget.		×										

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DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
3. CONSIDERING APPEALS												
(1) To consider appeals in terms of section 62 of the Municipal Systems Act.			☒									
To: **1. Receive the appeals.** **2. To process the appeals.** **3. To finalise the decision/outcome for consideration and sign-off by the ED: CS.**										x		
(2)To consider appeals in terms of section 13(6) of the Events By-Law in respect of decisions taken by staff members in terms of any power or duty delegated or sub-delegated by a delegating authority.			x **In respect of events only**									

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DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
4. APPOINTMENT OF STAFF												
(1) To appoint staff, excluding staff referred to in Section 56 of the Municipal Systems Act, into permanent, temporary or casual positions that have been approved for filling and to recommend on which notch such person shall be placed within the applicable remuneration band for that position and where budgetary provision has been made. **NOTE: In the event of the appointment needing to be above and beyond the commencement notch, the relevant line Executive Director must make a suitable motivation in terms of**		☒										

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
experience, competitive salary arguments, skill sets and relevant comparisons to the Executive Director: Corporate Services (ED: CS) who must consider the matter for approval. In the event of the line Executive Director and ED: CS not being able to find resolution, the City Manager must make the determination.												

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(2) To appoint staff in an acting capacity. ▪ **Such appointments shall not exceed a period of 60 calendar days.** ▪ **For periods in excess of 60 calendar days: to be authorised by the City Manager who will only consider the appointment upon the submission of a suitable report which motivates the exceptional circumstances.** ▪ **The City Manager appoints Acting EDs, CFO & Commissioner: TDA.**		☒ **EDs, CFO, Commissioner: TDA, Directors & Managers or equivalent positions exercising management functions**										
(3) To determine guidelines for the appointment of non-permanent staff and periodically monitor the usage and continued employment of such staff. ▪ **This delegation is in respect of Labour Broker staff and must be exercised <u>after</u> consultation with EMT.**			☒ **ONLY**									

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
▪ **This delegation is to appoint Labour Broker staff in consultation with HR and periodically monitor the usage and continued employment of such staff.** ➢ **This delegation applies only for the appointment of staff below T14.**		☒ EDs, CFO, Commissioner: TDA, Directors & Managers or equivalent positions exercising management functions										
(4) To enter into and sign employment contracts. ▪ **This delegation is for EDs to, in consultation with the ED: Corporate Services, enter into and sign standard employment contracts for level 2 - 4 appointments.** ▪ **For categories below level 4, this delegation is to be exercised in consultation with the Manager: Strategic Staffing and to enter into and sign standard employment contracts.** ▪ **With regard to EPWP contracts the following:**		☒										

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
ED approves PID. The designated officials approve the relevant contracts and time worked for payment purposes. NOTE: • To be exercised by All EDs, CFO & Commissioner: TDA. • All Directorates in respect of EPWP contracts only: All Directors & Managers reporting directly to the ED. • Energy Directorate in respect of Standard Contracts only: HR Business Partner (Electricity) • ISWWS Directorate in respect of Standard Contracts only: Manager: Support Services (ISW&WS).												

☒ = Cannot be sub-delegated ✕ = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
5. TRANSFER OF STAFF												
(1) To authorise the transfer of staff from one department to another. **This delegation is subject to Agreement between the relevant EDs.** **NOTE: The authority to transfer staff within a department is given to Directors to exercise.**		☒ **ONLY**										

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
6. DISPLACED STAFF												
(1) To authorise the placement of staff as an alternative to termination after due process or terminate services if placement could not be authorised. **This delegation is to authorise placement of unplaced staff as an alternative after due process has been followed, or is to terminate services if a reasonable offer is not accepted.**			☒ **ONLY**									

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
7. APPOINTMENT IN TERMS OF LEGISLATION												
(1) To designate a Records Manager in terms of the National Archives and Record Service of South Africa Act. *{Section 13 of Act 43 of 1996}*			☒									

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DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
8. MUNICIPAL PROPERTY RATES ACT 6 OF 2004 (MPRA)												
(1) To designate officials of the municipality or persons in private practice as assistant municipal valuers to assist the valuer of the municipality with the performance of any of the functions set out in section 34 of the MPRA. *{Section 35(1) of MPRA}*				☒ CFO and Director: Valuations								
(2) To designate officials of the municipality or persons who are not officials of the municipality as data-collectors to assist the valuer of the municipality with the collection of data and other related work. *{Section 36(1) of MPRA}*				☒ CFO and Director: Valuations								

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(3) To receive a certified copy of the prescribed declaration regarding the performance of office when lodged by the municipal valuer or an assistant municipal valuer prior to their assumption of office. *{Section 40(b) of MPRA}*				☒ CFO and Director: Valuations								

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
9. INFORMAL TRADING BY-LAW, 2009												
(1) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 6.2, 6.2, 6.3, 6.7.1, 6.11, 7.1.2, 7.2 and 15.					x							
(2) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 8.1 and 8.2. **NOTE:** • **The ED: Social Services is responsible in so far as beaches and parks are concerned.**				x	x	x						
(3) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 8.3.				x								

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(4) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 8.6, 8.7, 9.1, 9.2 and 14. **NOTE:** • **In terms of section 8.6 - the ED who issued the permit is the responsible ED.** • **In terms of section 8.7, 9.1, 9.2 and 14 – the ED: Social Services is responsible in so far as beaches and parks are concerned.**					x	x						

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(5) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 12.2, 13.1.2 and 13.1.4. **NOTE:** • **The ED: Social Services is responsible in so far as beaches and parks are concerned.** • **The Director: Asset Management & Maintenance is responsible in so far as roads are concerned.**					x	x	x				x	

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DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(6) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 18.1. **NOTE:** • **The ED: Social Services is responsible in so far as beaches and parks are concerned.**					x	x	x					
(7) To exercise the powers, duties and functions vested in the City Manager in terms of the By-Law, section 18.2, 18.3, 18.4, 18.5, 18.6 and 18.8.							x					

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
10. MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)												
(1) To exercise the powers, duties and functions vested in the City Manager in terms of the MPBL.								x				
(2) To exercise the powers, duties and functions vested in the City Manager in terms of the MPBL, section 42(u).								☒				

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
11. GENERAL												
(1) To give effect to any responsibilities assigned in terms of section 30(b) of the Municipal Systems Act regarding the management of the IDP drafting process.									×			
(2) To give effect to any responsibilities assigned in terms of section 39(b) of the Municipal Systems Act regarding the development of the municipality's performance management system.									×			
(3) To agree to an approval process which deviates from the standard policy approval process.									☒			

☒ = Cannot be sub-delegated × = Permitted sub-delegation

DELEGATION	City Manager	All EDs	ED : Corporate Services	CFO	ED: Area Based Service Delivery	ED: Social Services	ED: Safety & Security	Commissioner: TDA	ED: Directorate of the Mayor	Director: Legal Services	Director: Asset Management & Maintenance	Others
(4) To administer the functioning of the Strategy Management Framework committee.									☒			

☒ = Cannot be sub-delegated x = Permitted sub-delegation

DELEGATIONS IN TERMS OF SECTION 79 OF THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT, 2003

In exercising any of these powers and duties the following conditions apply:

a The Accounting Officer is not divested of his responsibility and may at any time elect to exercise any of these powers or duties himself.

b The exercise of these powers and duties may be subject to review in terms of Section 79(4)

DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
SUPPLY CHAIN MANAGEMENT DELEGATIONS (WHEN IMPLEMENTING THESE POWERS AND DUTIES STRICT COMPLIANCE WITH THE SCM REGULATIONS AND SCM POLICY IS REQUIRED)								
Annual Review of Policy (SCM Reg 3; Policy S.18)				☒				
Training and Competency Levels (SCM Reg 8; Policy S.25, S.26)				☒				
Supplier database (Policy S.39)				☒				
Disallow Listing (Policy S. 43, S.44)				☒				
Rejection of Quotes • **Subject to section 46** • **Before rejecting any quote the affected party must be given a reasonable chance to be heard.** (Policy S.53.4)				☒				
Rejection of bid • **Subject to section 46** • **Before rejecting any bid the affected party must be given a reasonable chance to be heard.** (Policy S.53.4)	In consultation with SCMBAC *				☒			
Referral of recommendations back to committee (SCM Reg 29; Policy S.238)	In consultation with SCMBAC *				☒			

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
Preferred bidder (SCM Reg 24; Policy S. 251)	In consultation with SCMBAC *				☒			
Termination of negotiations with preferred bidders. (Policy S.253)	In consultation with SCMBAC *				☒			
Procurement of goods, services and construction works under a contract secured by another organ of state. (Policy S.61)	In consultation with SCMBAC *				☒			
Ratify any minor breaches of procurement processes, by an official or committee acting in terms of delegated powers or duties, which are purely of a technical nature. (Policy S.309)	In consultation with SCMBAC *				☒			
Official notice boards (Policy S.136)				☒				
Closing date (Policy S. 170)				☒				
Written Price Quotations (Policy S.291 & S.297)				☒				
Deviations up to R200 000 vat incl (SCM Reg 36; S. (S.308 & S.310)				☒				
Minor breaches up to R200 000 vat incl (SCM Reg 36; Policy S. 309)				☒				
Performance Management (Policy S.369 & S.370)						☒		
Condonation of deviation from procurement process up to and including R200 000 (Policy S. 310)				☒				
Emergency below R200 000 the process may be formalised retrospectively				☒				

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
Increase in contract period and or value up to R200 000 (Policy S. 264 - 266)				☒				
Approval for transversal use of existing City contracts				☒				
Approval of bid specification and/or bid documentation **Condition : In the event of uncertainty iro SCM procedural matters, advice to be obtained from the office of the Dir : SCM** (SCM Reg 27; Policy S.96)						☒		
a) Appointment of Chairperson of Bid Specification and Evaluation Committees (SCM Reg 26; Policy S. 99 &S.212)				☒				
b) Appointment of members to committees (SCM Reg 26; Policy S.103 & S.211)								☒
DELEGATIONS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ALL POWERS AND DUTIES TO BE EXERCISED STRICTLY ON ACCORDANCE WITH THE ACT SUB-DELEGATION ONLY PERMITTED TO PERSONS IN THE AREA OF RESPONSIBILITY OF THE DELEGATEE)								
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.			☒ [SD – Dir: Treasury]					
8(5) Inform the National Treasury and the Auditor-General, in writing, at least 30 days before changing the municipality's primary bank account,			☒ [SD – Dir: Treasury]					
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			☒ [SD – Dir: Treasury]					
(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.			☒ [SD – Dir: Treasury]					
10(1)(a) Administer all the municipality's bank accounts, including a bank account referred to in section 12 or 48(2)(d).			☒ [SD – Manager (level 3) Treasury]					
10(1)(b) Accountable to the municipal council for the municipality's bank accounts.			☒ [SD – Dir: Treasury]					
10(1)(c) Enforce compliance with sections 7, 8 and 11.			☒					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
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			X [SD – Dir: Treasury]					
(b) **submit** a copy of the report to the Provincial Treasury and the Auditor-General.			X [SD – Dir: Treasury]					
12(4) **Grant** authority to withdraw money from a bank account envisaged in section 12(2) without appropriation in terms of an approved budget.			X					
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 with the budget; and			X [SD – Dir: Budgets]					
(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.			X [SD – Dir: Budgets]					
24(3) **Submit** the approved annual budget to the National Treasury and the Provincial Treasury.			X [SD – Dir: Budgets]					
32(1)(a) **Advise** a political office-bearer of a municipality that any anticipated expenditure is likely to result in unauthorised expenditure;			X [SD – Dir: Budgets]					
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.			☒					
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—			☒					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
(i) to recover or rectify such expenditure; and (ii) to prevent a recurrence of such expenditure.								
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.		☒						
33(1)(a) Make public and invite comment for contracts that will impose financial obligations beyond three years.		☒	X [SD - • Dir : SCM • Relevant Director • Project Manager]			☒		
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.			X [SD – Dir : Budgets]					
45(2)(b) Sign the agreement or other document that creates or acknowledges the creation of short-term debt for a municipality.			☒					
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.			☒					
46(2)(b) Sign the agreement or other document that creates or acknowledges the creation of long-term debt for a municipality.			☒					
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.			X [SD – Dir : Treasury]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
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.			☒ [SD – Dir : Treasury]					
54(2)(a) **Propose** any remedial or corrective steps to the mayor, if the municipality faces any serious financial problems, which may include— 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.			☒					
60(b) Must **provide** guidance and advice on compliance with this Act to— (i) the political structures, political office-bearers and officials of the municipality; and (ii) any municipal entity under the sole or shared control of the municipality.			☒					
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.			☒					
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;			☒ [SD – Dir : Treasury]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
(c) that the municipality has and maintains effective, efficient and transparent systems—								
(i) of financial and risk management and internal control; and			☒					
(d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;			☒					
(f) that the municipality has and implements—								
(i) a tariff policy referred to in section 74 of the Municipal Systems Act;			x					
(ii) a rates policy as may be required in terms of any applicable national legislation;			x [SD – Dir :Valuations]					
(iii) a credit control and debt collection policy referred to in section 96*(b)* of the Municipal Systems Act; and			x [SD – Dir : Revenue]					
(iv) a supply chain management policy in accordance with Chapter 11.			x [SD – Dir : SCM]					
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).			x [SD – Dir : Treasury]					
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.			☒					
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.			x [SD – Dir : Treasury]					
64(1) Responsible for the management of the revenue of the Municipality			x					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
			[SD – Dir : Revenue]					
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; (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; (d) that all money received is promptly deposited in accordance with this Act into the municipality's primary and other bank accounts; (e) that the municipality has and maintains a management, accounting and information system which— (i) recognises revenue when it is earned; (ii) accounts for debtors; and (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; (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 (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.			X [SD – Dir : Revenue]					
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.			X [SD – Dir : Revenue]					
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			X [SD – Dir : Revenue]					

DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
(b) that such funds are not used for purposes of the municipality.			☒					
65(1) Responsible for the management of the expenditure of the Municipality			X [SD – Dir : Expenditure]					
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;			X [SD – Dir : Expenditure and Dir: Treasury]					
(b) that the municipality has and maintains a management, accounting and information system which—			X					
(i) recognises expenditure when it is incurred;			X [SD – Dir : Treasury]					
(ii) accounts for creditors of the municipality; and			X [SD – Dir : Treasury]					
(iii) accounts for payments made by the municipality;			X [SD – Dir : Treasury]					
(c) that the municipality has and maintains a system of internal control in respect of creditors and payments;			X [SD – Dir : Expenditure]					
(d) that payments by the municipality are made—								
(i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and			X [SD – Dir : Expenditure]					
(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;			X [SD – Dir : Expenditure]					
(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;			X [SD – Dir : Expenditure]					
(f) that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;			X [SD – Dir : Expenditure and Dir: Treasury]					
(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;			X [SD – Dir : Expenditure]					
(h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash			X [SD – Dir : Treasury]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
management and investment framework;								
(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			X [SD – Dir : SCM]					
(j) that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.			X [SD – Dir : Treasury]					
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.			☒					
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.			☒					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
67(3) **Enforce**, through contractual and other appropriate mechanisms, compliance with section 67(1).			☒					
67(4) (b) 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.			☒					
68 (a) **assist** the mayor in performing the budgetary functions assigned to the mayor in terms of Chapters 4 and 7; and (b) **provide** the mayor with the administrative support, resources and information necessary for the performance of those functions.			☒					
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			☒ [SD – Dir : Budgets]					
(b) that revenue and expenditure are properly monitored.			☒ [SD – Dir : Revenue and Dir : Expenditure]					
69(2) **Prepare** when necessary an adjustments budget and submit it to the mayor for consideration and tabling in the municipal council.			☒ [SD – Dir : Budgets]					
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.			☒					
70(1) **Report** in writing to the municipal council— (a) any impending— (i) shortfalls in budgeted revenue; and			☒ [SD – Dir : Budgets]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
(ii) overspending of the municipality's budget; and (b) any steps taken to prevent or rectify such shortfalls or overspending.								
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.			☒ [SD – Dir : Treasury]					
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 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.			☒ [SD – Dir : Budgets]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
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).			☒ [SD – Dir : Budgets]					
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.			☒ [SD – Dir : Budgets]					
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; (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.			☒					
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.			☒					
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.			☒					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
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.								
74(a) **74 (1)** **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.			X [SD – Dir : Budgets]					
(b) (2) 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.			X [SD – Dir : Budgets]					
75(1) **Place** on the website referred to in section 21A of the Municipal Systems Act the following documents of the municipality:			X [SD – Dir : Budgets]					
(a) The annual and adjustments budgets and all budget-related documents;								
(b) all budget-related policies;			X [SD – Dir : Budgets]					
(c) the annual report;		X						
(d) all performance agreements required in terms of section 57(1)*(b)* of the Municipal Systems Act;		X						
(e) all service delivery agreements;		X						
(f) all long-term borrowing contracts;			X [SD – Dir : Treasury]					
(g) all supply chain management contracts above a prescribed value;			X [SD – Dir : SCM]					
(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;			X [SD – Dir : PM]					

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
(i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section;		x						
(j) public-private partnership agreements referred to in section 120;		x	x					
(k) all quarterly reports tabled in the council in terms of section 52*(d)*; and		x	x					
101(2) **Table** a report referred to in section 101(1) in the municipal council at its next meeting.			x [SD – Dir : Treasury]					
114 (1) 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. **114(2)** Does not apply if a different tender was approved in order to rectify an irregularity.			x [SD – Dir : SCM]					
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 to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices.			x [SD – Dir : SCM]					
116(2) Must— (a) **take** all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality or municipal entity is properly enforced; (b) **monitor** on a monthly basis the performance of the contractor under the contract or agreement; (c) **establish** capacity in the administration of the municipality or municipal entity— (i) to assist the accounting officer in carrying out the duties set out in paragraphs *(a)* and *(b)*; and (ii) to oversee the day-to-day management of the contract or agreement; and (d) regularly **report** to the council of the municipality on the management of the contract or agreement and the performance		x x x x	x [SD- • Dir : SCM • Relevant Director • Relevant Project Manager			☒ ☒ ☒ ☒		

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DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
of the contractor.								
Contracts and contract management 116 (3) Acontract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after— (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and (b) the local community— (i) has been given reasonable notice of the intention to amend the contract or agreement; and (ii) has been invited to submit representations to the municipality or municipal entity.		☒						
120(6) Must when a feasibility study has been completed— (a) **submit** the report on the feasibility study together with all other relevant documents to the council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership; (b) at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act— (i) **make** public particulars of the proposed public-private partnership, including the report on the feasibility study; and (ii) **invite** local community and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership; and (c) **solicit** the views and recommendations of— (i) the National Treasury; (ii) the national department responsible for local government; (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		☒						

☒ = Cannot be sub-delegated SD = Permitted sub-delegation

DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
state as may be prescribed.								
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.			☒					
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.			X [SD – Dir : Treasury and Director Budgets]					
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.		X						
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 non-compliance, to the council of the parent municipality, the Provincial Treasury and the Auditor-General.			X [SD – Dir : Treasury]					
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		X						

DELEGATION	City Manager	ALL EDS & Commissioner	CFO	Dir. : SCM	Chair : SCMBAC	All City's Directors	Dir.: Legal Services	Chairperson Bid Specification & Bid Evaluation Cttee
meetings to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.								
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.		x						
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).		x						

☒ = Cannot be sub-delegated SD = Permitted sub-delegation

APPENDIX C:

EXECUTIVE DIRECTOR'S FUNCTIONAL DELEGATIONS

TABLE OF CONTENTS

1. DIRECTORATE OF THE MAYOR – EXECUTIVE DIRECTOR
2. CORPORATE SERVICES – EXECUTIVE DIRECTOR
3. ENERGY – EXECUTIVE DIRECTOR
4. SOCIAL SERVICES – EXECUTIVE DIRECTOR
5. SAFETY AND SECURITY – EXECUTIVE DIRECTOR
6. ASSETS AND FACILITIES MANAGEMENT – EXECUTIVE DIRECTOR
7. FINANCE – CHIEF FINANCIAL OFFICER
8. TRANSPORT AND URBAN DEVELOPMENT AUTHORITY – COMMISSIONER
9. AREA-BASED SERVICE DELIVERY – EXECUTIVE DIRECTOR
10. INFORMAL SETTLEMENTS, WATER AND WASTE SERVICES – EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR:

DIRECTORATE OF THE MAYOR

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : DIRECTOR : ORGANISATIONAL POLICY AND PLANNING
DIRECTOR : ORGANISATIONAL PERFORMANCE MANAGEMENT
DIRECTOR : COMMUNICATIONS
DIRECTOR : ORGANISATIONAL EFFECTIVENESS
PORTFOLIO MANAGER : PROBITY
DIRECTOR : RESILIENCE
CHIEF OF STAFF

DIRECTORATE OF THE MAYOR

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 1 July 2017.

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

C.K.

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Executive Director : Directorate of the Mayor

Please be aware that in delegating these powers, functions and duties, the Executive Director : Directorate of the Mayor is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....
EXECUTIVE DIRECTOR :
DIRECTORATE : DIRECTORATE OF THE MAYOR

4/7/17.
.....
DATE:

C.K.

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 29 OF THE SYSTEM OF DELEGATIONS

1. General

2. Organisational Policy and Planning

3. Communications

4. Organisational Performance Management

5. Probity

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
PART 28 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		☒	☒	☒	☒	☒	☒	☒	☒		
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.		☒	☒	☒	☒	☒	☒	☒	☒		

ED: Directorate of the Mayor Delegations

☒ = Sub-delegated cannot be further sub-delegated

C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒										
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.		☒	☒	☒	☒	☒	☒	☒	☒		
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**		☒	☒	☒	☒	☒	☒	☒			
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		☒	☒	☒	☒	☒	☒	☒	☒	☒	
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒										
2. Appointment of Staff											
(1) To approve a notice of staff appointment.		☒	☒	☒	☒	☒	☒	☒	☒		
(2) To enter into and sign employment contracts.		**In respect of EPWP contracts ONLY** All Directors, Managers reporting directly to the ED: DOM									

ED: Directorate of the Mayor Delegations

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
3. Resignations and Retractions											
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To accept the retraction of resignations.	☒										
4. Training and Study											
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers & Heads
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒										
5. Performance Evaluations											
(1) To approve performance evaluations.	☒										

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
6. Leave and Time Off											
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers , Heads & PPOs
(2) To approve the encashment of leave.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers & Heads or equivalent positions exercising management fundtions

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DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒										
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.		☒	☒	☒	☒	☒	☒	☒	☒		
7. Overtime											
(1) To approve the payment of overtime and/or time off in lieu of overtime.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers & Heads
8. Standby Duties											
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers & Heads
9. Re-imbursements											
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.		☒	☒	☒	☒	☒	☒	☒	☒	☒	Managers & Heads
10. Allowances and Special Privileges Granted for the Performance of Duties											
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member.		☒	☒	☒	☒	☒	☒	☒	☒		

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DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.											
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	☒										
(3) To approve participation in motor vehicle essential user schemes.	☒										
11. Private Work											
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒										
12. Grants, Gifts and Donations											
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒										

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒										
13. Disciplinary Procedures											
(1) To authorise the institution of disciplinary procedures.		☒	☒	☒	☒	☒	☒	☒	☒		
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒										
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	☒										

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒										
14. Laying of Criminal Charges											
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒										
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	☒										

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C.K.

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: DIRECTORATE OF THE MAYOR – PART 29 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
PART 29 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.		☒	☒	☒	☒	☒	☒	☒	☒		
(2) To approve the external use of the City branding and logo.				☒							
2. Organisational Policy and Planning											
Integrated Development Plan											
(1) To participate in national and provincial development programmes as required in section 153 (b) of the Constitution and Section 24(2) of the Municipal Systems Act.		☒									
(2) To initiate together with appropriate internal structures the establishment of appropriate mechanisms,		☒									

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
processes and procedures established in terms of Chapter 4, to allow for the local community to be consulted on its development needs and priorities, the local community to participate in the drafting of the integrated development plan; and organs of state, and other role players to be identified and consulted on the drafting of the integrated development plan in terms of Section 29 and Regulation 15 of the Municipal Systems Act.											
Legislative Development											
(3) To draft proposed by-laws and amendments thereto and after the Council approval of the proposed or amended by-law, to proceed with the promulgation process.		☒									
Research											
(4) To consider any request for the commissioning of a organizational wide research report in the City and to approve or refuse such a request.	☒										
(5) To grant authority to external parties that wish to conduct research within the City of Cape Town and publish the results thereof.		☒									
(6) To after consultation with the relevant Executive Director: grant permission to employees of the City of Cape Town to conduct research, surveys etc related to their studies, within the relevant directorate.	☒										

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
3. Communications											
(1) To approve the City's communication campaigns.				☒							
4. Organisational Performance Management											
In terms of Municipal Systems Act											
(1) To conduct ongoing research into, and to make recommendations in respect of and submit progress reports on international best practice regarding systems and legislation for purposes of developing, establishing and improving an organisational performance management system (OPMS) in terms of Section 38(1).			☒								
(2) To develop OPMS (Balanced Scorecard) and related framework in terms of legislative requirements and SALGA resolution, as adopted by Council on 26 March 2003 in terms of Sections 39, 41 (1) (a) and (b) – 44 (MSA) and Regulation 7, 8-10, 12 and 15 (Regs).			☒								
(3) To ensure implementation of the OPMS for the City of Cape Town and its municipal entities in terms of Sections 38 (a) and 81 (1).			☒								

ED: Directorate of the Mayor Delegations

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(4) To establish and facilitate the use of mechanisms to enable Council to (a) monitor, measure, review, improve and report on the City's OPMS and development priorities, objectives and key performance indicators as identified in IDP and (b) ensure that the City administers its affairs, and those of its municipal entities, in an economical, effective, efficient and accountable manner, in terms of Sections 38, 40, 41 (1) (c), 42 and 81 (1) (MSA) and Regulation 7, 11, 13 (1), (2), (3), (4) and 15 (Regs).			☒								
(5) To ensure that quarterly corporate performance progress reports in respect of the City's Service Delivery and Budget Implementation Plan, and in respect of the City's municipal entities, are prepared and submitted to Portfolio Committees, Mayco and Audit Committee in terms of Section 41 and 81(1).			☒								
(6) To co-ordinate the compilation of the City's annual report, in terms of Section 46 (MSA) (as amended by Section 6 of Act 44 of 2003) and Section 121, 127-132 (MFMA).			☒								
(7) To co-ordinate the compilation of the City's mid-year service delivery performance assessment report (part of the mid-year budget and performance assessment report), in terms of Section 72.			☒								
(8) To ensure that the service delivery performance			☒								

ED: Directorate of the Mayor Delegations

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
portion is combined with the financial / adjustment budget portion of the report compiled by the Budgets Department before submission to the Mayor, National Treasury and Provincial Treasury as required by the MFMA.											
(9) To recommend to the Executive Mayor and the City Manager performance management targets and evaluations for the City and its executive managers.			☒								
5. Probity											
Risk and Audit											
(1) To have timely and unrestricted access to all the City's records, personnel and physical property relevant to the performance of internal audit's functions, whether performed personally or via one or more Internal Audit employees or contractors.						☒					
6. Forensic and Ethics Investigations											
(1) To undertake a preliminary enquiry/assessment into any matter that may give rise to a formal investigation with a view to establishing whether a forensic investigation is warranted, prior to recommending to the City Manager.	☒										

ED: Directorate of the Mayor Delegations

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
(2) To pursue, institute, facilitate and/or represent the City in respect of any appropriate disciplinary, criminal, civil and/or related proceedings flowing from any forensic or ethics investigation in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the City Of Cape Town.	☒										
(3) In the performance of any of his/her functions, whether performed personally or via one or more Forensic and Ethics Department's employees or contractors: (a) To have access to all immovable property, premises, movable property, including motor vehicles, owned by, under the control of and/or managed by the City; (b) 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 such register, file, document and/or record which may be maintained by any employee, in relation to the performance of his/her official functions; (c) To have access and to be able to question any employee, whether permanent or temporary, as to his/her official activities and, if necessary,						☒					

ED: Directorate of the Mayor Delegations

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C.K.

DELEGATION	Remains with the ED	Director: Org Policy and Planning	Director: Org Performance Management	Director: Communications	Director: Org Effectiveness	Portfolio Manager: Probity	Director: Enterprise and Investment	Director: Resilience	Chief of Staff	Manager: Support Services	All Managers
summons any employee, agent, contractor, supplier and/or service provider in such regard.											

ED: Directorate of the Mayor Delegations

☒ = Sub-delegated cannot be further sub-delegated

C.K.

EXECUTIVE DIRECTOR:

CORPORATE SERVICES

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : DIRECTOR : INFORMATION SYSTEMS AND TECHNOLOGY
DIRECTOR : EXECUTIVE AND COUNCIL SUPPORT
DIRECTOR : LEGAL SERVICES
DIRECTOR : INFORMATION AND KNOWLEDGE MANAGEMENT
DIRECTOR : HUMAN RESOURCES
MANAGER : REMUNERATION, CONDITIONS OF SERVICE AND HR POLICIES

CORPORATE SERVICES

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 07 July 2017

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the

decision in terms of the delegation will revert to the Executive Director : Corporate Services

Please be aware that in delegating these powers, functions and duties, the Executive Director : Corporate Services is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....
EXECUTIVE DIRECTOR :
DIRECTORATE: CORPORATE SERVICES

.....
DATE:

INDEX

		Page
A:	**PART 27 OF THE SYSTEM OF DELEGATIONS**	
	See City Managers sub-delegations	
B:	**PART 28 OF THE SYSTEM OF DELEGATIONS**	**5**
1.	General	**5**
2.	Appointment of staff	**6**
3.	Resignation and Retractions	**7**
4.	Training and Study	**7**
5.	Performance Evaluations	**7**
6.	Leave and Time Off	**7**
7.	Overtime	**8**
8.	Standby Duties	**8**
9.	Re-imbursements	**9**
10.	Allowances and Special Privileges Granted for the Performance of Duties	**9**
11.	Private Work	**9**
12.	Grants, Gifts and Donations	**10**
13.	Disciplinary Procedures	**10**
14.	Laying of Criminal Charges	**11**

C: PART 30 OF THE SYSTEM OF DELEGATIONS

1.	General	**12**
2.	Human Resources	**13**
3.	Information and Knowledge Management	**14**
4.	Legal Services	**16**

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)
Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
PART 28 OF THE SYSTEM OF DELEGATIONS							
1. General							
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's and manager's functional area only.		☒					
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒						
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air. In respect of Directors wishing to attend such events, authority is to be obtained from the ED:CS.		☒ **Directors only**					
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.** This sub-delegation relates to the director's functional area only.		☒ **Directors only**					
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒						
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒						
2. Appointment of Staff							
(1) To approve a notice of staff appointment.	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
(2) To enter into and sign employment contracts.		☒					
3. Resignations and Retractions							
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.		Director and Managers					
(2) To accept the retraction of resignations.	☒						
4. Training and Study							
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		Directors, Managers and Heads					
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒						
5. Performance Evaluations							
(1) To approve performance evaluations.		☒					
6. Leave and Time Off							
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city;		Directors, Managers, Heads and PPO's					

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
(g) study leave and extended study leave , including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes **NOTE: The following authorities are reserved for the Executive Director's approval:** • **Additional sick leave where an employee has exhausted all sick leave** • **compassionate leave** • **special leave for study purposes** **The approval of the extended study leave is subject to the City Manager's authorisation in terms of the Education, Training and Development Policy.**	☒						
(2) To approve the encashment of leave.		Directors, Managers and Heads					
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒						
(4) To refer a member of staff to a recognised		☒					

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.							
7. Overtime							
(1) To approve the payment of overtime and/or time off in lieu of overtime.		Directors, Managers and Heads					
8. Standby Duties							
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.		Directors, Managers and Heads					
9. Re-imbursements							
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.		☒ Directors only					
10. Allowances and Special Privileges Granted for the Performance of Duties							
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒						
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
duties, to be resident at the specific location.							
(3) To approve participation in motor vehicle essential user schemes.	☒						
11. Private Work							
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒						
12. Grants, Gifts and Donations							
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒						
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.							
13. Disciplinary Procedures							
(1) To authorise the institution of disciplinary procedures.				Director, Managers and Heads			
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒						
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	☒						
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒						
14. Laying of Criminal Charges							
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or				☒			

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources
(b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.							
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.				☒			

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: CORPORATE SERVICES – PART 30 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Remains with the ED: CS	All Directors, Managers reporting directly to the ED	Director : Executive and Council Support	Director : Legal Services	Director : Information and Knowledge Management	Director : Information Systems and Technology	Director: Human Resources	Manager: Total Reward. Service Conditions and Personnel Administration	Manager: Training and Development

☒ = Sub-delegated cannot be further sub-delegated

PART 30 OF THE SYSTEM OF DELEGATIONS									
1. General									
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.		☒							
(2) To authorise the commencement of public participation processes and to determine the level of public participation required only in terms of Section 116 (3) of the MFMA.	☒								
2. Human Resources									
(1) To facilitate the development and implementation of performance agreements for the City Manager and Executive Directors, in terms of Section 57 (MSA) (as amended by Section 8 of Act 44 of 2003) and the Regulations promulgated in terms of the MSA and Section 53 (MFMA) and the Regulations promulgated in terms of the MSA.								☒	
(2) To exercise the powers in section 57A of the Systems Act 32 of 2000.							☒		
(3) To determine competency profiles for posts in consultation with relevant departments.	☒								
(4) To create co-operative student posts and to appoint the said students. **Director: Approve appointments** **Manager T&D: Sign and issue student contracts subject to approval**							☒		☒

☒ = Sub-delegated cannot be further sub-delegated

(5) To formulate a process to regularly evaluate the staff establishment, remuneration and conditions of services.	☒								
(6) To determine guidelines for the job evaluation process.	☒								
(7) To make application for refunds in respect of training from SETA.							☒		☒
(8) To adjust 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.	☒								
3. Information and Knowledge Management									
In terms of Spatial Data Infrastructure Act 54 of 2003 Spatial Information Standards and Prescriptions									
(1) To adhere to the standards and prescriptions for spatial information referred to in Section 11 of the Act in terms of section 11(3).					☒				
Capture and publishing of Spatial Information metadata									
(2) To capture and maintain metadata for spatial information in accordance with the Act in terms of section 12(1).					☒				
(3) To ensure that metadata for spatial information is available to users by making metadata available to the Department of Land Affairs in the prescribed manner for inclusion in the electronic metadata catalogue in terms of section 12(2).					☒				

☒ = Sub-delegated cannot be further sub-delegated

Supply of and accountability for spatial information									
(4) To be accountable for the integrity of unmodified spatial information in terms of section 14(2).					☒				
(5) To provide (a) the information in a prescribed manner and (b) the relevant metadata together with the spatial information when supplying information, in terms of section 14(3).					☒				
Maintenance of Spatial Information Base Data Sets									
(6) To ensure regular updating of base data sets in accordance with the provisions of the Act in terms of section 16 (2).					☒				
Reporting on Spatial Information Data Quality									
(7) To report on data quality by responding in the prescribed time and manner, to the user after receiving the report on that deficiency in terms of section 17 (3).					☒				
Security of Spatial Information									
(8) To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorised or unlawful access to and modification or disclosure of that spatial information in terms of section 18(a).					☒				
(9) To ensure the protection of the copyright of the State and other interested parties in spatial information in terms of section 18(b).					☒				
In terms of Land Survey Act 8 of 1997 *Town Survey Mark Reference System*									
(10) To position, create and maintain the City's Town					☒				

☒ = Sub-delegated cannot be further sub-delegated

Survey Mark Reference System in terms of section 42(4).									
4. Legal Services									
(1) To advise the City Manager and Executive Mayor whether to institute, defend, review, appeal, settle matters in the High Court, Labour Court, Equality Court, Supreme Court of Appeal and the Constitutional Court except those matters reserved for the Executive Mayor, this includes arbitrations.	☒								
(2) To resolve not to defend any High Court or court of equal stature matter where there are no cost or adverse implications for the City, provided that a report is submitted immediately to the City Manager and the Executive Mayor for information.	☒								
(3) To institute, oppose or abide any interlocutory application.				☒					
(4) To defend urgent High Court or courts of equal stature – applications, where it is impossible due to time constraints to obtain the necessary authority and failure to do so will severely prejudice and/or have a detrimental impact on the City provided that a report is submitted forthwith to the Executive Mayor for information.	☒								
(5) To institute, in consultation with the City Manager, urgent High Court or courts of equal stature, applications where it is impossible due to time constraints to obtain the necessary authority and failure to do so will severely prejudice and/or have a detrimental impact on the City provided that a report is submitted forthwith to the Executive Mayor for information.	☒								
(6) To instruct attorneys to enter notice of	☒								

☒ = Sub-delegated cannot be further sub-delegated

appearance on behalf of the Council in any matter instituted against the City in the High Court or a court of equal stature where time is of the essence, and to sign all of the necessary documents for this purpose, pending the submission of a report to the City Manager and Executive Mayor advising as to how the matter should be proceeded with.									
(7) To appoint attorneys and counsel in respect of any litigation which has been duly authorised in terms of Council's System of Delegation.	☒								
(8) To conduct any necessary action in any matter instituted by or against the City, including the signature of the powers of attorney, affidavits and other documents in order to finalise the matter provided the necessary authority exists.				☒					
(9) To institute, defend or abide by the decision of the Court, in any matter before the Lower Court or court of equal stature or any arbitration and mediation which would otherwise be heard in the Lower Court. This power includes the power to settle any such matter. **NOTE: Process to be followed as with delegation 4(1) except mediation and arbitration.**	☒			☒					
(10) To institute and defend matters in the CCMA and the Bargaining Council.				☒					
(11) To appoint persons to represent Council in the CCMA and the Bargaining Council.				☒					
(12) To deny payment or to settle any claim or action prior to litigation, in consultation with the City Manager.	☒								

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(13) To obtain legal opinions, including from senior counsel, excluding those matters reserved for the Executive Mayor by delegation 3(7).	☒								
(14) To instruct attorneys to collect any monies owed to the City prior to the institution of legal proceedings.	☒								
(15) To appear before a notary to execute any document or to appoint any other person to appear before the notary on behalf of the City, including the power to sign any documents relating thereto.				☒					
(16) To attest and authorise any other person to attest to an affidavit on behalf of the City or in respect of any other matter where the City bears knowledge.				☒					
(17) To appoint a person to serve legal documents, including court process and all other documents in respect of criminal prosecutions in terms of section 15(2)(a) and (b) of the Magistrates Court Act, 32 of 1944.				☒					
(18) To appoint attorneys and counsel to provide professional assistance including that of senior counsel on any matter, excluding those matters reserved for the Executive Mayor by delegation 3(7). This sub-delegation is limited to the appointment of conveyancing attorneys.	☒			☒					
(19) To settle any arbitration that is not before any court up to an amount of not more than R500 000.				☒					
(20) To appoint any person to represent the City in the Small Claims Court.				☒					

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(21) To appear in Court on behalf of the City, or authorise a member of his or her staff to do so, in terms of Rule 52(1)(b) of the Magistrate's Court Rules promulgated in terms of the Magistrate's Court Act, Act 32 of 1944.				☒					
(22) To appoint mediators and arbitrators.	☒								
(23) To agree or to authorise an official to agree, on behalf of the City, to plea bargain agreements in terms of the Criminal Procedure Act, provided that in the case involving Councillor/s, the Speaker is consulted.	☒								
(24) To issue instructions and sign any necessary documents to invest money held in trust by attorneys on behalf of the City in terms of section 78(2) or (2A) of the Attorneys' Act 53 of 1979, as amended.				☒					

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EXECUTIVE DIRECTOR:

ENERGY

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : DIRECTOR : SUSTAINABLE ENERGY MARKETS
DIRECTOR : ELECTRICITY GENERATION AND DISTRIBUTION

ENERGY

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 01 July 2017

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Executive Director : Energy

Please be aware that in delegating these powers, functions and duties, the Executive Director : Energy is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

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EXECUTIVE DIRECTOR :
DIRECTORATE: ENERGY

06/07/2017

.....

DATE:

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 31 OF THE SYSTEM OF DELEGATIONS

1. General

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.	☒	☒								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	☒	☒								

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.										
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	☒	☒								
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	☒	☒								
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒	☒								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒	☒								
2. Appointment of Staff										
(1) To approve a notice of staff appointment.										
(2) To enter into and sign employment contracts.			☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.				☒						
(2) To accept the retraction of resignations.	☒	☒								
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.					Head Training only					
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒	☒								
5. Performance Evaluations										
(1) To approve performance evaluations.										
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; ED only (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including						Officials who exercise supervisory functions				

ED: Energy Delegations

(DRAFT 1)

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.			☒							
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.										
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	☒	☒	☒	☒	☒					
7. Overtime										
(1) To approve the payment of overtime and/or time off in lieu of overtime.					☒					
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.				☒						
9. Re-imbursements										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒	☒								
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒	☒								
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	☒	☒								
(3) To approve participation in motor vehicle essential user schemes.										
11. Private Work										
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.										
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in										

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.										
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒	☒								
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.			☒							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not**										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution	HR Business Partner	Managers	Heads					
be further sub-delegated.										
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.			☒							
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**										
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.										
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.										

☒ = Sub-delegated cannot be further sub-delegated

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: ENERGY– PART 31 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Director : Sustainable Energy Markets	Director : Electricity Generation and Distribution								
PART 31 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒								

☒ = Sub-delegated cannot be further sub-delegated

EXECUTIVE DIRECTOR:

SOCIAL SERVICES

SS 976B

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : DIRECTOR : CITY HEALTH
DIRECTOR : LIBRARY AND INFORMATION SERVICES
DIRECTOR : RECREATION AND PARKS
DIRECTOR : SOCIAL DEVELOPMENT AND ECD
MANAGER : PLANNING AND DEVELOPMENT AND PMO

SOCIAL SERVICES

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from **01 July 2017**

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

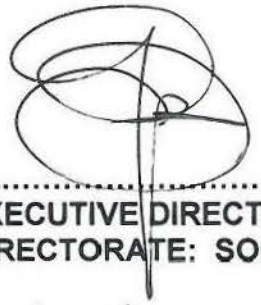
It is not permissible in terms of the law for a person who has been given a "sub-delegation" to further sub-delegate such power, duty or function.

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the

4

decision in terms of the delegation will revert to the Executive Director: Social Services

Please be aware that in delegating these powers, functions and duties, the Executive Director: Social Services are not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.



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EXECUTIVE DIRECTOR:
DIRECTORATE: SOCIAL SERVICES

23/06/17

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DATE :

INDEX

		Page
A:	**PART 27 OF THE SYSTEM OF DELEGATIONS**	
	See City Managers sub-delegations	
B:	**PART 28 OF THE SYSTEM OF DELEGATIONS**	
1.	General	5
2.	Appointment of staff	7
3.	Resignation and Retractions	7
4.	Training and Study	7
5.	Performance Evaluations	7
6.	Leave and Time Off	8
7.	Overtime	9
8.	Standby Duties	9
9.	Re-imbursements	9
10.	Allowances and Special Privileges Granted for the Performance of Duties	9
11.	Private Work	10
12.	Grants, Gifts and Donations	10
13.	Disciplinary Procedures	11
14.	Laying of Criminal Charges	12

C: PART 32 OF THE SYSTEM OF DELEGATIONS

		Page
1.	General	13
2.	Business Licences	13
3.	Health Services	14
4.	Parks and Recreation	17
5.	Social Development and Early Childhood Development	18

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
PART 28 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	☒	☒	☒	☒	☒	☒	☒	☒	☒		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒										
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of; (a) the Cape Town Municipality (b) the Western Cape, this excludes travel by air.	☒ ☒	☒	☒	☒	☒	☒	☒	☒	☒		
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	☒										
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒	☒	☒	☒	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
2. Appointment of Staff											
(1) To approve a notice of staff appointment.	☒										
(2) To enter into and sign employment contracts. --- **(in respect of EPWP contracts only)**	☒ ☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
3. Resignations and Retractions											
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) To accept the retraction of resignations.	☒										
4. Training and Study											
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
5. Performance Evaluations											
(1) To approve performance evaluations.	☒										

☒ = Sub-delegated cannot be further sub-delegated

9

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
6. Leave and Time Off											
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) Compassionate leave. (j) Special leave for study purposes.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒ **include:** **PPO's/ LIC's**
(2) To approve the encashment of leave.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒										
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	☒	☒	☒	☒	☒	☒	☒	☒	☒		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
7. Overtime											
(1) To approve the payment of overtime and/or time off in lieu of overtime.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
8. Standby Duties											
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
9. Re-imbursements											
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
10. Allowances and Special Privileges Granted for the Performance of Duties											
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) To approve the allocation of Council-owned houses to staff required for the performance of his/her duties, to be resident at the specific location.	☒	☒	☒	☒	☒						

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
(3) To approve participation in motor vehicle essential user schemes.	☒										
11. Private Work											
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
12. Grants, Gifts and Donations											
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒										
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to,											
(a) sign documentation on behalf of the City to give effect to projects funded from such allocations;	☒	☒	☒	☒	☒						
(b) report to the relevant Provincial and National departments on the prescribed bases;	☒	☒	☒	☒	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
(c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and --- approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒	☒	☒	☒	☒						
13. Disciplinary Procedures											
(1) To authorise the institution of disciplinary procedures.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒										
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	☒										
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒										

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
14. Laying of Criminal Charges											
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	☒	☒	☒	☒	☒	☒	☒	☒	☒		

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SOCIAL SERVICES – PART 32 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
PART 32 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
2. Business Licences											
In terms of Businesses Act 71 of 1991 *PN 67/2003 dated 28 February 2003*											
(1) To receive all applications for licences, to process same and where applicable refer to the applicable Sub-council.		☒									
(2) To grant licenses as provided for in terms of items 1 and 3 of schedule 1 to the Businesses Act 1991 (excluding health facilities or entertainment as provided for in terms of item 2 of schedule 1), and to exercise all powers conferred on the Municipality in terms of section 2(4) to 2(10).		☒									

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
3. Health Services											
In terms of National Health Act 61 of 2003											
(1) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 18(2), 32 and 76.		☒								☒	
Regulations relating to the management of human remains 363 of 22 May 2013 Promulgated under the Health Act, No 61 of 2003											
(2) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 27(1)(d), 3(1)(a), 3(1)(b), 2(2)(a), 2(2)(b), 4(3), 4(4), 5, 6, 7(1) and 9.		☒									☒ **HEAD: EH**
Regulations relating to hygiene requirements for milking sheds, the transport of milk and related matters 961 of 23 November 2012 Promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972											
(3) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 2(3), 3(3) – 3(5), 4, 4(1)(a), 4(1)(b), 4(3), 5 and 12.		☒									☒ **HEAD: EH**

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
Regulation governing general hygiene requirements for food premises and the transport of food and related matters 364 of 30 April 2015 Promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.											
(4) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 3(5), 3(8), 3(9)©, 4(4) and 14.		☒									☒ **HEAD: EH**
In terms of 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.											
(5) To exercise and enforce powers which vest in the Municipality in terms of the Act and the Regulations.		☒									☒ **HEAD: EH**
Noise Control Regulations replaced by Provincial Notice 200, June 2003											
(6) To exercise and enforce powers which vest in the Municipality in terms of Provincial Notice.	**"Designated persons"** as stipulated in the City Manager report in terms of regulation 9 (A) & (B) of the Western Cape Noise Control Regulations, 2013, PN200 dated 20 June 2013										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
In terms of National Building Regulations and Standards Act 103 of 1977 *SABS 0400 of 1990 Part O ventilation*											
(7) 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.		☒									☒ HEAD: EH
In terms of Environmental Health By-law *Published in Provincial Gazette Extraordinary 6041 dated 30 June 2003*											
(8) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 2(1), 2(3), 3(1), 3(2), 7, 9, 23(6)(a), 24(4), 24(6), 25(3)(a), 26(1), 26(2), 28(1)(h), 28(3)(a), 28(3)(b), 28(3)(c), 28(3)(d) and 41.		☒									☒ HEAD: EH
In terms of the City of Cape Town Animal Bylaw promulgated on the 5 August 2011 *Chapter 5, sections 22 through 29*											
(9) To exercise the powers, duties and functions which vest in the Municipality, in terms of the by-law.		☒									☒ HEAD: EH

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
In terms of the City of Cape Town Air Quality Management Bylaw, 2016											
(10) To exercise the powers, duties and functions which vest in the Municipality and Council, in terms of Sections 4(1) – (5), 11(1) and (3) and (4); 12(2) and (3), 17(1) – (3) read with sections 31, 19(1) – (4), 20 and 31.		☒									☒ **HEAD: SEH**
4. Parks and Recreation											
(1) To implement the provisions of the Cemeteries, Crematoria and Funeral Undertakers By-Law 2011.	☒			☒							
(2) To, after consultation with the Commissioner: TDA, grant or refuse permission to plant a tree or shrub in a public road, or in any way cut down same or remove it therefrom, in terms of section 9(1)(a).	☒			☒							
(3) Where section 9(1) of the by-law is contravened, to serve notice, instruction or other directive on an offending party, undertake on behalf of such party appropriate action to rectify the contravention where they fail to comply with a notice, and to recover the costs thereof from the owner or the offender, in terms of section 22.	☒			☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : City Health	Director : Library and Information Services	Director : Recreation and Parks	Director: Social Development and ECD	Manager: Planning and Development and PMO	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Level 4	Head: Level 5
5. Social Development and Early Childhood Development											
(1) To authorise street collections.	☒				☒						
(2) To grant or refuse permission in terms of section 9 of the Graffiti By-law of 2010, for mural/public art as designated by sub councils.	☒				☒						
(3) To grant permission for temporary public art as designated by the Arts and Culture and Creative Industries Policy and the Public Art Management Framework.	☒				☒						
(4) To request or instruct the removal of temporary public art due to non-compliance or as may be required from time to time.	☒				☒						

☒ = Sub-delegated cannot be further sub-delegated

EXECUTIVE DIRECTOR:

SAFETY AND SECURITY

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : CHIEF : METROPOLITAN POLICE SERVICES
PORTFOLIO MANAGER : LAW ENFORCEMENT, TRAFFIC AND COORDINATION
CHIEF : DISASTER MANAGEMENT AND PUBLIC EMERGENCY COMMUNICATION CENTRE (107)
CHIEF : FIRE SERVICES
MANAGER : EVENTS

SAFETY AND SECURITY

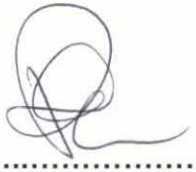
Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from .....

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Executive Director : Safety and Security

Please be aware that in delegating these powers, functions and duties, the Executive Director : Safety and Security is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.



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EXECUTIVE DIRECTOR :
DIRECTORATE: SAFETY AND SECURITY

2021/01/07

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DATE:

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 33 OF THE SYSTEM OF DELEGATIONS

1. General
2. Payment of Rewards
3. Emergency Services
4. Traffic Services
5. Metropolitan Police
6. Events, Arts and Culture Institutions

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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SAFETY AND SECURITY

Richard Bosman
Executive Director

T: +27 21 400 3355 / 2710 **F:** +27 21 400 5923
E: richard.bosman@capetown.gov.za

EVENTS

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X							

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X							
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X							
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

☒ = Sub-delegated cannot be further sub-delegated

EVENTS DELEGATION	Executive Director	MANAGER EVENTS	HEADS							
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

☒ = Sub-delegated cannot be further sub-delegated

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
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107 PUBLIC EMERGENCY COMMUNICATION CENTRE

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

☒ = Sub-delegated cannot be further sub-delegated

107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

☒ = Sub-delegated cannot be further sub-delegated

107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X							

☒ = Sub-delegated cannot be further sub-delegated

107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X							
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X							
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

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107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

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107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

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107 PUBLIC EMERGENCY COMMUNICATION CENTRE DELEGATION	Executive Director	MANAGER 107/PECC	HEAD							
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

☒ = Sub-delegated cannot be further sub-delegated

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OFFICE OF THE EXECUTIVE DIRECTOR

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.	X									
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(3)To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X	X								
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.	X									
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X	X						

☒ = Sub-delegated cannot be further sub-delegated

OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X						
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X	X						
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations	X									
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.										
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications	X									

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
from beneficiaries relating to approved projects.										
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

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OFFICE OF THE ED –SAFETY AND SECURITY DELEGATION	Executive Director	MANAGERS	HRBP	HEADS						
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it										

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DIRECTOR: POLICING & ENFORCEMENT SERVICES

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X	X								
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X							

☒ = Sub-delegated cannot be further sub-delegated

DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X						
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X	X						
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

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DIRECTOR POLICING AND ENFORCEMENT SERVICES DELEGATION	Executive Director	DPES	CHIEF -OVERSIGHT	HEAD -SIU						
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

☒ = Sub-delegated cannot be further sub-delegated

CITY OF CAPE TOWN
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SAFETY AND SECURITY

Richard Bosman
Executive Director

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LAW ENFORCEMENT

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

☒ = Sub-delegated cannot be further sub-delegated

Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X	X	X	X	X			

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X		X				
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X	X						
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X								
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

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Law Enforcement Services DELEGATION	Executive Director	Chief -Leo	Deputy	Assistants	Regional Inspector	Managers	Heads			
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

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METROPOLITAN POLICE

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

☒ = Sub-delegated cannot be further sub-delegated

METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Stud										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity;	X	X	X	X	X	X	X			

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
(d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X		X				
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X							
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
11. Private Work										
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications	X									

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
from beneficiaries relating to approved projects.										
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X								
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the	X									

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METROPOLITAN POLICE SERVICE DELEGATION	Executive Director	Chief MPD	Deputy	Directors	Sen - Supt	Managers	Heads			
Speaker is first consulted.										
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in										

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CITY OF CAPE TOWN
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TRAFFIC SERVICES

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X	X	X	X	X			

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X						
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X							
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X	X						
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

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TRAFFIC SERVICES DELEGATION	Executive Director	Chief traffic	Deputy	Assistant	Chief Inspector	Managers	Heads			
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

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DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

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FIRE & RESCUE

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity;	X	X	X	X	X					

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
(d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X	X	X					
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X	X	X					
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.		X								
(3) To approve participation in motor vehicle essential user schemes.	X									

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FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
11. Private Work										
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications	X									

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers				
from beneficiaries relating to approved projects.									
13. Disciplinary Procedures									
(1) To authorise the institution of disciplinary procedures.	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X								
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X								
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X								
14. Laying of Criminal Charges									
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the	X								

☒ = Sub-delegated cannot be further sub-delegated

FIRE AND RESCUE SERVICES DELEGATION	Executive Director	FIIRE CHIEF	AREA HEAD	Divisional Commander	Managers					
Speaker is first consulted.										
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in										

☒ = Sub-delegated cannot be further sub-delegated

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SAFETY AND SECURITY

Richard Bosman
Executive Director

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DISASTER RISK MANAGEMENT

A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		X								
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.	X									

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	X									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	X									
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	X									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		X								
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	X									
2. Appointment of Staff										
(1) To approve a notice of staff appointment.	X									

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(2) To enter into and sign employment contracts.	X									
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	X									
(2) To accept the retraction of resignations.	X									
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		X								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	X									
5. Performance Evaluations										
(1) To approve performance evaluations.	X									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility;	X	X	X							

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.										
(2) To approve the encashment of leave.	X									
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	X									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	X									
7. Overtime										

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(1) To approve the payment of overtime and/or time off in lieu of overtime.	X	X	X							
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	X	X	X							
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	X									
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	X									
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	X									
(3) To approve participation in motor vehicle essential user schemes.	X									
11. Private Work										

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	X									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	X									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	X									

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	X	X	X							
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	X									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	X									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	X									
14. Laying of Criminal Charges										
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	X									

☒ = Sub-delegated cannot be further sub-delegated

DISASTER RISK MANAGEMENT DELEGATION	Executive Director	MANAGER DRM	AREA HEAD							
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	X									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION										
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.										

☒ = Sub-delegated cannot be further sub-delegated

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: SAFETY AND SECURITY – PART 33 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
PART 33 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒									
(2) To authorise peace officers in the City's employ, in terms of section 15(2)(a) of the Magistrates Court Act, 1944, to serve court process and all other documents in respect of criminal prosecutions.	☒									
(3) To act as Incident Commander with authority to issue reasonable instructions to relevant officials and departments necessary to assist in the process of relief, rehabilitation and repair required in respect of the major incident and report thereon to the City Manager on a weekly basis.	☒									
2. Payment of Rewards										
(1) To authorise the payment of rewards for information on criminal activities in the Cape Metro Area	☒									

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
being reported to the City's Metro Police Department, Traffic Services, Law Enforcement Department and Special Investigations Unit.										
(2) To authorise the payment of a reward not exceeding R5 000 to any person for information provided; a) payment of the reward will be considered for information that leads to: i) an arrest, confiscation of stolen goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment; ii) any other consequence, which, in the discretion of the Executive Director, will promote good governance in the City, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business. b) the exercise of such delegation be done in terms of a standard operating procedure to be approved by the City Manager and Chief Financial Officer to ensure accountability and	☒									

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
good governance, including provisions for the protection of the identify of informers where appropriate										
3. Emergency Services										
Municipal Disaster Management										
(1) To initiate the process of ensuring a written agreement for the rendering of a Disaster Risk Management Service and assistance outside the metropolitan boundary.		☒								
Fire and Rescue Services *In terms of Fire Brigade Services Act 1987*										
(2) To decide on the most appropriate systems for the control, management, planning, coordination and regulation of firefighting services which serve the area of the municipality.			☒							
(3) To decide on the most appropriate deployment of the fire and emergency services of the municipality and to determine priorities in this regard.			☒							
(4) To grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered, in terms of Section 9(3).			☒							
(5) To give notice by means of a newspaper advertisement that goods placed in safe storage, must be			☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
claimed within a specified time, in terms of Section 9(6).										
(6) To grant authority that goods placed in safe storage may be sold, in terms of Section 9(6).			☒							
(7) To take all necessary steps on behalf of and at the cost of an owner who failed to comply with the directions in regard to the utilisation and storage of hazardous substances and safety precautions, in terms of Section 18.			☒							
(8) To grant authority for the utilisation of the fire service outside the area of jurisdiction of the municipality, as provided for in Section 12.			☒							
(9) To initiate the process of ensuring a written agreement for the rendering of Fire and Rescue Services and assistance outside the metropolitan boundary.			☒							
(10) To appoint a person(s) as a member(s) of the Fire Brigade Reserve Force.			☒							
4. Traffic Services										
Parking, Parking Meter and Toll Parking *In terms of Regulation 305 Sub Regulation (1) – (6) R/W Section 80 Act 93 of 1996*										
(1) To grant exemption regarding any stipulation of				☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
law on the parking of a motor vehicle inside the jurisdiction of the City with regard to: (a) A Doctor (b) A Registered Midwife (c) Any Disabled Person										
Traffic Safety										
(2) To instruct 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 owner / occupant in terms of section 11 of the Road Ordinance 19 / 1976.				☒						
(3) To instruct 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 s.11 of the Road Ordinance 19 / 1976.				☒						
Traffic signs, markings and indicators *In terms of Section 57 of Act 93 of 1996.*										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
(4) To serve 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.				☒						
Races and sport on public roads *In terms of Regulation 317/2000 act 93 0f 1996*										
(5) To grant exemption from complying with road traffic signs on a public road where approval was granted for the organizing of sport or a race on a public road(s).				☒						
Closure or re – route of roads *In terms of Section 11 (g) of Road Traffic Act No 29 of 1989*										
(6) To regulate and control traffic upon any public road.				☒						
In terms of Road Traffic Act 29 of 1989 section 3 *Appointment of persons*										
(7) To appoint the following staff members: (a) Inspector of licenses (b) Examiner of vehicles (c) Examiner of drivers licenses (d) Traffic officers (e) Traffic wardens (f) Reserve traffic officers/traffic wardens/casual				☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
constables										
5. Metropolitan Police										
Regulations for Municipal Police Services *In terms of Government Gazette 11 June 1999*										
(1) To issue and replace a certificate of appointment to members of the municipal police service in the prescribed format in terms of regulation 8.					☒					
terms of Firearms Control Act (Act 60 of 2000)										
(2) To apply for an accreditation of the Metropolitan Police Department as an official institution as defined in the Act in terms of section 95(a)(vi).					☒					
(3) To issue a permit to an employee to possess and use a firearm under its control in terms of section 98 (2).					☒					
(4) To authorise the application to the Registrar for a copy of any license, permit or authorization which has been defaced, lost or stolen in terms of section 29.					☒					
(5) To authorise the storage and transport of firearms and ammunition in the prescribed manner in terms of section 83.					☒					
(6) To authorise the acquisition, use, safe keeping and disposal of firearms, subject to the conditions imposed					☒					

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
by the Registrar in terms of section 97.										
(7) To keep a register in the prescribed form with the particulars of every firearm under its control, the particulars of every employee who is allowed to be in possession of a firearm, the conditions specified in every permit issued, particulars regarding the disposal, transfer, loss, theft or destruction of firearms, and particulars regarding the report of the loss or theft to the South African Police Service in terms of section 99.					☒					
(8) To establish and maintain a workstation and provide the Registrar with access to the workstation and registers (referred to in Sec 99) in terms of section 101.					☒					
(9) To authorise an employee to have the firearm in his or her possession after his or her working hours, carry the firearm on his or her person outside the premises of his or her workplace, or store the firearm at his or her residence provided the Registrar determines in writing that the Official Institution as contemplated in Sec 95(a)(v) may do so in terms of section 98.					☒					
(10) To report the loss or theft of any firearm immediately to the Registrar and to the nearest police station.					☒					
(11) To dispose of or destroy a firearm in the prescribed manner.					☒					

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
Civil Aviation Act, 2009 (Act No. 13 of 2009)										
(12) To exercise the powers, duties and functions which vest in the Municipality, in terms of Regulation 101.05.2 (b).		☒								
6. Events, Arts and Culture Institutions										
(1) To negotiate and conclude all agreements and business contracts subject to supply chain management processes, section 67 of the MFMA and the Grants policy.						☒				
(2) To negotiate contracts with global sport, artistic, music or other global icons/organisations/clubs/ associations/bodies with their South African or International agents subject to Council's due processes.						☒				
(3) To negotiate vending and commercial opportunities with key products, services, food, beverages and merchandising opportunities as may presented from time to time, based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes.						☒				
(4) To negotiate strategic event and other opportunities with members of the event and marketing community opportunities as may be presented from time to time, based on an agreed allocation of funding to be determined, or such value in kind (VIK) as may be agreed, subject to Council's due processes.						☒				

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	ED ONLY	HEAD DRM	CAHIEF FIRE	CHIEF TRAFFC	CHIEF MPD	MANAGER EVENTS				
(5) To negotiate and conclude short term agreements for a maximum period not exceeding 12 months based on an agreed rental determined by property management services in relation to the strategic assets and facilities of the directorate.						☒				
(6) To negotiate and conclude all agreements related to city services and event services related to the holding of individual events within assets (whether city owned or private) subject to the provisions of delegation (13)(1) as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.						☒				

EXECUTIVE DIRECTOR:

ASSETS AND FACILITITIES MANAGEMENT

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO: DIRECTOR: PROPERTY MANAGEMENT
DIRECTOR: HOME OWNERSHIP TRANSFER, TENANCY MANAGEMENT AND STAFF HOUSING
DIRECTOR: FACILITIES MANAGEMENT
DIRECTOR: FLEET MANAGEMENT
DIRECTOR: CAPE TOWN STADIUM AND SEA POINT PRECINCTS

ASSETS AND FACILITIES MANAGEMENT

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 1 July 2017

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision

in terms of the delegation will revert to the Executive Director: Assets and Facilities Management

Please be aware that in delegating these powers, functions and duties, the Executive Director: Assets and Facilities Management is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

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EXECUTIVE DIRECTOR:
DIRECTORATE: ASSETS AND FACILITIES MANAGEMENT

28/6/2017

.....

DATE:

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures

14. Laying of Criminal Charges

C: PART 34 OF THE SYSTEM OF DELEGATIONS

1. General
2. Property Management
3. Events
4. Home Ownership Transfer, Tenancy Management and Staff Housing

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
PART 28 OF THE SYSTEM OF DELEGATIONS													
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		☒	☒	☒	☒	☒	☒	☒	☒	☒			
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.		☒	☒	☒	☒	☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒												
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	☒												
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**		☒	☒	☒	☒	☒							
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒												
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒												
2. Appointment of Staff													
(1) To approve a notice of staff appointment.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒			

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(2) To enter into and sign employment contracts. ❖ This delegation is for ED's to, in consultation with the ED: Corporate Services enter into and sign standard employment contracts for level 2-4 appointments. ❖ This delegation is to be exercised in consultation with the Manager: Strategic Staffing, enter into and sign standard employment contracts below level 4 appointments. ❖ With regard to EPWP contracts the following: ED approves PID, The designated officials approve the relevant contracts and time worked for payment purposes.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		
3. Resignations and Retractions													
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	☒	☒	☒	☒	☒	☒							
(2) To accept the retraction of resignations.	☒												
4. Training and Study													
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒												

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(In consultation with AFM: HR Business Partner)													
5. Performance Evaluations													
(1) To approve performance evaluations.	☒												
6. Leave and Time Off													
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒ HOT&TM Rental Stock Area Managers
(2) To approve the encashment of leave. (Note: In respect of Directors and Managers reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services)	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒												
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost. (Note: In respect of Directors and Managers reporting to the Executive Directors to be exercised in consultation with the Executive Director: Corporate Services)	☒	☒	☒	☒	☒	☒							
7. Overtime													
(1) To approve the payment of overtime and/or time off in lieu of overtime. ❖ This sub-delegation is also in respect of granting TOIL rather than payment of overtime worked. ❖ This sub-delegation is subject to the maximum overtime hours worked as contained in the Basic Conditions of Employment Act.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		
8. Standby Duties													
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance. (This delegation is to be exercised in accordance with collective agreements or policy guidelines, whichever is applicable)	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
9. Re-imbursements													
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒	☒	☒	☒	☒	☒							
10. Allowances and Special Privileges Granted for the Performance of Duties													
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒	☒	☒	☒	☒	☒							
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	☒												
(3) To approve participation in motor vehicle essential user schemes.	☒	☒	☒	☒	☒	☒							
11. Private Work													
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒	☒	☒	☒	☒	☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(This delegation should be exercised strictly in accordance with Council policy)													
12. Grants, Gifts and Donations													
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒												
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒												
13. Disciplinary Procedures													

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(1) To authorise the institution of disciplinary procedures.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒												
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	☒												
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒												
14. Laying of Criminal Charges													
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒												

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	☒												

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: ASSETS AND FACILITES MANAGEMENT – PART 34 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
PART 34 OF THE SYSTEM OF DELEGATIONS													
1. General													

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(1) To develop and implement the City's SDBIPs in the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒			
(2) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Greenpoint Urban Park, subject to the provisions of delegation 13(1), as set out in the Executive Mayor's delegations, and section 67 of the MFMA which relates to the grants in aid policy.						☒							
(3) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Green Point Urban Park as set out in the stadium rental model as contained in the approved annual rental and related fees.						☒							
(4) To negotiate and conclude all agreements and business contracts related to the holding of individual events in the Cape Town Stadium and the Green Point Urban Park subject to the provisions of delegation 13(1), as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.						☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(5) To negotiate and conclude all agreements and business contracts related to the holding of individual events at Athlone Stadium, Good Hope Centre, Grand Parade and City Hall including facilities within the department subject to the provisions of delegation (13)1, as set out in the Executive Mayor's delegations, and subject to statutory provisions pertaining to Supply Chain Management processes and or Grants Policy provisions.		☒											
(6) To in consultation with the CFO, approve or refuse any applications from non-governmental organisations or registered neighbourhood watches to waive the payment of a site rental fee received from any such organization after recommendation by the relevant sub-council.	☒												
(7) To authorize the demolition of unoccupied informal structures on Council housing schemes. In consultation with the ED:AFM			☒										
Leasing													
(8) To lease immovable property to and from private and public bodies or any person where the value of the rental does not exceed R200 000 per annum provided that such lease is in the best interests of the City. In consultation with Chief Financial Officer (CFO)		☒											

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(9) To cancel all lease and/or rental agreement/(s).		☒	☒	☒	☒	☒							
(10) To cancel, amend, sign and exercise all rights and duties in terms of a lease entered into where the City is the Lessee.		☒	☒	☒	☒	☒							
2. Property Management													
Property Matters													
(1) To recommend, administer and manage the acquisition, enhancement, alienation, leasing and utilisation of City owned immovable property and rights in property in terms of the City of Cape Town Immovable Property By-law, 2015.		☒									☒ PM Managers & Manager: Property Holding: To extend the date of expired leases in SAP Real Estate to continue billing and invoicing		☒ Senior Professional Officer/AO: Limited to executive, including signing of all documents (arrangement agreement, affidavits) pertaining to the debt management function of the lease portfolio
(2) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease, servitudes and other legal instruments related to the incumbent's area of jurisdiction.		☒									☒ PM Managers	☒ Property Holding Regional Heads	

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(3) To advise Council on property transactions provided that in respect of the granting of rights to use, manage or control City immovable assets such as land, property and buildings where the value of the asset is more than R10m and the duration of the right is longer than 3 years such advice must include a comment from the Sub-council in whose area of jurisdiction the asset is situated.		☒									☒ PM Managers		
(4) To initiate after being authorised by the City Manager in terms of delegation 24(6) all property transactions.		☒											
(5) To reserve property for municipal purposes.		☒											
(6) To determine whether or not to cancel leases where the terms and conditions thereof have been breached and to, in consultation with the Director: Legal Services, 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. (In consultation with ED:AFM)		☒									☒ PM Managers		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(7) To frame the conditions of lease, granting of rights, acquisitions and sales to execute all documents and rights in connection with the letting, selling and acquisition of immovable property, including Powers of Attorney.		☒									☒ PM Managers	☒ Property Holding: Regional Heads	
(8) To recommend to Council or the City Manager as the case may be, the consideration due for the granting of rights to use, control or manage or dispose of City owned capital assets in so far as it relates to Immovable Property or acquire immovable property.		☒											
(9) To authorise the amount of compensation to be paid by Council where applicable to lessees whose leases are terminated before the expiry of the lease.		☒											
(10) To authorise the payment of compensation in respect of acquisition of servitudes for municipal services, land and rights where the necessary authority has been given.		☒											
(11) To renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for a renewal.		☒									☒ PM Managers		
(12) To approve application for the removal of reversionary claims.		☒											

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(13) To appoint valuers on such terms and conditions as he/she 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.		☒											
(14) To authorise projections and projection structures over Council's land to frame and conclude relevant agreements and to impose the levying of a fee.		☒									☒ PM Managers		
(15) To authorise encroachments over Council's land, frame and conclude relevant agreements and impose the levying of a fee/tariff.		☒									☒ PM Managers		
(15A) To approve the granting of rights to use, control or manage City owned capital assets in so far as it relates to Immovable Property limited to a short term use of less than 30 days.		☒											
(16) To give possession of land or buildings prior to conclusion of the formal lease agreement provided that the lessee has indemnified the Council in respect of such prior occupation.		☒									☒ PM Managers		

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(17) To permit occupation of municipal land by a purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser – deposits with Council the purchase price and/or pays an occupational rental and complies with any other condition that may be relevant in the circumstances.		☒									☒ PM Managers		
(18) To, in consultation with the Director: Legal Services, institute legal or other proceedings for the cancellation of a deed of sale or lease agreement and for the recovery of monies owing to Council where such cancellation arose from the purchaser's or lessee's default in complying with the conditions of sale or lease within a reasonable time of conclusion of the sale or lease.		☒											
(18A) Acceptance of a tender value up to 30% less than the valuation determined by the City's Market Valuation Section after consultation with the Director: Property Management.	☒												
(18B) Recommend the tender value as per paragraph (18A) to the decision-making authority.		☒											
(18C) Report to Council (for noting) the value as per paragraph (18A) if approved by the Immovable Property Adjudication Committee, constituted as per the prescripts of		☒											

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
Regulation 29(2) of the Supply Chain Management Regulations.													
(19) To authorise the lease and determine rentals of business units, stores, stables, and other non-residential units, within housing estate areas and subject to all necessary prescribed approvals having been obtained and procedures complied with.		☒											
Council funded properties used for commercial purposes in Council's housing estates.													
(20) To enter into Lease Agreements and determining rentals for the letting of offices, business premises, garages, stables, vacant plots, and other non-residential units, at economic related rentals.		☒											
In terms of Municipal Systems Act													
(21) To recommend to Council the approval 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 agreements, advertisements and encroachments.		☒											
(22) To authorise payment of interest on approved purchases of land or buildings whether the municipality		☒											

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
wishes to take or has already taken occupation of the property prior to the registration of transfer in its favour.													
In terms of Deeds Registry Act, No 47 of 1937													
(23) To consider and approve the transfer of land gratuitously ceded to the Council or where the Council is compelled to take transfer and authorisation of the costs involved in terms of section 31.		☒											
(24) To authorise the refunding of the 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 in terms of section 31.		☒											
(25) To assess the market value of Council land for rental purposes and determine 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.		☒										☒ Head: Valuations	
In terms of Local Government : Municipal Property Rates Act, No 6 of 2004													
(26) To authorise 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.		☒											

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(27) To initiate, at the request of a service department, the acquisition of land or a right in land for any approved municipal scheme or project where provision has been made on an approved budget and reporting thereon to the relevant authority.		☒											
(28) To repudiate claims to ownership of municipal land by acquisitive prescription.		☒											
3. Events													
(1) To negotiate contracts with global sport, artistic, music or other global / national and local icons/organisations/clubs/associations/bodies with their South African or International agents subject to Council's due processes. (In consultation with ED:AFM)		☒				☒							
(2) To negotiate vending and commercial opportunities with key products, services, food, beverages and merchandising opportunities as may presented from time to time, based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes. (In consultation with ED:AFM)		☒				☒							
(3) To negotiate strategic event and other opportunities with members of the event and marketing		☒				☒							

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
community opportunities as may be presented from time to time, based on an agreed allocation of funding to be determined, or such value in kind (VIK) as may be agreed, subject to Council's due processes. (In consultation with ED:AFM)													
(4) To negotiate and conclude short term agreements for a maximum period not exceeding 12 months based on an agreed rental determined by property management services in relation to the strategic assets and facilities of the directorate.		☒											
(5) To negotiate outdoor media and other marketing related agreements such as naming rights with media companies, corporate investors, 3rd parties and any/all other relevant parties (be it internal or external entities), based on an agreed flat rate fee to be determined, or such percentage of sales turnover as may be agreed, subject to Council's due processes. (In consultation with ED:AFM)						☒							
(6) To conclude (sign) agreements where such agreements are standardised and where such agreements entail the hiring of this portfolio's assets when it is let-out according to Council's approved tariff schedule only.						☒							

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
4. Home Ownership Transfer, Tenancy Management and Staff Housing													
(1) To authorise the lease and/or sale of Council dwellings, financed ex National Housing Funds and Council funding, and single residential property (and related properties) to persons on the Council's waiting lists (housing estates only).			☒									☒ Home Ownership Transfer, Tenancy Management and Staff Housing Heads only	
(2) To authorise the selling of saleable Council dwellings, and serviced sites, financed ex National Housing Funds and Council funding, to existing tenants of said dwellings or where applicable to their heir/s in title and in accordance with Council policies.			☒									☒ Home Ownership Transfer, Tenancy Management and Staff Housing Heads only	
(3) To authorise the repossession, repurchasing and resale of Council property, financed ex National Housing Funds and Council funds.			☒										
(4) To exercise Council's right of pre-emption in regard to houses in the Council's selling schemes on the terms and conditions contained in the agreement of sale and the Housing Act.			☒								☒ Manager: HOT&TM		
(5) To authorise the voluntary cancellation of sales of housing scheme land and dwellings in accordance with Council policy.			☒										

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DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(6) To allocate housing scheme dwellings on a priority basis on the terms and conditions determined by Council.			☒										
(7) To allocate rental housing opportunities in new settlement developments as determined by Council.			☒										
(8) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease and/or sale, servitudes and other legal instruments related to the incumbent's area of jurisdiction.			☒										
(9) To determine in consultation with the Director: Legal Services,: (a) whether or not to cancel leases and/or sales where the terms and conditions thereof have been breached; (b) institute legal proceedings for the eviction of tenant's/purchasers consequent upon such cancellation, and (c) for the recovery of monies owing to Council.			☒								☒ Manager: HOT&TM		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(10) To frame the conditions of lease and sales to execute all documents and rights in connection with the letting and selling of Council dwellings, financed from national or provincial housing funds and City funds, including Powers of Attorney.			☒								☒ Manager: HOT&TM		
(11) To renew an agreement of lease with the existing tenant in respect of Council dwellings, financed from national or provincial housing funds and City funds where the lease provides for a renewal.			☒									☒ Heads: HOT&TM	
(12) To grant prior occupation, give possession and pass risks in Council dwellings, financed from national or provincial housing funds and City funds, prior to conclusion of the formal lease/sale agreement provided that the relevant authorities have been obtained and the tenant/purchaser has indemnified the Council in respect of such prior occupation.			☒										
(13) To authorize and approve the relocation of dwellings on residential sites within housing schemes, necessitated by adverse subsoil conditions or by other unforeseen circumstances.			☒										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
(14) To initiate the process for the demolition of unoccupied structures in Council housing schemes.			☒								☒ Manager: HOT&TM		
(15) To in consultation with the Chief Financial Officer, authorize the cancellation of bonds registered over Council property, financed from national or provincial housing funds and City funds, in favour of the City.			☒								☒ Manager: HOT&TM		
(16) To authorise the issuing of power of attorney to Conveyancers, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the City in respect of Council dwellings financed from national or provincial housing funds and City funds.			☒								☒ Manager: HOT&TM		
(17) To initiate the eviction process from Council premises occupied unlawfully and where tenants are in contravention of the lease agreement.			☒								☒ Manager: HOT&TM		
(18) To serve notices on tenants to vacate Council owned properties, financed from national or provincial housing funds and City funds, required for the development			☒										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Executive Director	Director : Property Management	Director : Home Ownership Transfer, Tenancy Management and Staff Housing	Director: Facilities Management	Director: Fleet Management	Director: Cape Town Stadium and Sea Point Precincts	Manager: Support Services	Manager: Finance	HR Business Partner	PMO	Manager	Heads	Other
of housing schemes/projects or for undertaking any town planning improvement, services upgrading or other public work.													
(19) To authorise the payment of all transfer, survey and incidental costs, in respect of Council owned properties, financed from national or provincial housing funds and City funds, where such costs are for the City's account.			☒								☒ Manager: HOT&TM		
(20) To apply for amendments to plans and specifications of rental dwellings in consultation with the Executive Director Transport Development Authority.			☒										
(21) To consider the application of abutting owners to Council owned properties, financed from national or provincial housing funds and City funds, requiring consent in respect of the relaxation of zoning scheme regulations and building plan approval.			☒								☒ Manager: HOT&TM		

☒ = Sub-delegated cannot be further sub-delegated

CHIEF FINANCIAL OFFICER:

FINANCE

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO: DIRECTOR: BUDGETS
DIRECTOR: EXPENDITURE
DIRECTOR: GRANT FUNDING
DIRECTOR: REVENUE
DIRECTOR: SUPPLY CHAIN MANAGEMENT
DIRECTOR: TREASURY
DIRECTOR: VALUATIONS
MANAGER: FINANCE
HR BUSINESS PARTNER
SUPPORT SERVICES MANAGER

CHIEF FINANCIAL OFFICER

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 1 July 2017

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Chief Financial Officer

Please be aware that in delegating these powers, functions and duties, the Chief Financial Officer is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....
CHIEF FINANCIAL OFFICER
DIRECTORATE: FINANCE

DATE: 29 JUNE 2017

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 35 OF THE SYSTEM OF DELEGATIONS

1. General
2. Revenue
3. Valuations
4. Treasury
5. Grant Funding

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
PART 28 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		☒									
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.		☒									

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.		☒									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.	☒										
(5) To approve directorate specific events where budgeting provision has been made. This authority may not be sub-delegated lower than the level of director.		☒									
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		☒	☒								☒ Manager: Valuation Operations Manager: Valuation Surveys& Quality
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.		☒	☒								☒ Managers& Heads
2. Appointment of Staff											
(1) To approve a notice of staff appointment.	☒										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
(2) To enter into and sign employment contracts.	☒										
3. Resignations and Retractions											
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.		☒									
(2) To accept the retraction of resignations.		☒									
4. Training and Study											
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		☒	☒								
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒										
5. Performance Evaluations											
(1) To approve performance evaluations.		☒	☒								
6. Leave and Time Off											
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that		☒	☒								☒ Managers& Heads

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.											
(2) To approve the encashment of leave.	☒										
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒										
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.		☒	☒								
7. Overtime											
(1) To approve the payment of overtime and/or time off in lieu of overtime.		☒									
8. Standby Duties											
(1) To approve the performance of standby duties		☒									

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
and where applicable, the payment of a standby allowance.											
9. Re-imbursements											
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒										
10. Allowances and Special Privileges Granted for the Performance of Duties											
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒										
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.	☒										
(3) To approve participation in motor vehicle essential user schemes.	☒										
11. Private Work											
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
12. Grants, Gifts and Donations											
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒										
13. Disciplinary Procedures											
(1) To authorise the institution of disciplinary procedures.		☒									
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒										
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.		☒									
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒										
14. Laying of Criminal Charges											
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against;		☒	☒								

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	All Directors	Manager: Finance, HR Business Partner, Support Services Manager	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
(a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.											
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.		☒	☒								

☒ = Sub-delegated cannot be further sub-delegated

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CHIEF FINANCIAL OFFICER – PART 35 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
PART 35 OF THE SYSTEM OF DELEGATIONS											
1. General											
(1) To develop and implement the City's SDBIPs in the above functional areas and to ensure that it is aligned to the City's IDP.		☒									
(2) To take all steps that may be necessary to give effect to an award of the Bid Adjudication Committee. Note: Sub-Delegation for Managers reporting directly to CFO or Director		☒	☒								☒ Managers
(3) To write off individual bad debts provided that: *(a) an individual bad debt written off shall not exceed R1 million, and (b) an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R1 million.							☒ Between R500 001-R1M				☒ Manager: Debt Management From R0.01 to - R500 000.99
(4) To agree to a premium and annual rate adjustment in respect of any relevant Group Life Scheme									☒		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
for members of staff.											
(5) To manage and certify the annual stocktaking of Council's assets.									☒		
(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.									☒		
2. Revenue											
(1) To approve applications for a rates rebate in terms of Council's Rates Policy.							☒				☒ **Manager: Technical Services, Manager: Debtors and Cash, Head: Systems, Processes and Projects; Heads: Interaction Centre Management North, South East & Helderberg; and SPOs, AO2s, AO1s & Specialist Clerks reporting to the above heads.**
In terms of the Systems Act											
(2) To sign and issue Section 118 clearance certificates.							☒				☒ **Manager: Debtors and Cash, Head:**

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
											Rates Clearances , Deeds, Refunds & CIM-BP; AO3: Rates Clearances; AO 3: CIM - BP; AO 2: Rates Clearances; Head: Revenue Walk in Centre Tygerberg; AO 1: Revenue Walk in Centre Tygerberg Rates Clearances Area Office; Head: Revenue Walk in Centre Cape Town; AO 3: Revenue Walk in Centre Cape Town; AO 1: Revenue Walk in Centre Cape Town Rates Clearances Area Office Head: Revenue Walk in Centre Helderberg
(3) To sign and issue Low Cost Housing [S118(4)] clearance certificates.							☒				☒ Manager: Debtors and Cash Head: Rates Clearances, Deeds, Refunds & CIM-BP; AO3: Rates Clearances; AO 3: CIM - BP; AO 2: Rates Clearances; Head: Revenue Walk in Centre Tygerberg;

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
											AO3: Revenue Walk in Centre Tygerberg; AO 1: Revenue Walk in Centre Tygerberg Rates Clearances Area Office; Head: Revenue Walk in Centre Cape Town; AO 3: Revenue Walk in Centre Cape Town; AO 1: Revenue Walk in Centre Cape Town Rates Clearances Area Office Head: Revenue Walk in Centre Helderberg
In terms of Local Government: Municipal Property Rates Act, No. 6 of 2004											
(4) To collect and refund any credits and/or deposits held for property transactions, including housing debtors and property leases.							☒				☒ Manager: Debtors and Cash; Between R250,000.00 R500,001.00 Head: Rates Clearances, Deeds, Final Accounts &Refunds; Between R100,001.00 - R250,000.00 AO3:Rates Clearances, Deeds,Final Accounts

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
											&Refunds; Between R20,001.00- R100,00.00 AO1:Rates Clearances, Deeds,Final Accounts& Refunds; Between R20,00.00-R0.01
(5) To collect, adjust and refund any credits and deposits held for property leases debtors.							☒				☒ Manager: Debtors and Cash; Between R250,000.00 R500,001.00 Head: Rates Clearances, Deeds, Final Accounts &Refunds; Between R100,001.00 - R250,000.00 AO3:Rates Clearances, Deeds,Final Accounts &Refunds; Between R20,001.00- R100,00.00 AO1:Rates Clearances, Deeds,Final Accounts& Refunds; Between R20,00.00-R0.01
(6) To implement all actions associated with the							☒				

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
Housing Indigent Grant of Council.											
(7) To implement debt relief processes in respect of Council dwellings, in accordance with the Credit Control and Debt Collection By-law.							☒				
(8) To exercise all powers, duties and functions which vest in the Municipality, in terms of the Credit Control and Debt Collection By-law (sections 6 and 8) and Credit Control and Debt Collection Policy.							☒				
3. Valuations											
In terms of Local Government: Municipal Property Rates Act, No. 6 Of 2004 (Property Rates Act)											
(1) To exercise the powers, duties and functions which vest in the Municipality, in terms Sections 14(2), 23, 33(1), 33(4), 35(1),35(4), 35(5), 36 (1) ,36(4), 36(5), 41(2), 49(2), 50(4), 66(1) and 79 of the Local Government: Municipal Property Rates Act.										☒	
(2) Approve the remuneration and compensation of valuation appeal board members in terms of the Conditions of Appointment of Members of an Appeal Board.										☒	☒ Manager: Business Environment: VPM
4. Treasury											
(1) To manage the General Insurance Fund and its day-to-day operations, including the fixing of premium									☒		

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Not sub-delegated Powers vests with CFO	Directors	HR Business Partner, All Managers reporting directly to the CFO	Director :BUDGETS	Director: EXPENDITURE	Director: GRANT FUNDING	Director: REVENUE	Director: SUPPLY CHAIN MANAGEMENT	Director: TREASURY	Director: VALUATIONS	Other officials
rates, acceptance, settlement and repudiation of claims and matters incidental thereto in terms of an approved policy.											
5. Grant Funding											
(1) To sign all conditional grant funding documents and grant funding Memoranda of Agreements, after consultation with Legal Services where applicable, related to projects funded from transversal Provincial and National Conditional grant allocations.						☒					

☒ = Sub-delegated cannot be further sub-delegated

COMMISSIONER:

TRANSPORT AND URBAN DEVELOPMENT AUTHORITY

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : PORTFOLIO MANAGER : Integrated Transport
PORTFOLIO MANAGER: Urban Investment & Development
DIRECTOR : TDA Business Enablement
DIRECTOR : Transport Planning
DIRECTOR : Contract Operations
DIRECTOR : Asset Management & Maintenance
DIRECTOR : Network Management
DIRECTOR : Regulations
DIRECTOR : Urban Catalytic Investments
DIRECTOR : Business Resource Management
DIRECTOR : Built Environment Management
DIRECTOR : Urban Integration
DIRECTOR : Environmental Management
DIRECTOR : Development Management
DIRECTOR : Human Settlement Implementation

TRANSPORT AND URBAN DEVELOPMENT AUTHORITY

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers,

functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 01 July 2017

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Commissioner: Transport and Urban Development Authority

Please be aware that in delegating these powers, functions and duties, the Commissioner: Transport and Urban Development Authority is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....

COMMISSIONER:
TRANSPORT AND URBAN DEVELOPMENT AUTHORITY

6/7/2017.

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 36 OF THE SYSTEM OF DELEGATIONS

1. General

2. Roads and Integrated Transport

3. Land Use Management

4. Building Control

5. Environmental Resource Management

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with Commissioner
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. **All sub-delegations relates only to the functional area concerned.**	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained. **All sub-delegations relates only to the functional area concerned.**	☒	☒	Manager ☒	☒	☒	☒	☒	Manager & Area Manager ☒	Manager ☒	☒	☒	☒	☒	☒	
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.															☒
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.															☒
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**															☒
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒			☒			☒	☒	☒	☒	☒		☒	☒	
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with Commissioner
2. Appointment of Staff															
(1) To approve a notice of staff appointment.															[x]
(2) To enter into and sign employment contracts.															[x]
3. Resignations and Retractions															
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	[x]														
(2) To accept the retraction of resignations.	[x]														
4. Training and Study															
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.											Manager [x]				
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.															[x]
5. Performance Evaluations															
(1) To approve performance evaluations.															[x]
6. Leave and Time Off															
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.	(a)-(d) (e) excl. additional sick leave, (g), (j) [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(g),(i) [x] Manager Head, & PPO (a)-(d) (e) excl. additional sick leave [x]	(e) additional sick leave (f) (h) (j) [x]
(2) To approve the encashment of leave.															[x]
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.															[x]

[x] = Sub-delegated cannot be further sub-delegated

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with Commissioner
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	☒														
7. Overtime															
(1) To approve the payment of overtime and/or time off in lieu of overtime.	☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	
8. Standby Duties															
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	
9. Re-imbursements															
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒														
10. Allowances and Special Privileges Granted for the Performance of Duties															
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.															☒
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.															☒
(3) To approve participation in motor vehicle essential user schemes.															☒
11. Private Work															
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.															☒
12. Grants, Gifts and Donations															
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual															☒

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with Commissioner
budget.															
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒	Manager ☒	Manager ☒	Manager & Head ☒		Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒					
13. Disciplinary Procedures															
(1) To authorise the institution of disciplinary procedures subject to part 27 delegation 28(2) of the System of Delegations.	☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	Manager ☒	
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**															☒
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.															☒
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**															☒
14. Laying of Criminal Charges															
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	

☒ = Sub-delegated cannot be further sub delegated

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with Commissioner
Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.															

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: TRANSPORT AND URBAN DEVELOPMENT AUTHORITY – PART 36 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
PART 36 OF THE SYSTEM OF DELEGATIONS																
1. General																
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		
(2) In respect of conditional grant funding allocations associated with the Public Transport Network (PTNG), Integrated City Development (ICDG), Urban Settlements Development (USDG) and the Human Settlements Development Grants (HSDG), to (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and (d) approve individual human settlement subsidy applications from beneficiaries relating to approved projects.	☒	Manage r ☒	Manager ☒	Manager & Head ☒		Manager ☒	Manager ☒	Manag er ☒	Manager ☒	Manager ☒						
2. Roads and Integrated Transport																
Advertising on Roads and Ribbon Development Act, No 21 of 1940																

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(1) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 8, 9, 9A, 10 and 11.	☒	☒	☒	☒	☒	☒	☒	Manager & Area Manager ☒	☒	☒	☒	☒	☒	☒		
Urban Transport Act, No 78 of 1977																
(2) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 17(a), (b), (c), (d), (e), (f), (h) and (i).	☒		☒			☒	☒	Manager & Area Manager ☒	☒	☒	Manager ☒	☒				
National Road Traffic Act, No 93 of 1996																
(3) To exercise the powers, duties and functions vested in the Municipality with regard to the erection, display and maintenance of road traffic signs and signals, or to authorise another person to do so, in terms of section 57.								Manager Area Manager Head PPO Depot Manager ☒	Manager ☒							
National Land Transport Act, No 5 of 2009																
(4) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 11, 14, 15, 16, 17, 18, 19, 27, 33, 36, 37, 38, 39, 40, 41, 42, 43, 86 and 87.	☒	☒	☒		☒		☒	☒	☒	☒	☒	☒	☒	☒		
Roads Ordinance, No 19 of 1976																
(5) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 7(2), 8(1), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 28 and 59, including signing non-compensation agreements on behalf of the City where such arise out of a condition of approval in terms of section 17 and to grant written consent to transfer a property where such agreements require a prospective owner to enter into a similar agreement with the City prior to transfer of such property.	☒		☒					Manager & Area Manager ☒								

☒ = Sub delegated cannot be further sub-delegated

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
By-law relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007																
(6) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 5(2), 7, 8, 10, 11, 15, 16, 17, 18, 21 and 22, including granting of wayleaves. This sub-delegation relates to the Director's functional area only.	☒		☒					Manager & Area Manager ☒								
(7) To authorise, regulate and manage the building of bridges and crossings over gutters (channels) and sidewalks (footways) in a public road in terms of section 17.	☒							Manager & Area Manager ☒								
By-law relating to Stormwater Management, 2005																
(8) To exercise the powers, duties and functions vested in the Municipality, in terms of sections 3, 4, 5, 9(1)(a) and 10(1), (2) and (3).	☒							Manager & Area Manager ☒				☒				

3. Land Use Management			
Title deeds			
(1) To grant or refuse written consent where a title deed condition permits an owner to exceed the use or development parameters or other land use planning or building development or aesthetic restrictions set in the title deed conditions of a property with the written consent of Council.	Man: LM, Man: LD, DM, but subject to same conditions, restrictions and exclusions as for 3(6) - (8)	Same as for 3(6) - (8), but excludes additional delegates	
(2) To grant or refuse consent to amend or cancel a notarial tie required in terms of conditions imposed as part of a previous approval.	Head: Urban Development, Contracts & Compliance	After considering recommendation from relevant DM or RM	
Sectional Titles Act, No 95 of 1986			
(3) To exercise the powers, duties and functions vested in the Municipality, in terms of section 4(5).	Man: LD, DM, SH: LUM		
Land Survey Act, No 8 of 1997			
(4) To exercise the powers, duties and functions vested in the Municipality, in terms of section 37(2).	Man: LD, DM, SH: LUM		

☒ = Sub delegated cannot be further sub delegated

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
Cape Town Municipal Planning By-law, 2015																
(5) To exercise the powers, duties and functions vested in the Municipality, in terms of section 30(3) and (6), 37(9), 47(4)(a), 62(2) and (4), 63(1) and (4), 65(3), (4), (7), (8) and (11), 66(2), 70(1), 73(1) and (2), 79(1), (2) and (3), 94(1) and (3), 102(2), 105(4), 106(1) and (2), 109(3) and (10), 113(1) and (3), 115(3) and (8), 125(2) and (3), 126(1), 127(1), (2) and (4), 128(1) and (2), 135(1), 136(1), (7) and (8) and 140.	SH: LUM, PPO, SPO, PO, PGIST, SGIST, GIST, PGISTA, SGISTA, GISTA Man: LD, DM, Man: LM, Head: LUM, SH: CI, Head: Legislation & Enforcement , Dir: DM, PTO,STO, CPX / PPX (LUM), Commissioner TDA REC, PPI, SPI, PI, API, Dir EM, Man: AE, RH Dir: AMM,, Manager: AMM; Area Manager: AMM; Head: AMM; PPO: AMM Dir:UI, Man: UI, PPO:UI, SPO:UI, Director: HSI														
(6) To grant an exemption or rebate from the payment of development charges in accordance with approved policy or the applicable legislation, in terms of section 66(2) of the Planning By-law, in consultation with the Executive Director: Informal Settlements, Water and Waste Services.	Commissioner TDA															
(7) To perform all other administrative functions set out in the by-law, including signing documentation, the execution of recordals, the updating of the zoning map and the zoning register, providing copies of documentation upon payment of the prescribed fees and other information required, and giving notice of a decision, as required in terms of the by-law.	Man: LD, DM, SH: LUM, SH: CI, PPO, SPO, PO, CPX / PPX (LUM) Signing documentation: Excludes PO, CPX / PPX (LUM) CPX / PPX (LUM) includes zoning clearance															
(8) To publish documentation on the City's website or by Provincial Gazette or notice, when required to do so, in terms of the by-law.																
Schedule 3 (ie the Development Management Scheme) of the Cape Town Municipal Planning By-law, 2015																
(9) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.	Decision-maker on subject application, Man: LD, DM, SH: LUM, SPO, PO															
(10) To notify or consult with owners where required to do so in terms of the development management scheme.	DM, SH: LUM, SH: CI, PPO, SPO, PO															
(11) To serve notices calling for compliance with instructions set out in such notice and/or cessation of the use of premises in question for such land use activity.	DM: Dir DM, Man: LD, DM, SH: LUM, PPO, SPO, PO, REC, PPI, SPI, PI, API EM: Dir EM, Man: AE, Head: E&H Management, CECO, PEP, PHP, PECO, SEP, SHP, SECO, EP, HP, ECO, AEP, AHP															
(12) To call for a cessation of a land use or activity, or impose conditions in order to minimize any potential	Same as 1(152) but excludes posts below REC (DM) and below Head (EM)															

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
nuisance to surrounding neighbours or the general public.																
(13) To prepare a contextual framework in respect of a particular development/site as a component of a package of plans, in terms of item 136.	DM: Man: LM, Man: LD, DM, SH: LUM, PPO, SPO, Head: LUM Spatial: Dir: UI, Man: UI (Manager: Urban Integration) and Man: UP&M (Urban Planning and Mechanisms) PPO:UI, SPO:UI in TDA															
(14) To require a package of plans be submitted for approval, in terms of item 136.	Man: LD, DM, SH: LUM															
(15) To approve or refuse one or all components of a package of plans, in terms of item 136.																
(16) To approve, refuse or amend a plan or plans which indicate(s) the areas deemed to be PT1 and PT2 areas, or similar plans or maps, in terms of item 137.	Commissioner TDA															
(17) To designate by approval in terms of the development management scheme any heritage place it considers in terms of its heritage strategy to be conservation worthy as a Heritage Protection Overlay zoning.																
(18) In respect of land above Boyes Drive and subject to the overlay zone, determine that Council is satisfied that a building to be erected or the subdivision of land is desirable, that a satisfactory road system in accordance with Council's standards for the provision of services is possible and that the cost of providing and maintaining essential services will not be excessive, in terms of the Boyes Drive Local Area Overlay Zoning.	Man: LM, Man: LD, DM															
(19) To, where provided for in the development management scheme, exercise the power to. – (a) formulate requirements and/or make determinations; (b) waive a requirement or exempt matters; (c) approve matters, (d) lay down restrictive requirements; and (e) approve agreements and enter into same, provided where relating to City land, after consultation with the Executive Director Assets and Facilities Management.	Man: LM, Man: LD, DM, SH: LUM, Head: LUM															
By-law relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007																
(20) To exercise the powers, duties and functions	Allotment of numbers: PGIST, SGIST, GIST, PGISTA, SGISTA, GISTA															

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
vested in the Municipality, in terms of section 20(1), (2), (3) and (4) and 21.	Notices / directions to owners: DM, SH: CI, PTO PI (all levels) DM, SH: CI, PTO PGIST, SGIST, GIST, PGISTA, SGISTA, GISTA															
4. Building Control																
National Building Regulations and Building Standards Act, No 103 of 1977																
(1) To exercise the powers, duties and functions vested in the Municipality, in terms of section 2(4), 4(2), 5(2), 7(1), (3), (4) and (6), 10(1), 11(1), (2), (3) and (4), 12(1), (3), (4) and (5), 13(3), 14(1) and (1A), 15 and 18(1).	Dir: DM, Man: LD, Man:LM, DM, Head: BDM, SH: BDM, Head: Enforcement & Legislation,PBCP, SPO: BDM, BI (all levels),PBI, SBI							Only where no unauthorised work on site / or land use application in progress preventing approval of plan Also, subject to careful consideration of risks inherent in permitting use without occupation certificate, and subject to follow-up after 3 months.								
(2) To comment on appeals lodged in term of section 9 as read with the regulations thereto and authorising officials to appear at the Review Board Hearing of the appeal.	Dir: DM, Man: LM, Head: BDM, Head: Enforcement & Legislation, PBCP															
National Building Regulations (GNR 2378 of 12 October 1990)																
(3) Application and enforcement of the National Building Regulations GNR 2378 of 12 October 1990 (as amended).	DM, SH: BDM, SPO: BDM,Head: BDM, PBCP, PX (all levels) Man: LM, BI (all levels), Dir: DM															
(4) To supply the levels at which a portion of a street is intended to be constructed or is likely to be reconstructed and, where unable to do so, to furnish reasons to that effect, in terms of Regulation A11(2).	Director: Asset Management and Maintenance (Dir: AMM), Manager: AMM; Area Manager: AMM; Head: AMM; PPO: AMM; Director Built Environment,															
5. Environmental Resource Management																
Environment Conservation Act, No 73 of 1989																
(1) To exercise the powers, duties and functions vested in the Municipality, in terms of section 28(A) and 31(A)(1),(2),(3) and (4).	S31(A)(1): Sign notice / directive: Dir: EM, Man: AE, Man: Env Compliance, Head: EMS; SPO: EC; Head: E&H Management, RH Serve notice / directive: Above, as well as CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP S31(A)(2): Dir: EM, Manager, Head: EMS; SPO: EC; Head: E&H Management, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP S31(A)(3) and (4): Dir: EM, Manager, Head: E&H Management – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators															
Directions in terms of the Environment Conservation Act, No 73 of 1989 (PN 161/1997: Declaration of Lourens River Protected Natural Environment)																

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(2) To grant or refuse approval in terms of these directions with or without conditions, in respect of land situated within the Lourens River Protected Natural Environment.	Dir: EM, Manager, RH							Only Area 2								
National Environmental Management Act, No 107 of 1998																
(3) To monitor whether City departments take reasonable measures to prevent pollution or degradation of the environment from occurring, where it occurs, to instruct the relevant service unit or official to take appropriate remedial action as contemplated in section 28(3), to identify measures needed to minimize and rectify such pollution or degradation, to compile an environmental compliance register and report same to the City Manager such that he can report it to the Minister or MEC as appropriate, in terms of section 28(1).	Dir: EM, Manager, Head: EMS; Head: EMF&R; SPO: EC; RH, CECO, SECO, ECO, PEP, SEP, EP – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators														
(4) To exercise the powers, duties and functions vested in the Municipality in terms of section 30(6), (7), (8), (9) and (10), 35(1), 39 and 43(1), (1A) and (2).	S30(8) and (9), S35(1), S39, S42 – These remain with the Commissioner S30(6) and (7): Dir: EM, Manager: EC; Head: EMS; Head: EMF&R; SPO: EC; Man: AE, Head: E&H Management, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP S30(10): Dir: EM, Manager, Head: E&H Management							S43(1),(1A),(1B) and (2): After consultation with the Commissioner. Same for notice of intention to appeal.								
(5) To recommend to the Executive Mayor to institute a prosecution in respect of any breach or threatened breach of any duty concerned with the protection of the environment where the breach of that duty is an of concern , in terms of section 33.	Dir: EM; Manager: Env Compliance															
(6) To recommend to the Executive Mayor that the City enter into agreements with the Minister, Director-General or MEC with regard to the delegation or powers or duties vested in him/her in terms of the Act or a specific environmental management act, in terms of section 42 and 42A.	Dir: EM; Manager: Env Compliance															
(7) To submit responding statements on appeals lodged, in accordance with any appeal regulations made by the Minister, in terms of section 44(1)(a) read with section 43(4).	Dir: EM; Manager: Env Compliance															
NEMA Regulations on Environmental Authorisation & Regulations on Exemptions																

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(8) To make comments, objections and representations in a basic assessment, full scoping or other EIA process, and on an advertised report or submission including applications for exemption from any provision of the Act or Specific Environmental Management Act.	To comment / make representations: Dir: EM, Manager, Head: EMF&R; Head: E&H Management, RH To object / not support / submit negative comment: Dir: EM, Manager: Env Compliance, Man: AE On all organ of state / City projects (irrespective whether positive or negative): Dir: EM							Commenting subject to the following: • In case of City / state projects, only after consultation with Commissioner • Must be an integrated comment / not conflicting (ie incorporate all other departmental comments and input) and adhere to guidelines for commenting on EIAs as issued by the Dir: EM • Must be in line and consistent with wider city / development / spatial policy and may not take final position • Where in disagreement with sister department, then directorate internal protocol principles and procedure apply, which will determine final delegatee level								
NEMA Regulations on Environmental Management Frameworks																
(9) To initiate, prepare, publicly participate and submit for approval by the relevant authority Environmental Management Frameworks.	Power to initiate/decide to prepare –This remains with the Commissioner Dir: EM, Manager							Report signature to be at director level								
National Heritage Resources Act, No 25 of 1999																
(10) To exercise the powers, duties and functions vested in the Municipality, in terms of section 8, 25, 26(1), 27, 29(2) and (10), 30(5), (10) and (13), 31(7)(a) and (c), 39(3)(b), 42(1), 44, 49(2), 51(1) and (9), and 58.	8(4), 26(1), 30(10), 31(7)(a), 39(3)(b): Down to HP 29(10), 30(5), S30(13), 31(1-5 and 8), 44, 58: Dir: EM, Man: AE, Head: E&H Management and PHP / SHP / HP in head office S8(6)(c), S25, 29(2): Dir: EM S27(3): Id & motivate: Dir: EM, Man: AE, Head: E&H Management, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP, AEP, AHP Submit to HWC: Dir: EM, Man: AE, Head: E&H Management and PHP / SHP / HP in head office S13(11)(e), S31(7)(c): Dir: EM, Man: AE, Head: E&H Management, RH, CECO, SECO, ECO, PHP, SHP, HP. S42(1): Negotiate: Down to HP Sign: Dir: EM S58: Dir: EM, Man: AE, Head: E&H Management, RH, PEP, PHP, SEP, SHP							S27: Where owner = organ of state / City: Only after consultation with Commissioner S29(2): Only after consultation with Commissioner S49(2): After consultation with Commissioner								
(11) To compile an inventory of heritage resources within the City's area of jurisdiction, submit same to the provincial heritage resources authority, recommend aspects thereof to be listed in the provincial Heritage Register and assist in compiling Cape Town's part of same, in terms of section 30(5).	8(4), 26(1), 30(10), 31(7)(a), 39(3)(b): Down to HP 29(10), 30(5), S30(13), 31(1-5 and 8), 44, 58: Dir: EM, Man: AE, Head: E&H Management and PHP / SHP / HP in head office S8(6)(c), S25, 29(2): Dir: EM S27(3): Id & motivate: Dir: EM, Man: AE, Head: E&H Management, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP, AEP, AHP Submit to HWC: Dir: EM, Man: AE, Head: E&H Management and PHP / SHP /							S27: Where owner = organ of state / City: Only after consultation with Commissioner S29(2): Only after consultation with Commissioner S49(2): After consultation with Commissioner								

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
	HP in head office S13(11)(e), S31(7)(c): Dir: EM, Man: AE, Head: E&H Management, RH, CECO, SECO, ECO, PHP, SHP, HP. S42(1): Negotiate: Down to HP Sign: Dir: EM S58: Dir: EM, Man: AE, Head: E&H Management, RH, PEP, PHP, SEP, SHP															
(12) To request the Provincial Heritage Resources Authority to apply section 34(3), 38(9) and 48(3) exemptions within an identified area.	Dir: EM															
(13) To comment on HIAs, or where the power to decide an application is delegated to the City in terms of section 38, or where impact is assessed in an application in terms of the Municipal Planning By-law, 2015, Development Management Scheme or other relevant law, approve same.	S38: To comment / make representations: Dir: EM, Manager, Head: E&H Management, RH To object / not support / submit negative comment: Dir: EM, Manager: Env Compliance, Man: AE On all organ of state / City projects (irrespective whether positive or negative): Dir: EM Approve: Dir: EM, Man: AE, Head: E&H Management, RH															Commenting subject to the following: • In case of City / state projects, only after consultation with Commissioner • Must be an integrated comment / not conflicting (ie incorporate all other departmental comments and input) and adhere to guidelines for commenting on EIAs as issued by the Dir: EM • Must be in line and consistent with wider city / development / spatial policy and may not take final position • Where in disagreement with sister department, then directorate internal protocol principles and procedure apply, which will determine final delegatee level
(14) To maintain a list of and assist and cooperate with heritage bodies, as provided for in section 25(1).	Dir: EM, Man: AE, Head: E&H Management and PHP / SHP / HP in head office															
Minerals and Petroleum Resources Development Act, No 28 of 2002																
(15) To comment on applications for prospecting, mining, exploration, production or related activities, or an environmental management programme or environmental management plans, in terms of sections 10, 16, 22 and 27.	To comment / make representations: Dir: EM, Manager, Head: EMF&R; Head: E&H Management, RH To object / not support / submit negative comment: Dir: EM, Manager: Env Compliance, Man: AE On all organ of state / City projects Dir: EMD; Manager															
National Environmental Management: Protected Areas Act, No 57 of 2003																
(16) To manage a nature reserve or protected environment (if assigned by the MEC or Minister as the case may be) in terms of section 38, and to develop and implement internal rules and management procedures for same including nature reserves declared in terms of section 52(1).	S38: BAC, AH, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP, AEP, AHP, AECO – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators															
(17) To prepare or ensure the preparation of management plans and submission thereof to the relevant authority for approval, in terms of section 39(2) or provide input to same initiated by other management authorities, in terms of section 39(3).	Prepare and provide input: Dir: EM, Manager, Head: E&H, RH, BAC, AH Submit: Dir: EM Dir: EM, Manager, Head: E&H, RH, BAC, AH – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators															

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(18) To co-manage protected areas and regulate human activities that affect the environment with regard to the issues listed in section 42(2) and (3), in terms of an agreement in terms of section 42(1)(a).	S42(1)(a): , Head: E&H, RH, BAC, AH S42(2) and (3) BAC, AH, RH, CECO, PEP, PHP, PECO, SEP, SHP, SECO, ECO, HP, EP, AEP, AHP, AECO; Manager:Env Compliance; Head: EMS; SPO: EC – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators															
(19) To, in accordance with prescribed norms and standards, make internal rules for the proper administration of nature reserves and protected areas where the City is the management authority, in terms of section 52.	Dir: EMD; Manager															
NEMPAA Regulations for the proper administration of nature reserves, 2012																
(20) To where the City is the management authority, exercise the powers, functions and duties of the management authority of a nature reserve or protected area, in terms of regulation 4(1), 5, 6, 7, 15 to 50.	S4(1): Dir: EM, Man: Biodiversity, BAC; Manager: Env Compliance; Head: EMS; SPO: EC – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators															
(21) To establish one or more advisory committees in respect of a nature reserve or protected are where the City is the management authority, in terms of regulation 9, appoint it members (except where these are councillors, as they are appointed by the executive mayor and/or chief whip), including City employees as ex officio members, define such committees' specific mandate, and undertake all other required and related actions to give effect to such establishment as set out in regulation 10 to 14.	S10(a): Dir: EM, Man: Biodiversity, BAC S10(b): Dir: EM S10(c): Dir: EM, Man: Biodiversity, BAC, AH S12, S13, S14: Dir: EM – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators						S12: After consultation with Commissioner								
National Environmental Management: Biodiversity Act, No 10 of 2004																
(22) To exercise the powers, duties and functions vested in the Municipality, in terms of section 43(1), 43(3)(c), 44, 46(2), 49(2), 76 and 77(1).	S43(1): Initiate / decide to prepare and submit S44 – This remains with the Commissioner S43(1): Dir: EM, Manager S43(2): Dir: EM, Manager, RH S43(3)(c) S46(2): Dir: EM S46(3)?: Dir: EM S49(2), S76, S77(1) and (2): Manager, BAC, AH, Head: Invasive Species – Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators Manager: Env Compliance; Head: EMS; SPO: EC						S43(1): Report signature to be at director level.								
(23) To, where the City is the management authority of a protected area, prepare and submit to the MEC or	Director: EMD; Manager															

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
Minister invasive species status reports, in terms of section 77(1).																
National Environmental Management: Integrated Coastal Management Act, No 24 of 2008																
(24) To exercise the powers, duties and functions vested in the Municipality, in terms of section 18(1) and (5), 25(3) and 48(1),(3) and (4), and where designated thereto in terms of section 31C of the National Environmental Management Act, No 107 of 1998, also those in terms of section 59(1) and (5), 60(1).	– Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Coastal Coordinators Manager: Env Compliance; Head: EMS; SPO: EC															
(25) To request the relevant MEC to approve and publish the establishment of a coastal management setback line(s) or the amendment thereof, or comment on same where proposed by the MEC, in terms of section 25.	– Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme;															
(26) To prepare and submit for adoption by Council a coastal management programme and associated policies for managing the coastal zone or parts thereof, including review or amendment thereof where necessary, and where so adopted, publish same for general notification, in terms of section 48(1), (3) and (4).	– Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme;															
(27) To upon instruction, prepare a draft by-law to provide for implementation, administration and enforcement of a coastal management programme and submit same to the Executive Mayor together with Mayco for consideration, in terms of section 50.	– Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme;															
(28) To where a contravening party fails to comply with a notice issued in terms of section 59(1) or (5), or section 60(1), instruct and appropriate person to carry out the required actions, and to recover the costs reasonably incurred from the relevant party.	– Manager: Coastal Management, Head: Coastal Management, Head: Coastal Programmes, Conservation and Marine; Head: Coastal Policy Development and Management Programme; Manager: Env Compliance; Head: EMS; SPO: EC															
Nature Conservation Ordinance, No 19 of 1974																
(29) To appoint persons as nature conservation rangers, subject to the law governing the appointment of employees of a local authority, for the purposes of carrying out the provisions of the ordinance, in terms of section 23(1).	Dir: EMD															
Outdoor Advertising and Signage By-law, 2001																
(30) To exercise the powers, duties and functions vested in the Municipality, in terms of section 2.4, 2.5, 2.7,	S76 – This remains with the Commissioner							Report to committee signed by RH or higher								

DELEGATION	Portfolio Manager	Director : Business Resource Management	Director : Built Environment Management	Director: Human Settlement Implementation	Director: Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Management & Maintenance	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
3, 4, 6, 8, 10.1, 11, 27.1, 27.3, 42, 44 to 50, 55, 67 to 70, 73, 75, 76, 78 and 79, as well as Schedule 10(10).	S67, 73 and maintain areas of control map: Dir: EM, Man: AE, Head: E&H Management, RH, CECO S2.4, 2.5, 2.7, 4, 6, 8, 10, 27.1, 27.3, 42, 55, 75, 76, 79, 80, Schedule 10(10), waive parameters in Schedule 4 and 5 and determine if deemed approval in terms of Section H: Dir: EM, Man: AE, Head: E&H Management, RH, CECO, SEP, SECO, ECO S3, 10.1, 11, 78: Above, plus SETA, ETA S44 – 47 and S54 comment on appeal: Schedule 2-8, 14-17 and and recommend to committee if sign is larger than 18m2 with public objections: Dir: EM, Man: AE, Head: E&H Management, RH, CECO, SEP, SECO, ECO Schedule 9-13: Above, plus SETA, ETA														
(31) In addition to the above, to also; (a) call for documentary proof (which may include bank statements) of the non-profit status or community benefit objective of a non-profit body; (b) remove or alter an unlawful sign erected or displayed on municipal property, or to do such work as may be specified in a notice, without a court order, where a notice in terms of section 75 is not heeded; (c) remove a sign displayed on municipal property in contravention of the by-law in cases where no prior notice is required; (d) make amendments and modifications to areas of control and to approve or amend a list or map of designated areas, prohibited areas and Areas of Control; (e) waive, or refuse to waive parameters set out in Schedules 4 and 5 where the power to waive is provided for; and (f) determine that the specified standards and criteria set out in the schedules for a specified sign, have been met.	Dir: EM, Man: AE, Head: E&H Management, RH, CECO, SEP, SECO, ECO, SETA, ETA															

THE DELEGATIONS BELOW WILL REMAIN IN EFFECT UNTIL THE LAST PLANNING ITEM SUBJECT TO LUPO HAS BEEN FINALISED WHEREAFTER THESE DELEGATIONS WILL NO LONGER BE APPLICABLE AND WILL BE REMOVED

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment

PLANNING DELEGATIONS IN TERMS OF LUPO SYSTEM OF DELEGATIONS

Land Use Planning Ordinance, No 15 of 1985	Sub-delegatee	Restrictions, conditions and qualifications	Comment
(1) To determine what the most restrictive zoning permitting of the utilisation of the land concerned shall be either in conjunction with a departure or not when land is deemed to be zoned, in terms of section 14(3).	RM, DM, SH:LUM		
(2) To substitute for a zoning scheme or part thereof, with one in terms of which land is not necessarily zoned in accordance with the utilisation thereof, in terms of section 14(4).			
(3) To determine the zoning of land, in accordance with the utilisation thereof where a use right has lapsed because of failure to exercise such right for an uninterrupted period of two years, in terms of section 14(5).			
(4) To grant a use right by way of rezoning in terms of section 16 or 18 where the lawful use right of land cannot be determined, in terms of section 14(7).			
(5) To determine the utilisation of land referred to in section 8 for the purposes of section 14(3), as read with section 14(1).			
(6) To grant or refuse applications for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, including an alteration of the development rules or restrictions or provisions of any overlay zone, in terms of section 15(1).	Dir: PB, RM, DM, SH: LUM, PPO, SPO, Man: LM Where negative internal comment not supported: Dir: DM, Man: LM, RM, DM	Where DM in second delegatee category involved in case negotiations, then excluded from this category Decision where negative internal comment not supported is subject to directorate protocol, which would determine ultimate decision maker Where in relation to EM related overlay zone / mandate, subject to agreement with relevant EM staff member, failing which directorate protocol applies, which would determine ultimate decision maker	
(7) To grant or refuse applications to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone, in terms of section 15(1).			
(8) To grant or refuse an application by the owner to extend the period within which the use right must be exercised, in terms of section 15(5).			

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(9) To grant or refuse an application by an owner of land or on application on the initiative of the Council in terms of section 18, for the rezoning thereof, in terms of section 16(1).	Same as for 3(6)-(8)							Same as for 3(6) - (8), but SPO / PPO excluded if not registered with SACPlan and additional specified delegatees excluded								
(10) To prepare or cause to be prepared and submit an application in respect of which the City is not the registered or vested owner of land when the rezoning is required on the initiative of the City in terms of section 18.																
(11) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council in respect of Council owned land in terms of section 18 as read with section 16(1).																
(12) To grant or refuse an extension of the validity period of two years in which the use right must be utilised, in terms of section 16(2).																
(13) To determine the utilisation of land for purposes of zoning in relation to land where a zoning has lapsed, in terms of section 16(2).	Man LD, DM, SH:LUM															
(14) To approve the adoption, replacement or amendment of overlay zones that provide for development directives as set out in Chapter 15 of the Cape Town Zoning Scheme.	Same as for 3(6)-(8)							Same as for 3(6) - (8), but SPO / PPO excluded if not registered with SACPlan and additional specified delegatees excluded								
(15) To authorise an exemption of a subdivision from the provisions of Chapter III of LUPO as provided for in terms of section 23.																
(16) To authorise an owner of land to deal with his land with a view to the separate registration of land units, of undivided portions in terms of section 23.																
(17) To grant or refuse an application for the subdivision of land, in relation to land where no objections have been received in terms of section 25(1).																
(18) To indicate the relevant zonings in relation to the subdivision concerned for the purpose of an application for the subdivision of land, in terms of section 25(2).																
(19) To extend the period of five years within which the owner of land must –																

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(a) furnish the registrar of deeds with such documents and information as he may require, (b) comply with the requirements of the said registrar in connection with the cancellation of existing conditions of title, (c) provide services in accordance with a condition imposed in respect of the subdivision, and (d) obtain the registration of at least one land unit. in terms of section 27(1).																
(20) To grant or refuse an extension in terms of section 27(1) of the validity period within which a subdivision of land must be confirmed.																
(21) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 25.																
(22) To impose conditions in relation to the compulsory establishment by the applicant for subdivision of a home owner's association, when granting of an application for subdivision, in terms of section 29(1).	Decision-maker on subject application							PPO / SPO excluded unless registered with SACPlan								
(23) To approve the constitution of a home owners' association established in terms of section 29(2), or to grant written approval to amend clauses in the Constitution which relate to the provisions of section 29(2) after consultation with Legal Services.	RM, DM, SH: LUM, Man: LM							After consultation with Legal Services								
(24) To, if a home owners' association fails to meet any obligation resting on it in terms of section 29 and the community is adversely affected by such failure, take all steps required to rectify that failure, and recover from the owners any expenditure incurred by it in relation to such steps, in terms of section 29(4).								Subject to normal corporate procedures in case of litigation / prosecution								
(25) To amend or partially cancel the plan of a subdivision, including a general plan, or cancel the plan of a subdivision, including a diagram or general plan, after application for the subdivision of land has been granted and after: (a) considering any objections received if the application of the proposed amendment or cancellation of a plan of subdivision was advertised, and	RM, DM, SH: LUM, Man: LM															

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(b) consulting the owner of the land concerned and the Surveyor-General in relation to land units not yet registered by virtue of the granting of that application, in terms of section 30(1).																
(26) Deleted. Not part of LUPO.																
(27) To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42(1).	Decision-maker on subject application															
(28) In relation to a condition imposed by officials, and in cases where no objections have been received and after consultation with the owner of land concerned, to – (a) waive or amend any condition, and (b) impose additional conditions in terms of section 42(3).																
(29) To approve or amend a Site Development Plan or any other plan, method, statement, specification, document or approval required as a condition where a planning application has been approved subject to the submission and approval of a site development plan or any other such plan, method statement, specification, document or approval, notwithstanding the political structure/official who approved the application.	Where original application decided by official: Decision-maker on original application Where original application decided by political structure / office bearer or PGWC: Dir: DM, Man: LM, RM, DM							After consultation with any relevant department where necessary.								
(30) To, before registration is effected by the registrar of deeds, issue written authority confirming that all conditions on which an application for subdivision was granted, has been complied with, in terms of section 31(1).	RM, DM, SH: LUM, PPO, SPO, Man: LM							PPO / SPO excluded unless registered with SACPlan								
(31) To grant authority that a building or structure may be erected on a land unit forming part of a subdivision before such subdivision has been confirmed, in terms of section 31(2).																
(32) To authorise any official to at any reasonable time, after reasonable notice and causing as little inconvenience as possible, enter upon any land in order to – (a) do anything which the council is permitted or	DM: RM, DM, SH: LUM, REC EM: Man: AE, RH							Each department insofar as its own staff are concerned								

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
required to do in terms of LUPO, or (b) make an inquiry, an investigation or a survey in connection with the exercise or performance of the council's powers or duties in terms of LUPO, in terms of section 41.																
Zoning Scheme Regulations																
(33) To grant, with or without conditions, or refuse an application for the consent of Council, or a conditional use referred to in the Zoning Scheme Regulations in operation in City's area of jurisdiction.	Same as for 3(6) - (8)							Same as for 3(6) - (8), but SPO / PPO excluded unless registered with SACPlan and additional specified delegatees excluded								
(34) To approve or amend site development plan required in terms of an applicable zoning scheme.																
Cape Town Zoning Scheme, 2013																
(35) To approve or refuse applications in terms of section 2.3.1 as submitted in terms of the Zoning Scheme.	Same as for 3(6) - (8)							Same as for 3(6) - (8), but additional specified delegatees excluded In respect of Special uses, only Dir: DM								
(36) To impose conditions when approving an application in terms of the Zoning Scheme.	Decision-maker on subject application															
(37) To grant or refuse an extension of time within which to utilize land or to exercise an approval.	Application decided by official: Decision-maker on subject application Application decided by political structure / office bearer: Dir: DM, Man: LM, RM, DM							Decision where negative internal comment not supported is subject to directorate protocol, which would determine ultimate decision maker Where in relation to EM related overlay zone, subject to agreement with relevant EM staff member, failing which directorate protocol applies, which would determine ultimate decision maker								
(38) To impose further conditions or to waive or amend a condition after an approval has been granted and after consultation with the owner concerned.																
(39) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.	Decision-maker on subject application															
(40) To notify or consult with owners where required to do so in terms of the Zoning Scheme.	DM, SH: LUM, SH: CI, PPO, SPO, PO															
(41) To serve notices calling for compliance with instructions set out in such notice and/or cessation of the use of premises in question for such land use activity.	DM: RM, DM, SH: LUM, PPO, SPO, PO, REC, PPI, SPI, PI, API EM: Man: AE, Head: E&H Management, CECO, PEP, PHP, PECO, SEP, SHP, SECO, EP, HP, ECO, AEP, AHP							Each department insofar as its own functions are concerned								
(42) To issue a notice calling for compliance with additional conditions or for the ceasing of specific activities by a specific date, where an additional use right is being or may be conducted in a manner that is (a) detrimental to the	DM: RM, DM, SH: LUM, PPO, SPO, PO, REC EM: Man: AE, Head: E&H Management							Each department insofar as its own functions are concerned								

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
general purpose of the zoning scheme; (b) detrimental to the purpose of the zone; or (c) causing a nuisance.																
(43) To call for a cessation of the land use or activity, or impose conditions in order to minimize any potential nuisance to surrounding neighbours or the general public.																
(44) Deleted. Not part of LUPO.																
(45) To determine that an application submitted in terms of the zoning scheme is complete.	Man: LM, RM, DM, SH: LUM, PPO, SPO							Where in relation to EM mandate, subject to agreement with relevant EM staff member, failing which directorate protocol applies, which would determine ultimate decision maker								
(46) Deleted. Not part of LUPO.																
(47) To prepare a contextual framework in respect of a particular development / site as a component of a package of plans.	DM: RM, DM, SH: LUM, PPO, SPO, Man: LM, Head: LUM Spatial: Man: AP															
(48) To require a package of plans to be submitted for approval in terms of section 18(11).	RM, DM, SH: LUM															
(49) To approve or refuse one or all components of a package of plans.																
(50) To, where provided for in the zoning scheme, exercise the power to formulate requirements, formulate opinions and/or to make determinations.	RM, DM, SH: LUM, Man: LM, Head: LUM							Where in relation to EM mandate, subject to agreement with relevant EM staff member, failing which directorate protocol applies, which would determine ultimate delegatee								
(51 - 54) Deleted. Not part of LUPO.																
Less Formal Townships Establishment Act, No 125 of 1991																
(57) To grant or refuse, with or without conditions, a consent in those areas where the power is delegated to Council.	Dir: DM, Man: LM															
Removal of Restrictions Act, No 84 of 1967																
(58) To comment on and make recommendation to the Director-General regarding a proposed alteration, suspension or removal of a restriction or obligation, in terms of section 3(2).	RM, DM, SH: LUM, PPO, SPO															
(59) To request the Director-General in terms of section 3(8) to grant a further period to allow the municipality to comment on and make recommendations.	DM, SH: LUM, PPO, SPO, PO, SH: CI, PTO, STA															

DELEGATION	Portfolio Manager	Director: Business Resource Management	Director: Built Environment Management	Director : Human Settlement Implementation	Director : Urban Catalytic Investment	Director : Urban Integration	Director: Contract Operations	Director: Asset Maintenance & Management	Director: Network Management	Director: Regulations & Compliance	Director: TDA Business Enablement	Director: Transport Planning	Director: Development Management	Director: Environmental Management	Remains with ED	Comment
(60) To transmit an application for the alteration, suspension or removal of a restriction or obligation to the Director-General together with comments and recommendation thereon, in terms of section 3.	SH: LUM, PPO, SPO, PO, APO, SH: CI, PTO, STA, TA															
(61) To process the advertising of an application in accordance with the instructions of the Director-General in terms of section 3(6) or 5(b)(ii).																
Legal Succession to the South African Transport Services Act, No 9 of 1989 (SATS Act)																
(64) To approve precinct plans, site development plans, development framework plans and amendments thereto arising out of agreements entered into in terms of the Act, in terms of Section 13.	Man: LM, RM, DM, SH: LUM, but subject to same conditions, restrictions and exclusions as for 3(6) - (8)							Same as for 3(6) - (8), but excludes additional delegatees								
(65) To determine uses which comply with the definitions of "ancillary uses" as provided for in Transportation Use Zones.	Man: LM, RM, DM, Head: LUM, SH: LUM															
(66) To 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, subject thereto that major expansions will require Council's consent and significant departures will require a rezoning to an appropriate use zone.																
(67) To determine deemed consents for non-transport uses which pre-existed the Amendment Act.																

EXECUTIVE DIRECTOR:

AREA-BASED SERVICE DELIVERY

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO : DIRECTOR: AREA (NORTH, SOUTH, EAST AND CENTRAL)
MANAGER: AREA ECONOMIC DEVELOPMENT
MANAGER: PUBLIC PARTICIPATION
MANAGER: CUSTOMER RELATION
MANAGER: SUPPORT SERVICES
MANAGER: FINANCE
MANAGER: PROGRAMME/ PROJECTS
HR BUSINESS PARTNER
SUB COUNCIL MANAGERS

AREA-BASED SERVICE DELIVERY

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from **30 June 2017**

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Executive Director : Area-based Service Delivery

Please be aware that in delegating these powers, functions and duties, the Executive Director : Area-based Service Delivery is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....
EXECUTIVE DIRECTOR :
DIRECTORATE: AREA-BASED SERVICE DELIVERY

28/6/2017
.....
DATE :

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures
14. Laying of Criminal Charges

C: PART 37 OF THE SYSTEM OF DELEGATIONS

1. General

2. Area Based Management and Sub-councils

3. Liquor Licences

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
PART 28 OF THE SYSTEM OF DELEGATIONS												
General												
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.	☒	☒	☒	☒	☒	☒	☒					
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.												

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒	☒	☒	☒	☒	☒	☒					
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.												
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**	☒	☒	☒	☒								
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Appointment of Staff												
(1) To approve a notice of staff appointment.												
(2) To enter into and sign employment contracts.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Resignations and Retractions												

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To accept the retraction of resignations.												
Training and Study												
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
Performance Evaluations												
(1) To approve performance evaluations.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Leave and Time Off												
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity; (d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; **(this sub delegation excludes additional sick leave where an employee has exhausted all sick leave)** (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
leave in respect of municipal minimum competency training;**(this sub delegation excludes extended study leave)** (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.												
(2) To approve the encashment of leave.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Overtime												
(1) To approve the payment of overtime and/or time off in lieu of overtime.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Standby Duties												
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Re-imbursements												

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
10. Allowances and Special Privileges Granted for the Performance of Duties												
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.												
(3) To approve participation in motor vehicle essential user schemes.												
11. Private Work												
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.												
12. Grants, Gifts and Donations												
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to												

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.												
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.												
13. Disciplinary Procedures												
(1) To authorise the institution of disciplinary procedures.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**												

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**												
14. Laying of Criminal Charges												
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.												

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: AREA-BASED SERVICE DELIVERY – PART 37 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
PART 37 OF THE SYSTEM OF DELEGATIONS												
1. General												
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(2) To implement the Social Development Implementation Protocol Agreement entered into between the City and Western Cape Provincial Administration within their respective areas.	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
(3) To establish and maintain a database of organizations within the area of the Sub-council and facilitate the liaison between the civic organisations, ratepayers associations and similar fora within the Sub-council.												☒

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(4) To facilitate the celebration of important local, national and international celebrations and events e.g. Youth Day, Human Rights Day etc.												
2. Area Based Management and Sub-councils												
(1) To, in consultation with the relevant line departments, identify and prioritise projects and service delivery initiatives for approval by Council.	☒	☒	☒	☒								
(2) To, in consultation with the relevant line departments, facilitate and oversee the implementation of Service Level and Service Level Agreements within all operational areas.	☒	☒	☒	☒								☒
(3) To oversee implementation of transversal projects and service delivery initiatives and resolve service delivery issues across areas.	☒	☒	☒	☒								☒
3. Liquor Licences												
(1) To lodge a complaint with the Western Cape Liquor Authority regarding the conduct of a licenced business or the renewal of a liquor licence.	☒	☒	☒	☒								

DELEGATION	Director : Area North	Director : Area South	Director: Area East	Director: Area Central	Manager: Area Economic Development	Manager: Public Participation	Manager: Customer Relations	Manager: Support Services	Manager: Finance	HR Business Partner	Manager: Programme / Projects	Sub Council Managers
(2) To report contraventions of the Western Cape Liquor Act, 2008, as amended and the By-law: Control of Undertakings that Sell Liquor to the public, 2013 to the designated Liquor Officer of the South African Police Services (SAPS) and the Western Cape Liquor Authority.	☒	☒	☒	☒								
(3) To give notice of the application to neighbouring residents or such persons who may be affected by, or have an interest in, the granting or refusal of the application in terms of section 37(5) of the Western Cape Liquor Act, 2008, as amended, and in accordance with the policy laid down by Council.												☒

☒ = Sub-delegated cannot be further sub-delegated

EXECUTIVE DIRECTOR:

INFORMAL SETTLEMENTS, WATER AND WASTE SERVICES

ED0111008/14652

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TO: DIRECTOR : WATER AND SANITATION
DIRECTOR: SOLID WASTE MANAGEMENT
DIRECTOR: INFORMAL SETTLEMENTS AND BACK YARDERS
MANAGERS
HEADS

INFORMAL SETTLEMENTS, WATER AND WASTE SERVICES

Council approved a System of Delegations at its meeting held on 31 May 2017. I have reviewed my delegated powers, functions and duties and this set of sub-delegations replaces all previous delegations and sub-delegations with effect from 01July 2017.

Please note that these sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document and further subject to your reporting to me on a **monthly basis** on the decisions taken in terms thereof.

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

I wish to point out that in exercising these sub-delegations, you must comply with the provisions of Council's policies and

any law relating to the exercise of these delegations. Should the staff member wish to deviate from any policy, the decision in terms of the delegation will revert to the Executive Director: Informal Settlements, Water and Waste Services

Please be aware that in delegating these powers, functions and duties, the Executive Director: Informal Settlements, Water and Waste Services is not precluded from exercising any of these powers, functions and duties, should he in appropriate circumstances deem it necessary to do so.

.....
EXECUTIVE DIRECTOR:
DIRECTORATE: INFORMAL SETTLEMENTS, WATER AND WASTE SERVICES

6 July 2017
.....
DATE:

INDEX

Page

A: PART 27 OF THE SYSTEM OF DELEGATIONS

See City Managers sub-delegations

B: PART 28 OF THE SYSTEM OF DELEGATIONS

1. General
2. Appointment of staff
3. Resignation and Retractions
4. Training and Study
5. Performance Evaluations
6. Leave and Time Off
7. Overtime
8. Standby Duties
9. Re-imbursements
10. Allowances and Special Privileges Granted for the Performance of Duties
11. Private Work
12. Grants, Gifts and Donations
13. Disciplinary Procedures

14. Laying of Criminal Charges

C: PART 38 OF THE SYSTEM OF DELEGATIONS

1. General

2. Solid Waste Management

3. Water and Sanitation Management

4. Informal Settlements and Backyarders

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A: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE CITY MANAGER – PART 27 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

Yet to be determined

B: DERIVED FROM THE GENERAL DELEGATIONS TO EXECUTIVE DIRECTORS– PART 28 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of delegations and sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below.

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
PART 28 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) Determines the operational systems and procedures in respect of all matters falling within the functional areas of the Executive Directorate concerned. This sub-delegation relates to the director's functional area only.		☒	☒	☒						
(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or		☒	☒	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
authorities have been obtained.										
(3) To oversee the exercise of powers, duties and functions delegated by Council and to report to the City Manager on failure or any improper exercise of delegation.	☒									
(4) To grant authority for officials to attend conferences, congresses, seminars, symposia, lectures, within the boundaries of the Western Cape, this excludes travel by air.		☒	☒	☒						
(5) To approve directorate specific events where budgeting provision has been made. **This authority may not be sub-delegated lower than the level of director.**		☒	☒	☒						
(6) To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in term of the applicable conditions of service.		☒	☒	☒						
(7) To co-operate in mutual trust and good faith with the municipal managers of other municipalities, and officials of other spheres of government, on matters of common interest.		☒	☒	☒						
2. Appointment of Staff										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
(1) To approve a notice of staff appointment.	☒									
(2) To enter into and sign employment contracts. Manager: Support Services										
3. Resignations and Retractions										
(1) To accept notice of resignation in cases where less than the prescribed notice period has been given.		☒	☒	☒	☒					
(2) To accept the retraction of resignations.		☒	☒	☒						
4. Training and Study										
(1) To authorise the training of members of staff within the jurisdiction of the City of Cape Town.		☒	☒	☒	☒					
(2) To approve applications for study allowances/bursaries for internal staff for first school qualification i.e. up to NQF6.	☒	☒	☒	☒						
5. Performance Evaluations										
(1) To approve performance evaluations.	☒									
6. Leave and Time Off										
(1) To approve leave including the following: (a) vacation; (b) maternity; (c) paternity;										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
(d) family responsibility; (e) sick leave including additional sick leave where an employee has exhausted all sick leave; additional sick leave to be approved by ED (f) special leave for official business provided that such official business is directly related to the function of the official and the business of the city; (g) study leave and extended study leave, including leave in respect of municipal minimum competency training; (h) unpaid leave which includes authority to utilize the budgeted funding in respect of the post concerned; (i) compassionate leave. (j) special leave for study purposes.		☒	☒	☒	☒	☒	☒			
(2) To approve the encashment of leave.		☒	☒	☒						
(3) To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.	☒									
(4) To refer a member of staff to a recognised medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's cost.		☒	☒	☒	☒	☒				

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
7. Overtime										
(1) To approve the payment of overtime and/or time off in lieu of overtime.		☒	☒	☒	☒	☒				
8. Standby Duties										
(1) To approve the performance of standby duties and where applicable, the payment of a standby allowance.		☒	☒	☒	☒					
9. Re-imbursements										
(1) To authorise re-imbursement for occasional use of an employee's own car on official business.		☒	☒	☒						
10. Allowances and Special Privileges Granted for the Performance of Duties										
(1) To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member. NOTE: This includes the management of the use of phones by Council employees in workplace. The latter authority is extended to all exercising management functions.		☒	☒	☒						
(2) To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.		☒	☒	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
(3) To approve participation in motor vehicle essential user schemes.	☒									
11. Private Work										
(1) To consider an application of any staff member to engage in any business, trade or profession other than the work of the municipal Council and to approve, or reject such application.	☒									
12. Grants, Gifts and Donations										
(1) To receive any donation or gift to a value not exceeding R1 000 000,00 and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.	☒									
(2) In respect of conditional grant funding allocations relating to the functions of the Executive Director's directorate to, (a) sign documentation on behalf of the City to give effect to projects funded from such allocations; (b) report to the relevant Provincial and		☒	☒	☒						

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
National departments on the prescribed bases; (c) enter into Memoranda of Agreement on approved projects in terms of such grant allocations, and approve individual human settlement subsidy applications from beneficiaries relating to approved projects.										
13. Disciplinary Procedures										
(1) To authorise the institution of disciplinary procedures.	☒	☒	☒	☒						
(2) To appoint a chairperson of a disciplinary hearing and to authorise such person to make an appropriate finding and to impose a sanction. **This authority may not be further sub-delegated.**	☒									
(3) To authorise the suspension of an employee pending the finalisation of disciplinary action. Manager: Support Services										
(4) To monitor the application of disciplinary procedures within directorates. **This authority may not be further sub-delegated.**	☒									
14. Laying of Criminal Charges										

☒ = **Sub-delegated cannot be further sub-delegated**

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders	Managers	Heads	Official who exercise supervisory function.			
(1) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated against; (a) the municipality, or (b) its employees provided that such act impacts on the interests of the municipality and in addition in the case of Councillors, the Speaker is first consulted.	☒									
(2) To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the municipality, provided that in the case of Councillors, the Speaker is consulted.	☒									

C: DERIVED FROM THE POWERS, DUTIES AND FUNCTIONS OF THE EXECUTIVE DIRECTOR: INFORMAL SETTLEMENTS, WATER AND WASTE SERVICES – PART 38 OF THE SYSTEM OF DELEGATIONS APPROVED BY COUNCIL ON 31 MAY 2017 (C13/05/17)

In exercising any power, duty or function in terms of this set of sub-delegations, staff members must comply with the provisions of Council's policies and any law relating to the exercise of the delegation set out below

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
PART 38 OF THE SYSTEM OF DELEGATIONS										
1. General										
(1) To develop and implement the City's SDBIP in respect of the above functional areas and to ensure that it is aligned to the City's IDP.	☒	☒	☒	☒						
2. Solid Waste Management										
In terms of Integrated Waste Management Policy										
(1) To exercise the powers, duties and functions which vest in the Municipality, in terms of Part 1, Paragraph 5(a); Part 2, Paragraph 5(ii)(b); Part 3, Paragraph 2.1.3; Part 3, Paragraph 7; Of the Integrated Waste Management Policy.			☒							
In terms of Solid Waste Management Tariffs (Tariff Policy)										
(2) To exercise the powers, duties and functions which vest in the Municipality, in terms of Clause 14, 17, and 21 Of the Solid Waste Management Tariff (Tariff Policy) Clause 14 **may not be sub-delegated** Clause 17 must be exercised within the parameters of Chapter 6 of the Credit Control & Debt Collection Policy.			☒							

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
In terms of Integrated Waste Management By-Law, 2009 as amended 2010 And Policy for the Accreditation of Service Providers of Waste Management Services in Cape Town, 2009										
(3) To exercise all powers, duties and functions which vest in the City, in terms of Sections 8(5), 10(10)(j), 13(1), 13(2) and 17(1), of the Integrated Waste Management By-Law.			☒							
(4) To exercise all powers, duties and functions which vest in the Municipality, in terms of Sections 7(2), 10(6) and 15(7) of the Policy for the Accreditation of Service Providers of Waste Management Services in Cape Town, 2009.			☒							
In terms of the National Environmental Management: Waste Act, Act No 59 of 2008										
(5) To exercise the powers, duties and functions which vest in the Municipality, in terms of Section 58 and 61 of the National Environmental Management: Waste Act.			☒							
3. Water and Sanitation Management										
In terms of National Water Act: Act 36 of 1998.										
(1) To exercise all powers, duties and functions which vest in the Municipality, in terms of Sections 19, 20, 21, 22, 33, 34, 35, 39, 40, 59, 118, 120 and 141 of the National Water Act.		☒								
In terms of Water Services Act: Act 108 of 1997.										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
(2) To exercise powers in terms of sections 1 – 27.		☒								
In terms of By-law relating to Stormwater Management (PN 31420/2005)										
(3) To approve or deny applications to permit to enter or place anything other than stormwater into the stormwater system and impose any conditions in terms of section 3.		☒								
(4) To approve or deny applications to undertake any action likely to damage, endanger or destroy parts of the stormwater system or the operation thereof and impose any conditions in terms of section 4(a).		☒								
(5) To approve or deny applications to discharge or place any substance other than stormwater which may find its way into the stormwater system and impose any conditions in terms of section 4(b).		☒								
(6) To approve or deny applications to discharge, permit to enter or place anything which may damage, interfere with the operation, contaminate or pollute the stormwater system and impose any conditions in terms of section 4(c).		☒								
(7) To approve or deny applications to construct or										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
erect any structure or thing in such a position so as to interfere with or endanger the stormwater system or the operation thereof and impose any conditions in terms of section 4(d).		☒								
(8) To approve or deny applications to make openings in stormwater pipes, canals or culverts and impose any conditions in terms of section 4(e).		☒								
(9) To approve or deny applications to drain, abstract or divert water directly from the stormwater system and impose any conditions in terms of section 4(f).		☒								
(10) To approve or deny applications to fill, excavate, shape, landscape, open up or remove ground near any part of the stormwater system and impose any conditions in terms of section 4(g).		☒								
(11) To approve or deny applications to obstruct or reduce the capacity of the stormwater system and impose any conditions in terms of section 5(a).		☒								
(12) To approve or deny applications to change the design or the use of or modify the stormwater system in such a manner that flood levels may be increased or the potential for flood may be created and impose any relevant conditions in terms of section 5(b).		☒								

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
(13) To approve or deny applications for activities which may cause an increase in flood levels or create the potential of a flood risk and impose any relevant conditions in terms of section 5(c).		☒								
(14) To determine the measures to be taken to minimise the effects of pollution and to require a property owner or person responsible to institute such measures in terms of section 7.		☒								
(15) To determine whether activities on private property may impair the effective functioning of the stormwater system located on such land and require the relevant property owner(s) to cease such activities and make good whatever had been damaged, impaired etc. in terms of section 8(1)(a).		☒								
(16) To determine whether a private stormwater system is functioning effectively and require property owners to reconstruct or refurbish such system if deemed necessary in terms of section 8(1)(b).		☒								
(17) To determine the necessity for the construction, expansion, alteration, maintenance and/or the laying of drains, pipes, or other structures related to the stormwater		☒								

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
system in or under any immovable property in terms of section 9(1)(a).										
(18) To determine whether stormwater form any municipal service works may discharge into a natural watercourse in terms of section 9(1)(b).		☒								
(19) To determine whether any other activity is necessary or desirable to give effect to any matter contemplated in 9(1)(a) in terms of section 9(1)(c).		☒								
(20) To determine the measures to be taken to remedy the effects of any contravention of the provisions of the by-law and give instructions for such measures to be undertaken in terms of section 10(1)(a)(b)(c)(d).		☒								
(21) To give instructions for the removal of anything that may obstruct, endanger or destroy a stormwater system in terms of section 10(1)(e).		☒								
(22) To determine whether any point of discharge is in contravention of the by-law and seal off or block up such points of discharge in terms of section 10(1)(f).		☒								
(23) To determine whether the conditions of any permission granted under this by-law are being complied										

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
with and cancel such permission if such conditions are not being complied with in terms of section 10(1)(g).		☒								
(24) To direct an owner of property to allow the owner of a higher lying property to drain concentrated stormwater over the lower lying property in terms of section 10(1)(h).		☒								
(25) To determine whether it is necessary that stormwater be retained on any property and direct the owner of such property to implement such retention in terms of section 10(1)(i).		☒								
(26) To direct an owner of property, at his/her own cost, to lay a stormwater drain pipe or gutter in a suitable manner over any property in terms of section 10(1)(i).		☒								
(27) To determine the necessity for the discharge of stormwater into any watercourse section 10(1)(j).		☒								
(28) To determine the requirements necessary to prevent the occurrence of a contravention of the by-law and issue written instructions in this regard in terms of section 10(2).		☒								
(29) To determine the costs incurred as a result of action taken in terms of subsection 10(1) of the by-law and give instructions for the recovery thereof in terms of section		☒								

☒ = Sub-delegated cannot be further sub-delegated

DELEGATION	Remains with the ED	Director : Water and Sanitation	Director : Solid Waste Management	Director : Informal Settlements and Back Yarders						
10(3).										
(30) To approve a wayleave in a road reserve.		☒								
4. Informal Settlements and Backyarders										
(1) To provide temporary housing relief measures in emergencies/disasters (e.g. Fire and flood kits).				☒						
(2) To authorise the demolitions of all illegal unoccupied structures in Informal Settlements.				☒						
(3) To authorise and arrange for the relocation of families from informal settlements within City boundaries.				☒						

☒ = Sub-delegated cannot be further sub-delegated

APPENDIX D:

TERMS OF REFERENCE

REPORT TO COUNCIL DATE : 26 OCTOBER 2016

LL16435

1. ITEM NUMBER : **C 18/10/16**

2. SUBJECT

ESTABLISHMENT OF COMMITTEES IN TERMS OF THE APPROVED GOVERNANCE STRUCTURE

ONDERWERP

STIGTING VAN KOMITEES VOLGENS DIE GOEDGEKEURDE REGERINGSBESTUUR-STRUKTUUR

ISIHLOKO

UKUMISELWA KWEEKOMITI NGOKUNGQINELANA NESAKHEKO SOLAWULO ESIPHUNYEZIWEYO

LSU H1219

3. STRATEGIC INTENT

- ☐ - Opportunity City
- ☐ - Safe City
- ☐ - Caring City
- ☐ - Inclusive City
- ☒ - Well-run City

4. PURPOSE

To establish Committees in terms of Council's approved governance structure and to put arrangements in place for the effective and efficient functioning of the Committees, i.e. the appointment of chairpersons, members and to determine the Terms of Reference for these committees.

JHH

5. FOR DECISION BY

☒ This report is for consideration/decision by:

- Council

6. EXECUTIVE SUMMARY

A Municipal Council may establish Committees necessary for the effective and efficient performance of any of its functions or the exercising of any of its powers.

This report serves to determine the membership of all the Committees established by Council in terms of the governance structure (Annexure A), as to appoint Chairpersons to the Committees not dealt with by Council on 24 August 2016, as well as adopt the Terms of Reference for these committees. It further requests Council to establish a section 79 Interim Planning Committee, a section 80 Special Events Committee, a Disciplinary Committee as per Schedule 1 of the Municipal Systems Act, and a Section 62 General Appeals Committee in terms of the Municipal Systems Act.

It should be noted that the establishment of a section 80 Naming and Nomination Committee, which also forms part of the approved governance structure, is however the subject of a separate report to Council.

7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

(a) Council appoints the members set out on Annexure B to the following committees established in terms of Section 79 of the Municipal Structures Act:

(i) Corporate Services
(ii) Finance
(iii) Assets and Facilities
(iv) Safety and Social Services
(v) Transport and Urban Development
(vi) Utilities and Energy Services
(vii) Sustainability and Resilience
(viii) Area Based Oversight 1
(ix) Area Based Oversight 2
(x) Area Based Oversight 3
(xi) Area Based Oversight 4
(xii) Economy and Environment
(xiii) Communities Development
(xiv) Rules
(xv) Municipal Public Accounts Committee (MPAC)

JMH

(b) Council establishes the Disciplinary Committee in terms of Item 14 (1)(b) Schedule 1 of the Municipal Systems Act, and appoints the Chairperson and members to the committee as set out on Annexure B;

(c) Council establishes a General Appeals Committee in terms of section 62 of the Municipal Systems Act and appoints the Chairperson and members to this structure as set out on Annexure B;

(d) Council adopts the terms of reference for the Committees included in Annexure C attached hereto;

(e) Council establishes a section 80 Special Events Committee and determines and appoints its members in terms of section 79 of the Municipal Structures Act;

(f) Council establishes an Interim Planning Committee, determines and appoints members to the committee in terms of section 79 of the Municipal Structures Act to exercise all the delegated powers conferred on the previous Spatial Planning, Environment and Land Use Management Committee (SPELUM) as amended, and which are attached hereto as Annexure D; and

(g) It be noted that the establishment of a section 80 Naming and Nomination Committee is dealt with under cover of a separate report.

AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

(a) Die Raad die lede genoem in bylae B, in die volgende komitees aanwys wat ingevolge artikel 79 van die Wet op Munisipale Strukture gestig is:

(i) Korporatiewe dienste
(ii) Finansies
(iii) Bates en fasiliteite
(iv) Veiligheid en maatskaplike dienste
(v) Vervoer en stedelike ontwikkeling
(vi) Nutsdienste en energiedienste
(vii) Volhoubaarheid en veerkragtigheid
(viii) Gebiedsgebaseerde toesig 1
(ix) Gebiedsgebaseerde toesig 2
(x) Gebiedsgebaseerde toesig 3
(xi) Gebiedsgebaseerde toesig 4
(xii) Ekonomie en omgewing
(xiii) Gemeenskapsontwikkeling
(xiv) Reëls
(xv) Munisipale komitee oor openbare rekeninge (MPAC)

(b) Die Raad die tugkomitee stig ingevolge Item 14 (1)(b) van bylae 1 van die Wet op Munisipale Stelsels en die voorsitter en lede in bylae B genoem, vir die komitee aanwys;

JHH

(c) Die Raad 'n komitee vir algemene appèlle stig ingevolge artikel 62 van die Wet op Munisipale Stelsels en die voorsitter en lede in bylae B genoem, vir hierdie struktuur aanwys;

(d) Die Raad die opdragte goedkeur vir die komitees ingesluit in bylae C hierby aangeheg;

(e) Die Raad 'n artikel 80-komitee oor spesiale geleenthede stig en sy lede bepaal en aanwys ingevolge artikel 79 van die Wet op Munisipale Strukture;

(f) Die Raad 'n tussentydse beplanningskomitee stig, en die lede van die komitee bepaal en aanwys ingevolge artikel 79 van die Wet op Munisipale Strukture om al die gedelegeerde bevoegdhede uit te oefen wat aan die vorige komitee oor ruimtelike beplanning, die omgewing en grondgebruikbestuur (Spelum) toegeken is, soos gewysig, en wat hierby aangeheg is as bylae D; en

g) Daar kennis geneem word dat die stigting van 'n artikel 80-komitee oor naamgewing en benoeming onder die dekking van 'n afsonderlike verslag hanteer word.

IZINDULULO

Azigunyaziswanga: isiggibo seseBhunga:

Kundululwe ukuba:

(a) IBhunga malichonge amalungu abonakaliswe kwisihlomelo B kwezi komiti zilandelayo ezimiselwe ngokwecandelo 79 loMthetho ongoLawulo lweZakheko zikaMasipala:

(i) liNkonzo zeZiko
(ii) EzeziMali:
(iii) liMpahla neZakheko eziluncedo
(iv) Iinkonzo zeNtlalo noKhuseleko
(v) UPhuhliso lweDolophu nezoThutho
(vi) Iinkonzo zoNcedo nezaMandla:
(vii) UZinzo noKomelela
(viii) Ikomiti yokubek'iliso ejoliswe kuMmandla 1
(ix) Ikomiti yokubek'iliso ejoliswe kuMmandla 2
(x) Ikomiti yokubek'iliso ejoliswe kuMmandla 3
(xi) Ikomiti yokubek'iliso ejoliswe kuMmandla 4
(xii) Ezoqoqosho nokuSingqongileyo:
(xiii) UPhuculo loLuntu
(xiv) IMigaqo
(xv) IKomiti kaMasipala yokuchaza ngeeMali zikaRhulumente (MPAC)

(b) IBhunga malimisele iKomiti yezoLuleko ngokungqinelana nombandela 14 (1)(b) weShedyuli 1 yoMthetho ojongene neeNkqubo zikaMasipala lize lichonge uSihlalo kunye namalungu kule komiti njengoko kubonakalisiwe kwisihlomelo B;

(c) IBhunga malimisele iKomiti engeZibheno ngokuPhangaleleyo ngokungqinelana necandelo 62 yoMthetho ojongene neeNkqubo zikaMasipala lize lichonge uSihlalo kunye namalungu kule komiti njengoko kubonakalisiwe kwisihlomelo B;

(d) IBhunga malamkele izigunyaziso ezijoliswe kwiiKomiti eziqukwe kwisihlomelo C esiqhotyoshelwe apha;

(e) IBhunga malimisele iKomiti yeMisitho eKhethekileyo engecandelo 80 lize liqinisekise kwaye lichonge amalungu alo ngokungqinelana necandelo 79 loMthetho ongoLawulo lweZakheko zikaMasipala;

(f) IBhunga malimisele iKomiti engoCwangciso yexeshana, liqinisekise kwaye lichonge amalungu ale komiti ngokungqinelana necandelo 79 loMthetho ongoLawulo lweZakheko zikaMasipala ukuze asebenzise amagunya awanikezelwayo kwiKomiti yangaphambili yoCwangciso loMhlaba ongaMabala, okuSingqongileyo noLawulo lokuSetyenziswa koMhlaba (SPELUM) njengoko elungisiwe, nalawo aqhotyoshelwe apha njengesihlomelo D; kwakhona

(g) Kufuneka kuqwalaselwe ukuba ukumiselwa kweKomiti engokuThiya aMagama nokuTyumba kujongwana nako phantsi kwengxelo eyahlukileyo.

8. DISCUSSION/CONTENTS

Council at its meeting held on 24 August 2016 approved its governance structure as required by the Municipal Structures Act in terms of which it established section 79 transversal and cluster committees and appointed chairpersons thereto. The Chief Whip has in terms of Part 4 Delegation 1(5) of the System of Delegations finalised the nomination list for the appointment of Councillors to serve on the section 79 committees in consultation with the Party Whips. The nomination list is submitted under cover of this report for consideration and adoption by Council.

It is also necessary for Council to establish the committees set out below which are reflected on the approved governance structure, as well as to appoint chairpersons, where necessary, and members to serve on these structures. The establishment of a section 80 Naming and Nomination Committee is dealt with under cover of a separate report.

The following committees are to be established:

- Section 80 Special Events Committee;
- Disciplinary Committee as per Item 14 (1)(b) Schedule 1 of the Municipal Systems Act; and
- Section 62 General Appeals Committee in terms of the Municipal Systems Act.

The SPLUMA Act (Spatial Planning and Land Use Management Act) and the Municipal Planning Bylaw (MPBL) came into effect on 01 July 2015, replacing a plethora of archaic planning laws. Approximately eighty-one (81) planning applications were lodged before 30 June 2015 and must still be decided in terms of the former legislation such as the Land Use Planning Ordinance 1985.

These relate mostly to applications that require Department of Environmental Affairs and Development Planning to remove restrictive title deed conditions or where an Environmental Impact Assessment (EIA) was triggered and could not be finalised.

It is therefore necessary to establish an Interim Planning Committee to deal with the applications lodged before 30 June 2015 as mentioned above, in terms of the powers and functions that were delegated to the previous SPELUM Committee as amended and attached as Annexure D. The committee will be dis-established once the aforementioned applications have been finalised.

The establishment of a section 80 Naming and Nomination Committee is dealt with under cover of a separate report on the Council agenda.

Council is also required to adopt the various Terms of References for the effective and efficient functioning of the Committees set out in Annexure C.

8.1. Constitutional and Policy Implications

In terms of Section 160(8) of the Constitution of the Republic of South Africa committees need to be constituted in a manner which allows parties and interests reflected within the Council to be fairly represented.

8.2. Sustainability Implications

Does the activity in this report have any sustainability implications for the City? No ☒ Yes ☐

8.3. Legal Implications

Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
Section 80 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
Item 14 (1)(b) Schedule 1 of the Municipal Systems Act; and
Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000)

8.4. Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No ☒

Yes ☐

8.5. Risk Implications

None

8.6. Other Services Consulted

Executive Director: Energy, Economic, Environmental and Spatial Planning

Office of the Mayor
Office of the Speaker
Office of the Chief Whip

ANNEXURES

Annex A Governance Structure adopted by Council on 24 August 2016
Annex B Proposed chairpersons and members of committees
Annex C Terms of References of Committees
Annex D Proposed delegations for the Interim Planning Committee

FOR FURTHER DETAILS CONTACT:

NAME	Gillian Kenhardt
CONTACT NUMBERS	021-4001223
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DIRECTORATE	Corporate Services & Compliance
FILE REF NO	
SIGNATURE : DIRECTOR (Delete if not necessary)	

Comment:

ACTING EXECUTIVE DIRECTOR: CORPORATE SERVICES & COMPLIANCE

NAME LUNGELO MBANDAZAYO

DATE 2016 -10- 17

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

☐ NON-COMPLIANT

LEGAL COMPLIANCE
[Compulsory to Insert name]
NAME Joan-Mari Holt

Comment:

Certified as legally compliant: JMH
Based on the contents of the report.

TEL 021 400 2753

DATE 17/10/2016

COMMENT:

MAYORAL COMMITTEE MEMBER:
CORPORATE SERVICES

NAME Xanthea Limberg

DATE 18/10/2016

COMMENT:

CHIEF WHIP

NAME Shaun August.

DATE 19/10/2016.

COMMENT:

P de Lille.

EXECUTIVE MAYOR

NAME

DATE 20-10-2016

ITEM NUMBER : C 32/02/11

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 16 FEBRUARY 2011

MC 79/02/11 ESTABLISHMENT OF THE IMMOVABLE PROPERTY ADJUDICATION COMMITTEE UNDER THE AUSPICES OF SUPPLY CHAIN MANAGEMENT

RECOMMENDED that:

(a) the establishment of an Immovable Property Adjudication Committee be approved

(b) authority be granted to the City Manager to appoint the members and chairperson of the Property Adjudication Committee

(c) the proposed Administrative functioning of Immovable Property Adjudication Committee, as set out in section 6 (d) of the report on the agenda, be approved

(d) the proposed Terms of Reference of the Immovable Property Adjudication Committee as set out in section 6 (c) of the report on the agenda be approved

(e) Council confers the delegations provided for in section 6 (c) of the report on the agenda on the proposed Immovable Property Adjudication Committee.

LC 3130/1
8029

REPORT TO THE MAYORAL COMMITTEE

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

ITEM NUMBER: **MC 79/02/11**

1 SUBJECT

LSUB0392

ESTABLISHMENT OF THE IMMOVABLE PROPERTY ADJUDICATION COMMITTEE UNDER THE AUSPICES OF SUPPLY CHAIN MANAGEMENT

ISIHLOKO

UKUMISELWA KWEKOMITI ECHOPHELE IZIGQIBO NGOKUMALUNGA NEEPROPATI EZINKULU/IZINDLU NOMHLABA PHANTSI KOLAWULO LOBONELELO NGOMSEBENZI OKWIZIKO

ONDERWERP

STIGTING VAN DIE BEOORDELINGSKOMITEE OOR ONROERENDE EIENDOM ONDER DIE BESKERMING VAN VERSKAFFINGKETTINGBESTUUR

2 PURPOSE

To note the proposed establishment of a Property Adjudication Committee and confer delegations on the Committee.

3 DELEGATED AUTHORITY

For noting and decision by Council

4 EXECUTIVE SUMMARY

The governing legislation which sets out how to regulate the transfer, management and control of municipal assets, has proved to be complex in nature

and requires a specific operational methodology. The Property Management Department has aimed to meet this requirement by drafting a Policy on the Management of certain of the City's Immovable Property and reviewing the business processes relating to all property matters. The Policy makes provision for the establishment of a Committee System of officials to deal with the disposal of immovable assets.This is aligned to Regulation 40 of the Supply Chain Management Regulations, the Municipal Asset Transfer Regulations and section 14 of the MFMA..

Coupled with high property transaction volumes and specific income targets a dedicated and skilled Committee that can make informed recommendations to Council and/or the City Manager needs to be established. To this end, this report notes the intention establish such a Committee, i.e. Immovable Property Adjudication Committee, under the auspices of Supply Chain Management and to confer the appropriate delegations upon such Committee.

---

5 RECOMMENDATIONS

It is recommended that ;

(a) Council approves the establishment of an Immovable Property Adjudication Committee;

(b) Council authorizes the City Manager to appoint the members and chairperson of the Property Adjudication Committee.

(c) Council approves the proposed Administrative functioning of the Immovable Property Adjudication Committee as contained in Paragraph 6(d) of this report;

(d) Council approves the proposed Terms of Reference of the Immovable Property
Adjudication Committee as contained in section 6(c)) this report;

(e) Council confers the delegations provided for section 6(c) on the proposed Committee

IZINDULULO

Kundululwe ukuba:

(a) IBhunga maliqwalasele injongo yokumiselwa kweKomiti echophele izigqibo ngokumalunga neePropati ezinkulu;

(b) IBhunga malinikezele igunya lokuchonga amalungu kunye noSihlalo weKomkiti echophele izigqibo ngokumalunga neePropati ezinkulu.

(c) IBhunga maliqwalasele isiphakamiso sendlela yokusebenza kwezoLawulo/kwe-ofisi yeKomiti echophele izigqibo ngokumalunga neePropati ezinkulu, njengoko kuqulathwe kuMhlathi-6(d) kule ngxelo;

(d) IBhunga maliqwalasele isiphakamiso seziGunyaziso zeKomiti echophele izigqibo ngokumalunga neePropati ezinkulu, njengoko ziqulathwe kwicandelo-6(c)) kule ngxelo;

(e) IBhunga malixoxe izigunyaziso ezidandalaziswe kwicandelo-6(c) ngokumalunga neKomiti ethe yaphakanyiswa.

AANBEVELINGS

Daar word aanbeveel dat:

(a) Die Raad kennis neem van die voorneme om 'n beoordelingskomitee oor onroerende eiendom te stig;

(b) Die Raad die Stadsbestuurder magtig om lede en 'n voorsitter van die eiendombeoordelingskomitee aan te stel.

(c) Die Raad kennis neem van die voorgestelde administratiewe funksionering van die beoordelingskomitee oor onroerende eiendom soos in paragraaf 6(d) van hierdie verslag saamgevat;

(d) Die Raad kennis neem van die voorgestelde opdrag van die beoordelingskomitee oor onroerende eiendom soos in paragraaf 6(c) van hierdie verslag saamgevat;

(e) Die Raad die delegasies waarvoor in artikel 6(c) voorsiening gemaak word aan die voorgestelde komitee toestaan.

6 DISCUSSION/CONTENTS

(a) Business Need

Over the past few months the Property Management Department has been implementing its Business Improvement Project resulting in an increase in product output within most of its functional streams. A dramatic increase in the volume of transactions and reports to various committees coupled with the Property Release Program (income to be generated as part of corporate annual income target), has resulted in substantially longer Agendas and Committee meeting times of the Supply Chain Management Bid Adjudication Committee (SCMBAC). Members of the SCMBAC are hard pressed to do justice to all items on the Agenda which in most cases are sensitive in nature and require careful scrutiny as all transactions ultimately receive specific attention from the political leadership often resulting in further engagement with the constituent public.

It is expected that the above scenario is going to become the operational norm which necessitates the establishment of a dedicated independent Committee of officials that can make recommendations to Council and/or the City Manager, depending on the transaction category and delegated authority.

The proposed Immovable Property Adjudication Committee will be responsible for the sound application of all applicable Policies and Regulations to property transactions. The proposed Committee will be established by the City Manager once Council has conferred the necessary delegations which are essentially only powers to make recommendations.

(b) Governance

Regulation 40 of the Supply Chain Regulations states that the Supply Chain Management (SCM) Policy must provide for an effective system of disposal management for the disposal and letting of assets. Regulation 12 of the Municipal Asset Transfer Regulations (MATR) states that non-exempted capital assets may only be disposed of in terms of the SCM Policy disposal management system.

The focus and expertise of SCMBAC members is related to procurement issues. Currently the SCMBAC has authority to recommend on some property related items. The Municipal Asset Transfer Regulations are complex and a separate Committee should be established the members of which will become experts in the field of immovable property transactions and will be able to make informed recommendations to Council and the City Manager.

(c) Terms of Reference and delegations

(i) To make recommendations to Council on the exercise of its powers in terms of Section 14 of the MFMA.
(ii) To make recommendations to Council on the exercise of its powers in terms of the Municipal Asset Transfer Regulations.
(iii) To make recommendations to the City Manager on the exercise of his / her powers in terms of the Municipal Asset Transfer Regulations.

(d) Administrative Functioning

(i) Composition of Committee

- The Committee will consist of members of the Finance Directorate, Supply Chain Management, Economic and Social Development Directorate and Legal Services who shall provide legal advise to the Committee. No Property Management official will form part of the Committee as their role would be limited to submission and presentation of property transactions.

(ii) Frequency of Meeting

- The frequency of the Committee meetings will be determined by the Director: Property Management in conjunction with the Bid Adjudication Committee Secretariat.

(iii) Secretariat Support

- The primary administrative support to the Committee will be provided by the Supply Chain Management Department. An administrative supportive function will be provided by the Property Management Department in the form of two officials providing an ad-hoc administrative function to the SCM Secretariat.

6.1 Constitutional and Policy Implications

Section 14: Disposal of capital assets; Municipal Finance Management Act, No 56 of 2003

Regulation 40 of the Supply Chain Management Regulations states that the Supply Chain Management (SCM) Policy must provide for an effective system of disposal management for the disposal and letting of assets.

Regulation 12 of the Municipal Asset Transfer Regulations (MATR) states that non-exempted capital assets may only be disposed of in terms of the SCM Policy disposal management system.

6.2 Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No ☒

Yes ☐

6.3 Other Services Consulted

Supply Chain Management:	Mr. Leonard Shnaps
Finance:	Mr. Richard Wootton
Office of the City Manager:	Mr. Les Barchard

ANNEXURES

Annexure **N/A**

FOR FURTHER DETAILS CONTACT :

NAME	*Ruby Gelderbloem*
CONTACT NUMBERS	*(021) 4001361*
E-MAIL ADDRESS	*Ruby.gelderbloem@capetown.gov.za*
DIRECTORATE	*Economic Social Development and Tourism*
File Ref No	

LEGAL COMPLIANCE

NAME JEAN ROMAN

TEL (021) 400 - 2753

DATE 11/02/2011

☑ Report Compliant with the provisions of Council's Delegations, Policies, By-Laws and all Legislation relating to the matter under consideration.

☐ Non-Compliant

Comment:

Certified as legally compliant:

Based on the contents of the report.

EXECUTIVE DIRECTOR
[Mansoor Mohamed]

DATE 11 FEBRUARY 2011

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Area Based Cluster Committees 1, 2, 3 and 4

1. Introduction

Oversight is a crucial role of the municipal Council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* –

"*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, delegations (decision making powers) and duties, chair and membership, administrative support etc.

2. Role

The Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council;
- Tracking of inputs, processes, activities, outputs and outcomes against indicators; and
- Engagement with the community.

The Committee also has **delegated** roles and functions related to –

- Area based MODEL considerations.
- Questions posed and answers gathered on business objectives, performance targets and service delivery.

The delegated roles and functions are set out in Council's System of Delegations, and some are set out in paragraphs 5.14 to 5.23 below. These are to be applied in relation to the Committee's specific functions/objectives (see paragraphs 5.11 – 5.13) around cross-cutting strategies and policies.

3. Term

The Area Based Cluster Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory role) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Area Based Oversight North (1)	**Area Based Oversight East (2)**	**Area Based Oversight Central (3)**	**Area Based Oversight South (4)**
Cllr Beverly van Reenen (Chairperson)	Cllr Michael Pietersen (Chairperson	Cllr Bonita Jacobs (Chairperson)	Cllr Penelope East (Chairperson)
Cllr Nicolette Rheeder (Deputy Chairperson)	Cllr Bulelwa Madikane (Deputy Chairperson)	**Vacant** (Deputy Chairperson)	Cllr Kevin Southgate (Deputy Chairperson)
		Members	
Ald G G Twigg (DA)	Cllr C S Cerfontein (DA)	Cllr C Jordaan (DA)	Cllr S W P Arendse (DA)
Vacant (DA)	Cllr M Nikelo (DA)	Cllr C H S van Wyk (DA)	Cllr S J Rossouw (DA)
Cllr X B Pakela-Mapasa (DA)	Ald S B Pringle (DA)	Cllr A A van der Rheede (DA)	Ald F A Purchase (DA)
Cllr H Carstens (DA)	Cllr M Booi (DA)	Ald G W March (DA)	Cllr E E Jansen (DA)
Cllr M L Kempthorne (DA)	Cllr R P Mare (DA)	Cllr R Rau (DA)	Cllr I R Iversen (DA)
Cllr C C Clayton (DA)	Cllr J H Middleton (DA)	Cllr X Nofemele (DA)	**Vacant** (DA)
Vacant (DA)	Cllr J P Fitz (DA)	Cllr C Janse van Rensburg (DA)	Cllr M J Petersen (DA)
Cllr G D Fourie (DA)	Cllr V R Isaacs (DA)	Cllr J Visser (DA)	Cllr S Mzobe (ANC)
Cllr G G Barnardo (DA)	Cllr J S Mbolompo (DA)	Ald G V Cavanagh (DA)	Cllr S Nkomiyahlaba (ANC)
Ald B R W Watkyns (DA)	Cllr P S Mzolisa (DA)	Cllr Z Adonis	Cllr N Sono (ANC)
Cllr S Nonkeyizana (ANC)	Cllr A Gabuza (ANC)	Cllr L G Zondani (ANC)	Cllr R Bazier (ANC)
Cllr L C Makeleni (ANC)	Cllr M Nqulwana (ANC)	Cllr S K Yozi (ANC)	Cllr N Makamba -Botya (EFF)
Cllr F L Abrahams (ANC)	Cllr M Kumeke (ANC)	Cllr S Ngxumza (ANC)	Cllr G Hendricks (AJ)
Cllr L M Mbele (ANC)	Cllr X Sotashe (ANC)	Cllr N Makasi (ANC)	
Cllr C Mabona (EFF)	Cllr P Mngxunyeni (ANC)	Cllr F Simons (EFF)	

Cllr M Achmat (AJ)	Cllr A Arnolds (EFF)	Cllr A Adams (DI)

Note: See Addendum hereto for details of Area Based Directors.
Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Area Based Cluster Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s), responsible for the Area-based sustainability within the City, they will provide strategic and political direction with regard to economic sustainability requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Activity Work Plan for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Activity Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Activity Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the committee functions and activities.

5.7 The Chairperson must set and agree the agenda for meetings of the Area Based Cluster Committee which contains clear objectives and outcomes for such meetings.

Deliverables

- Annual Activity Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Area Based Cluster Committee
- Quarterly activity report on Area Based Cluster Committee activities to the Area Based Cluster Committee
- Assignments in terms of the Annual Activity Work Plan adopted and assigned by the

Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Area Based Cluster Committee.

Responsibilities

5.8 Members must be fully prepared for the Area Based Cluster Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the activity annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

Specific Functions/Objectives

5.11 The Area Based Cluster Committee may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the Area-based model and have oversight over the functional area-based projects, programmes, community engagement, public participation, customer relations, and sub-council operations in the area.

5.12 The committee must consider informal trading plans, tourism operations, and operations in terms of the Mayoral Urban Regeneration Programme in their areas from an oversight perspective.

5.13 The performance of community organizations funded by the City in their areas from an oversight perspective, including those receiving grants in aid.

General roles

Within its terms of reference and as they relate to the specific functions/objectives listed in 5.11 to 5.13 mentioned above, the Area Based Cluster Committee will:

5.14 consider and adopt the Chairperson's annual activity work plan;

5.15 identify the Area Based needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward;

5.16 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions;

5.17 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's functions and activities;

5.18 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of Area Based issues affecting the City;

5.19 consider and recommend the need for public participation and / or additional consultation processes;

5.20 collaborate with the Public Participation unit in order to enhance the public participation process;

5.21 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.22 ensure that the municipality is responsible and responsive to citizens;

5.23 ensure that area based efforts exercised by the City promote the creation of value in a sustainable manner;

5.24 lead the area based value creation process by recognizing organized local government (in terms of section 163 of the constitution) and utilize the inter-government relationship vehicle to mobilise area based enhancement opportunities within the City;

5.25 require Executive Management Members to assist the committee by providing answers to questions on potential areas of concern related to -

5.25.1 Business objectives
5.25.2 Performance targets
5.25.3 Service delivery

6. Authority, accountability and reporting

The Area Based Cluster Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual Committee Report to Council of the functional operations of the Area Based Cluster Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key strategic interventions and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any conflicts when exercising their roles and functions and what steps were taken to prevent recurrence in future;
6.2.5 Details of meetings and the number of meetings attended by each member.

6.3 The Area Based Cluster Committee should recommend the Annual Committee Report for approval by the municipal council.

6.4 The Area Based Cluster Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*

a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Cluster Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Area Based Cluster Committee.

7.4.3 Appropriate record management of Area Based Cluster Committee activities must be maintained and published subject to Council-approved processes.

7.4.4 The minutes of meetings once confirmed and approved by members of the (Area Based Cluster Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.3.

7.4.5 Legal advisory services to the Area Based Cluster Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Area Based Cluster Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management representatives, as and when necessary
- The nominated Legal Representative(s) to the Area Based Cluster Committee

7.4.7 Subject matter experts (e.g. authors of reports, technical experts, process specialists, etc.) to be invited to applicable meetings.

7.4.8 Committee decisions to be disseminated to the Executive Management Members.

7.4.9 Committee resolutions for onward submission to be expedited.

7.5 General

7.5.1 Area Based Cluster Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.5.2 Area Based Cluster Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.5.3 Area Based Cluster Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of

outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Executive Mayoral Committee Members to discuss area based issues and areas of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provides support, advice and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

9. Performance Evaluation

9.1 The Area Based Cluster Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Area Based Cluster Committee, the Chairperson should take action to ensure that such improvements, upon approval by the Municipal Council, are implemented.

9.4 The effectiveness and efficiency of the Area Based Cluster Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 above, the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Area Based Cluster Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Assets and Facilities Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations*

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Assets and Facilities Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Assets and Facilities Portfolio Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Roxanne Hoorn (Chairperson)
Councillor Brendan van der Merwe (Deputy Chairperson)
Members:
Councillor Lisa McBride
Councillor Marian Nieuwoudt
Councillor Solomon Philander
Councillor Andrea Crous
Councillor Ncumisa Mahango
Councillor Khayalethu Nethi
Councillor Goawa Timm
Councillor William Akim
Councillor Nondumiso Sono
Councillor Themba Honono
Councillor Mboniswa Chitha
Councillor Bongani Ngcombolo
Councillor Demetrius Dudley
Councillor Cosmos Mabona
Councillor Washiela Harris

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Assets and Facilities Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for the assets and facilities within the City, they will provide strategic and political direction with regard to asset and facility requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan (derived from the relevant Service Delivery Budget Implementation Plans [SDBIPs]) for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committees performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Assets and Facilities Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Assets and Facilities Portfolio Committee
- Quarterly overview report to the Assets and Facilities Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Assets and Facilities Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Assets and Facilities Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

General roles

Within its terms of reference, the Assets and Facilities Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) of the Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act, and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Assets and Facilities Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Assets and Facilities Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;

6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Assets and Facilities Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Assets and Facilities Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Assets and Facilities Portfolio Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Assets and Facilities Portfolio Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Assets and Facilities Portfolio Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Assets and Facilities Portfolio Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Assets and Facilities Portfolio Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management
- The nominated Legal Representative(s) to the Assets and Facilities Portfolio Committee

7.5 Appointment of Working Groups/Joint Working Groups/Ad hoc committees:

7.5.1 The Assets and Facilities Portfolio Committee may individually or jointly with other Portfolio Committees consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or groups or committee members to assist the committees in their functions.

7.5.2 Working groups established are not sub-committees and are not subject to the Rules of Order of section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

7.5.2.1 Ad hoc committees are compulsory attendance and therefore the Rules of Order in terms of Leave of Absence apply.

7.5.3 The Terms of Reference of any working group/ad hoc committeee established under 7.5.1 above must be clearly stipulated by the appointing "parent" committee together with a defined period for their operation and existence and must be within the powers of the appointing committee.

7.5.4 Such working groups/ad hoc committees must keep attendance registers each time that they meet which are to be submitted to the Chairperson of the "parent" committee within the defined period as determined in 7.5.3 above.

7.5.5 Working Groups/Joint Working Groups/Ad hoc committees will receive secretarial and administrative support from the line departments within which the specific discipline is being scrutinized/ investigated.

7.5.6 Such working groups/ad hoc committees may conduct research, liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

7.6 General

7.6.1 Assets and Facilities Portfolio Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.6.2 Assets and Facilities Portfolio Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 Assets and Facilities Portfolio Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Mayoral Committee member(s) to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

8.3 The Chairpersons and Deputy Chairpersons of the respective Portfolio Committees which have established Joint Working Groups, to consider any cross-cutting issues that are of significant interest or concern, will together exercise overall responsibility for the scope of work programme of such Joint Working Group to ensure a collaborative outcome.

9. Performance Evaluation

9.1 The Assets and Facilities Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the Committee Self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Assets and Facilities Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Assets and Facilities Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Assets and Facilities Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Communities Development Cluster Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* –

"*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, delegations (decision making powers) and duties, chair and membership, administrative support etc.

2. Role

The Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

The Committee also has **delegated** roles and functions related to –

- The activities of transversal work groups which are formed in the administration and which align with the thematic area of the Committee.

The delegated roles and functions are set out in Council's System of Delegations, and some are set out in paragraphs 5.13 to 5.21 below. These are to be applied in relation to the Committee's specific functions/ objectives (see paragraphs 5.11 – 5.12) around cross-cutting strategies and policies.

3. Term

The Communities Development Cluster Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Ronel Viljoen (Chairperson)
Councillor Zahid Badroodien (Deputy Chairperson)
Members:
Councillor Thulani Dasa
Councillor Magedien Davids
Councillor Arlene Adams
Councillor Johanna Martlow
Councillor Nokutula Mahlati
Councillor Brenda Hansen
Councillor Helen Jacobs
Councillor Cheryl Visser
Councillor C J Esau
Councillor Xolisa Peter
Councillor Wendy Hlazo
Councillor Fikiswa Nkunzana
Councillor Rina Simons
Councillor Mlulami Velem
Councillor D Ngubelanga
Councillor S Batala

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Communities Development Cluster Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s), responsible for the Social environment within the City, they will provide strategic

and political direction with regard to economic sustainability requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Activity Work Plan for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Activity Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committees performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Activity Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the committee functions and activities.

5.7 The Chairperson must set and agree the agenda for meetings of the Communities Development Cluster Committee which contains clear objectives and outcomes for such meetings.

Deliverables

- Annual Activity Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Communities Development Cluster Committee
- Quarterly activity report on Communities Development Cluster Committee activities to the Communities Development Cluster Committee
- Assignments in terms of the Annual Activity Work Plan adopted and assigned by the Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Communities Development Cluster Committee.

Responsibilities

5.8 Members must be fully prepared for the Communities Development Cluster Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the activity annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

Specific Functions/Objectives

5.11 The Committee may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the activities of the –

5.11.1 Committee – Integrated Human Settlements Framework
5.11.2 Safe Communities Workgroup (Alcohol; Youth; Social ills and social crime prevention; After-school strategies)
5.11.3 Disaster Risk Management Committee
5.11.4 CIVOC
5.11.5 Implementation of the Social Development Strategy and supporting policies
5.11.6 Sustainable Communities Workgroup

5.12 The committees stipulated in 5.11.1 to 5.11.6 above have specific terms of reference and at times the deliverables may impact the Communities Development Cluster Committee.

General roles

Within its terms of reference and as they relate to the specific functions/objectives listed in 5.11 and 5.12 mentioned above, Communities Development Cluster Committee will:

5.13 consider and adopt the Chairperson's annual activity work plan;

5.14 identify the Social needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward;

5.15 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions;

5.16 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's functions and activities;

5.17 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of Social issues affecting the City;

5.18 consider and recommend the need for public participation and / or additional consultation processes.

5.19 collaborate with the Public Participation unit in order to enhance the public participation process;

5.20 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.21 ensure that social efforts exercised by the City promote the creation of value in a sustainable manner.

5.22 lead the social value creation process by recognizing organized local government (in terms of section 163 of the constitution) and utilize the inter-government relationship vehicle to mobilise social enhancement opportunities within the City.

5.23 require Executive Management Members to assist the committee by providing answers to questions on potential areas of concern related to –

5.23.1 Business objectives
5.23.2 Performance targets
5.23.3 Service delivery

6. Authority, accountability and reporting

The Communities Development Cluster Committee is a committee of Council established in terms of

section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual Committee Report to Council of the functional operations of the Communities Development Cluster Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key strategic interventions and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any conflicts when exercising their roles and functions and what steps were taken to prevent recurrence in future;
6.2.5 Details of meetings and the number of meetings attended by each member.

6.3 The Communities Development Cluster Committee should recommend the Annual Committee Report for approval by the municipal council.

6.4 The Communities Development Cluster Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2011 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Cluster Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with

respect to any workshops arranged by the Communities Development Cluster Committee.

7.4.3 Appropriate record management of Communities Development Cluster Committee activities must be maintained and published subject to Council-approved processes.

7.4.4 The minutes of meetings once confirmed and approved by members of the Communities Development Cluster Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.3.

7.4.5 Legal advisory services to the Communities Development Cluster Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Communities Development Cluster Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management representatives, as and when necessary
- The nominated Legal Representative(s) to the Communities Development Cluster Committee

7.4.7 Subject matter experts (e.g. authors of reports, technical experts, process specialists, etc.) to be invited to applicable meetings.

7.4.8 Committee decisions to be disseminated to the Executive Management Members.

7.4.9 Committee resolutions for onward submission to be expedited.

7.5 General

7.5.1 Communities Development Cluster Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.5.2 Communities Development Cluster Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.5.3 Communities Development Cluster Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Executive Mayoral Committee Members to discuss Social issues and areas of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provides support, advice and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

9. Performance Evaluation

9.1 The Communities Development Cluster Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Communities Development Cluster Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are

implemented.

9.4 The effectiveness and efficiency of the Communities Development Cluster Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 above, the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Communities Development Cluster Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Corporate Services Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* -

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Corporate Services Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Corporate Services Portfolio Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Theresa Uys (Chairperson)
Councillor Thulani Stemele (Deputy Chairperson)
Members:
Councillor Fabian Ah-Sing
Councillor Shayne Ramsay
Alderman Monty Oliver
Councillor Ursula Barends
Councillor Pam Vokwana
Councillor Joan Woodman
Councillor Nomtha Dilima
Councillor Sibusiso Nkomiyahlaba
Councillor Monde Nqulwana
Councillor Simpiwe Nonkeyizana
Councillor Nolufefe Mbombo
Councillor Anthea N Leitch
Councillor Andrew Arnolds
Councillor Mlungisi Bafo
Councillor Albertus Basson

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Corporate Services Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for Corporate Services within the City, they will provide strategic and political direction with regard to Corporate Service requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan *(derived from the relevant Service Delivery Budget Implementation Plans [SDBIPs])* for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and

responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Corporate Services Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Corporate Services Portfolio Committee
- Quarterly overview report to the Corporate Services Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Corporate Services Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Corporate Services Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

General roles

Within its terms of reference, the Corporate Services Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including

amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) of the Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Corporate Services Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Corporate Services Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;
6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Corporate Services Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Corporate Services Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Corporate Services Portfolio Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Corporate Services Portfolio Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Corporate Services Portfolio Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Corporate Services Portfolio Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Corporate Services Portfolio Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management
- The nominated Legal Representative(s) to the Corporate Services Portfolio Committee

7.5 Appointment of Working Groups/Joint Working Groups/Ad hoc committees:

7.5.1 The Corporate Services Portfolio Committee may individually or jointly with other Portfolio Committees consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or groups or committee members to assist the committees in their functions.

7.5.2 Working groups established are not sub-committees and are not subject to the Rules of Order of Section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

7.5.2.1 Ad hoc committees are compulsory attendance and therefore the Rules of Order in terms of Leave of Absence apply.

7.5.3 The Terms of Reference of any working group/ad hoc committee established under 7.5.1 above must be clearly stipulated by the appointing "parent" committee together with a defined period for their operation and existence and must be within the powers of the appointing committee.

7.5.4 Such working groups/ad hoc committees must keep attendance registers each time that they meet which are to be submitted to the Chairperson of the "parent" committee within the defined period as determined in 7.5.3 above.

7.5.5 Working Groups/Joint Working Groups/Ad hoc committees will receive secretarial and administrative support from the line departments within which the specific discipline is being scrutinized/ investigated.

7.5.6 Such working groups/ad hoc committees may conduct research, liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

7.6 General

7.6.1 Corporate Services Portfolio Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.6.2 Corporate Services Portfolio Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 Corporate Services Portfolio Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Mayoral Committee member(s) to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

8.3 The Chairpersons and Deputy Chairpersons of the respective Portfolio Committees which have established Joint Working Groups, to consider any cross-cutting issues that are of significant interest or concern, will together exercise overall responsibility for the scope of work programme of such Joint Working Group to ensure a collaborative outcome.

9. Performance Evaluation

9.1 The Corporate Services Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the Committee Self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Corporate Services Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Corporate Services Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 above, the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Corporate Services Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference and Uniform Standing Procedure Disciplinary Committee

1. Introduction

Councillor discipline is envisaged and is necessity as can be seen from the Code of Conduct for Councillors contained in Schedule 1 of the Municipal Systems Act. The Speaker is also seen as the custodian of Councillor discipline and it is his/her statutory obligation to investigate councillor transgressions. It is clear that a committee can be established by Council as a special committee to function as a disciplinary committee and to investigate councillor transgressions after the Speaker finalises his/her own investigation and processes, and on a reasonable suspicion of such breach transfers the matter to the Disciplinary Committee.

Item 14 (1) (a) states:

"A municipal Council may –

(a) investigate and make a finding on any breach of a provision of this/her Code; or"

This is however a cumbersome and time-consuming process, and therefore totally impractical for a Municipal Council consisting of 231 Councillors to deal with Councillor transgressions in terms of the Code, especially where the Council must deal with other more important matters to ensure local government services being delivered.

The legislation therefore also makes provision in *Item 14(1) (b)* that "A Municipal council may –

(b) Establish a special committee
I. to investigate and make a finding on any alleged breach of this Coduct, and
II. to make appropriate recommendations to Council."

The item does not make provision for a procedure to be followed, save to provide that any such process should be subject to the rules of natural justice to ensure a fair and just procedure which it needs to strictly adhere to at all times.

The Speaker has the statutory obligation and will be the custodian of the disciplinary process as envisaged in the said Code and all disciplinary matters will commence from his/her office after receiving a written complaint or where he/she initiates or embarks on his/her own processes or mero metu where he/she is aware of such breach.

After finalizing his/her own investigations, and based on a reasonable suspicion, he/she will then refer the breach of the Code to the special disciplinary committee to deal with its investigation as envisaged in the Code. The Speaker must ensure compliance with the Code in Council and follow process and has the obligation to investigate all councillor breaches in terms of item 13.

Item 14 is however the empowering provision relating to a Disciplinary Committee, and more specifically item 14(1) (b) thereof. The Committee is entitled to impose the following sanctions in accordance with Item 14(2).

"(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."

Thereafter the Councillor is afforded an appeal in terms of *Item 14(3*) to the MEC:

"(3) (a) Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.

(b) A copy of the appeal must be provided to the council.
(c) The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
(d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal."

The Code is very clear that the process envisaged should always be fair and just as stated in Item *14(7):*

"(7) Any investigation in terms of this item must be in accordance with the rules of natural justice."

The latter provision is paramount and the whole process should be subject thereto. It is also important to ensure fairness in a tribunal as this right is protected and subject to the Constitution.

Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The primary role of the Disciplinary Committee is to deal with Councillor transgressions referred to it from the Speaker's Office and establish if a Councillor is guilty thereof. If so, the Committee must make a finding in the matter and recommend a sanction to the Council. Such recommendation should be in a report to Council in a meeting which is open to the general public.

The Disciplinary Committee is an important vehicle to ensure fair discipline of councillors within the Council of the City of Cape Town, and will administer such discipline subject to the rules of natural justice and Constitutional rights of a fair and just process applicable to any similar tribunal.

The committee must administer its investigations in accordance with a uniform standing procedure which each municipality must adopt for such purpose.

3. Term

The Disciplinary Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of an even number of members of Council which includes the Chairperson, appointed in terms of *section 79(b) of the Local Government Municipal Structures Act no 117 of 1998*. Preferably equal representation for political parties i.e. no political party to have a majority of members as this is a multiparty committee adjudicating hearings on merit.

Chairperson: Whilst it is not a prerequisite to chairing the committee, it is strongly recommended that the chairperson have some legal background, knowledge or experience, and knowledge of legal processes or disciplinary procedures. The Chairperson should also be able to deal with legal representation (attorneys and counsel) on behalf of Councillors. Whilst this is not a prerequisite to chairing the committee it is strongly recommended.

Members: This is a disciplinary qausi-judicial committee where politics should play no role and every matter dealt with solely on its merits and based on available evidence before such committee in a fair and just manner as provided for by the Constitution. Therefore, it should comprise of an

even number of members per political party to ensure representation of political parties are evenly represented.

Councillor Benedicta van Minnen (Chairperson)
Councillor Paul Swart (Deputy Chairperson)
Members:
Councillor Shaun August
Councillor Antonio van der Rheede
Councillor Lindela Tshwete
Councillor Courtney van Wyk
Councillor Patrick Mngxunyeni
Councillor Nondumiso Sono
COPE (Vacant)

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson:

Definition:

A councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as chairperson of the **Disciplinary Committee**.

Responsibilities:

5.1 Chair the Disciplinary Committee meeting in a fair and just manner and without bias.

5.2 Determine meetings on a regular basis or when needed after consultation with the Chief Whip of Council.

5.3 The Chairperson must demonstrate an objective and evidence based approach to the Committees roles and responsibilities.

5.4 The Chairperson should participate in setting and agreeing the agenda for meeting of the Disciplinary Committee which contain clear objectives and outcomes for such meeting.

Deliverables:

- At the conclusion of a hearing, a compiled report to an open meeting of Council relating to the finding and recommended sanction with attached the reasons for same together with any appeal rights afforded the Councillor in accordance the said Code.
- Signed minutes of meetings of the Disciplinary Committee
- Performance appraisals of committee members, for individual personal development plans
- Remedial action plans to enhance Committee performance
- Quarterly overview report on Disciplinary activities

Committee member:

Definition:

A councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the **Disciplinary Committee.**

Responsibilities:

5.5 Members must be fully prepared for the Disciplinary Committee meetings and are expected to attend each meeting in accordance with the provisions of the Code of Conduct.

5.6 Members should make unbiased decisions objectively and independently without undue influence or having been involved in the matters or have any direct or indirect interest in a matter in which case they should recuse themselves from the committee.

Committee:

There is also a clear distinction between the Speaker's investigation and the investigation by the Disciplinary Committee as the Speakers investigation is done by the Speaker him- or herself without the involvement of others councillors. This is however not the subject of these terms and references.

The process to be followed in disciplinary hearing before the Disciplinary Committee should be the same in all disciplinary hearings and is subject to the rules of natural justice and especially the audi alteram partem rule (to hear the other side). Therefore, as in most disciplinary processes, the sequence followed would be similar to court procedures as it is the most fair and just way to determine councillor transgressions in light of the requirements of rules of natural justice. The Committee will follow its processes, but may deviate from same on good reason.

There should however be some cautionary statements – the Disciplinary Committee is not a Court of Law and therefore strict court rules and rules of evidence would not always be followed and will to some extend be relaxed for instance e.g. *hearsay evidence* etc.. The sequence of courts is followed since it is proven and accepted to represent a fair hearing, which should be the aim/goal of the Disciplinary Committee based on the merits of the case.

Another word of caution is that peers are judged by their peers (co-councillors) and specific caution should be applied to ensure that the accused councillor should be judged on merit alone, where the Commitee members should "*take-off their respective political hats, allegiances and preferences*" to judge fairly and without bias or any political motive.

This committee should therefore not be an instrument where the majority party abuses its majority membership to oust political radicals. This is however much easier said than done due to the nature of politics. It actually speaks for itself.

Therefore, no prior caucuses will be tolerated before commencement of a hearing to ensure fairness. The members will thus be seen as councillors per se, without political motives and make decisions on merits of the facts placed before them only. It is always difficult to ensure that politics is kept out of decision-making in such tribunals but the Committee needs to be strongly be guarded against politics influencing decisions that are made.

General procedures:

5.7 The open part of the meeting is subject to the ordinary rules of council save for a quorum, and a closed meeting where evidence will be heard against the Councillor.

5.8 The Committee will hear a matter referred to it by the Speaker and make a finding as to a breach of the Code, in other words, if the councillor is guilty or not guilty of a transgression. It will then make a recommendation to Council on an appropriate sanction. The Council is entitled to deviate or change the recommended sanction on good reason in exceptionable circumstances. Only such deviation or change is to be motivated based on all evidence as to mitigatory and aggravating evidence heard by the Disciplinary Committee.

5.9 The Initiator appointed by the Speaker will draft charges and notify the councillor to be present advising him/her of all rights afforded during the disciplinary hearing.

5.10 The hearing of all testimony and its procedures will be heard in closed meetings and will be recorded.

5.11 The Chair will welcome all present and introduce members of the Committee, the Initiator and legal representatives of the Councillor and officials.

5.12 The Chair will explain the relevant roles of each member and notify the councillor of his/her rights, choice of language, state the relevant alleged charges to the councillor as contained in the letter of notification served on the councillor and generally explain how the proceedings of the hearing will be dealt with.

5.13 The legal representative on behalf of the accused councillor or Councillor, can in person, raise any points in limine before the hearing as they see fit, and the Committee will have to decide or rule on its merits or applicability.

5.14 The Initiator will then proceed by leading evidence as to the charges to prove it on a balance of probability as the onus will be on him to do so and proof his/her case against the Councillor.

5.15 The Councillor or his/her representative will be able to test all evidence produced by way of cross examination.

5.16 The Councillor will be entitled to test all evidence by way of cross examination.

5.17 The Initiator will then be entitled to re-examine the witness(es) and after all the witness(es) have been called will close his/her case.

5.18 The Councillor will then lead evidence in his/her defense followed by any witnesses which the Initiator may cross examine.

5.19 Thereafter the defense will be entitled to re-examine the witness(es) and once the witness or all the witnesses has/have been called will close his/her case.

5.20 The Parties will then argue the matter before the Committee or the Committee may invite written arguments on a relevant finding.

5.21 The committee will then adjourn to decide the matter.

5.22 The Committee will adjudicate the matter in camera and as far as possible reach consensus on guilt or by way of majority consent, and inform the councillor accordingly orally at the meeting (or postponement thereof), or may do so in writing and reschedule the meeting to hear evidence in mitigation or aggravation on an appropriate sanction and in each instance provide the councillor with its written reasons for same.

5.23 The Committee may use the assistance of the legal adviser to obtain clarity on legal issues but must come to a decision independently on merits solely by its members and write a report on the matter to Council. In the latter event the Committee Chair may make use of the assistance of legal services, for the report to be written with its motivated finding and recommended sanction and to submit the report to an open meeting of Council.

5.24 The report will be tabled at Council and introduced by the Disciplinary Chairperson and may be debated where after the Council will decide on the adoption of the recommended sanctions.

5.25 Should the Council not adopt the recommended sanction it should report back to the Disciplinary Committee to obtain evidence pertaining to mitigation/aggregation and representations of the initiator and legal representation to make an informed decision and clearly motivate the reason for the deviation from the recommendation of the Disciplinary Committee. This should however be the exception to the rule as the Disciplinary Committee's recommendation should be accepted as it was established for this purpose.

5.26 The Speaker's Office will inform the MEC and Councillor of the decision by Council, and reiterate any rights of appeals afforded to the Councillor who must lodged a motivated appeal with the MEC within 14 days after being notified thereof.

5.27 The Councillor must notify the Council of his/her appeal as it may make any representation pertaining to the appeal to the MEC in writing.

5.28 The Council will then become functus officio the matter as the appeal will be decided upon by the MEC after which his/her decision/outcome can be taken on review by the Councillor.

5.29 The Disciplinary Committee is a committee of Council which will follow court procedure as far as

possible without it being a Court of Law. It will follow in-house disciplinary procedures as described above to ensure a fair and just procedure and strictly adhere to natural rules of justice.

5.30 The Committee will however be able to determine its own procedure and processes where it seems fit to give effect to its statutory obligation in terms of the provisions of the Code of Conduct for Councillors contained in Schedule I of the Systems Act, and may deviate from it on good reason in appropriate matters subject to always adhering to the natural rules of justice.

5.31 Order will at all times be maintained by the Chairperson of the Committee who may be assisted by two Assessors from other political party members of the Committee.

Deliverables:

- Adjudicate all general complaints referred to the committee which may be taken on review to a court of law.
- Where necessary by way of a fully motivated report recommend to Council sanction(s) where a councillor(s) have been found guilty in a disciplinary hearing.
- A report reflecting outstanding matters and or matters received and still to be decided upon, will be included as the last agenda item in every agenda.

Delegated functions:

5.31 To co-op advisory members who are not members of the Council provided that such members may not vote on any matter.

5.32 To instruct any councillor(s) and request official(s)/or other affected parties to appear before the Committee to give evidence. The Committee may authorize the reasonable travelling cost of other affected parties in specific instances to avail themselves to testify.

5.33 To appoint an external legal advisor to assist the Committee including the obtaining of internal or external legal opinions.

5.34 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.

5.35 In appropriate circumstances to impose a fine in respect of contraventions of item 4 of the Code as set out in the Uniform Standard Procedure adopted by Council on 26 October 2016 resolution C18/10/16 and set out under paragraph 11 of this Terms of Reference and Uniform Standing Procedure.

5.36 The legal advisor from the Speaker's Office will represent to the Speaker's Office at the Disciplinary Committee with the Initiator appointed by the Speaker.

6 Authority, accountability and reporting

This is a statutory committee established and envisaged by item 14 of the Code of Conduct Schedule 1 of the Municipal Systems Act. The Disciplinary Committee will make findings on any breach of the Code by any councillor and make recommendation to Council as to appropriate sanction in terms of the relevant item 14(2) of the Municipal Systems Act and derives its powers, competencies and functions directly from statute and makes decisions as if in a fair and just manner subject to the rules of natural justice.

The Committee Chair will compile a report to Council on the open agenda relating to the finding and recommended sanction and attach the reasons for same and any appeal rights afforded the Councillor in accordance the said Code.

The Council will be able to amend the sanction in exceptional instances, and this only with good reason and proper motivation as to why the Disciplinary Committee's sanction recommended should not be followed as provided, and only where the full Council is informed of all evidence before the Disciplinary Committee as the latter committee was established and delegated to adjudicate the matter and make appropriate recommendations as to sanction.

Any sanction adopted by the Council can be taken on appeal to the MEC. Decisions by the MEC on suspension or removal from office may be taken on review to the Relevant Court of law.

The Disciplinary Committee will be entitled to impose a fine as determined by the standing rules of order of the municipal council on a councillor for:

a) not attending a meeting which that councillor is required to attend in terms of section 3 of the Code of Conduct for Councillors;
b) failing to remain in attendance at such meeting except if prior leave of absence was granted as finalised in Rules of Order or that Councillor is required to withdraw from the meeting.

7 Meeting and general procedures

7.1 Rules of Order:

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 24 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 and 80 Committees of Council. Such rules govern the meeting procedures of this Committee when it sits as an ordinary committee with an open agenda, but the Rules of Order will not govern the closed sessions when the Committee is a quasi-judicial tribunal and hears evidence and adjudicates the evidence before it to make a finding in camera. The process will be in closed session and not open to witnesses still to testify or any persons not relevant to the process. The Rule relating to a quorum will not apply. See paragraph 6.2 below.

The Committee will however be able to determine its own procedure and processes where it seems fit to give effect to its statutory obligation in terms of the provisions of the Code of Conduct for Councillors contained in Schedule I of the Systems Act

Order will at all times be maintained by the Chairperson of the Committee

No prior caucuses will be tolerated before commencement of a hearing to ensure fairness.

7.2 Quorum

Any number of members of the Committee as provided for by the Rules of Order must be present at all its meetings and will form a quorum, provided that the same, or a lesser number of councillors may adjudicate the matter, provided further that no new councillor may sit on the committee after it commenced with any given matter. Thus if any member was not present at a meeting where testimony was heard he or she may not participate in further proceedings after not attending such meeting or any individual hearing.

7.3 Frequency of meetings:

Meetings of the committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

Formal scheduled meetings as determined by Council and/or additional meetings needed on good reason decided and called for by the Chairperson (after consulting the Chief Whip), when and if needed to finalize the hearings and taking into account diaries and availability of councillors and legal representatives respectively.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Disciplinary Committee must be signed by the Chairperson and managed in accordance with paragraph 6.4.4.

7.4.4 Appropriate record management of Corporate Services Transversal Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Disciplinary Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Disciplinary Committee meeting should be sent to:

- The nominated Legal Representative(s) to the Disciplinary Committee

7.5 General:

a) The Speaker's Office will investigate complaints of a Councillor in terms of the Code of Conduct to the Disciplinary Committee.

b) The Councillor concerned should be notified of the intended action to be taken against him or her and should be given a proper opportunity to be heard as prescribed in the relevant legislation.

c) The concise item will appear on the Disciplinary Committee meeting's agenda referring to the specific councillor and the item allegedly breached on an open agenda.

d) The Committee will then decide on a suitable date and advise the Speaker if an external Initiator should be appointed in terms of his/her delegated authority and determine a suitable date to hear the matter.

e) The External Initiator will be appointed by the Speaker and briefed by his/her Office who will then be in charge of proceedings i.e call witnesses, lead, cross examination and re-examine, arguments, close case etc – (deal with process subject to Committee' instructions), and notify the Councillor of the breach, the charges, his/her/her rights and the date and venue of the hearing by the Committee.

f) All hearings and evidence will be heard in closed meetings or in camera and the documents will be considered confidential pending the hearing. The hearing is in camera to protect the rights of a Councillor and prevent the process from being abused as a political platform.

g) All evidence will be tested and the Initiator or legal representative of such Councillor will be entitled to cross examine testimony as well as re-examine witnesses.

h) Thereafter, the Committee members and legal advisors may question witnesses on any matters of clarity only.

i) After hearing the matter via evidence against for the defense of the Councillor the Committee will adjudicate same and make a finding after hearing arguments for and against guilt and then if necessary on sanction and provide the relevant Councillor of written reasons for same as well as any notifications regarding rights of appeals.

j) The committee would be entitled to request, instruct any councillor or official of Council to appear before the Committee to give evidence before the Committee which is reasonable and/or relevant to the matter before it or supply it with information or answer questions relating to the alleged breach.

k) The Speaker may withdraw any matter referred to the Disciplinary meeting on good reason or cause such as insufficient evidence or witnesses that is unavailable or where complainants withdrew the complaints. Such withdrawal will be in the sole discretion based on good reason, of the Speaker.

l) The Initiator may hold a pre-hearing meeting with Councillor and/or his legal representation to narrow down issues in order to eliminate unnecessary testimony.

m) The Speaker may request the Initiator to enter into a plea bargain agreement to be considered by the Disciplinary Committee or to proceed with the hearing.

8 Relationship and Interaction

Interaction will be primarily between the Speaker's Office and the Committee as the Speaker will refer

matters on good suspicion of any breach of the Code to the Disciplinary Committee.

Interaction will take place between the Committee and the Speaker to appoint an Initiator on request of the Disciplinary Committee in accordance with the Speakers delegated authority.

Interaction should be with the Executive Committee Services and administration to ensure agendas and officials and/or councillors attending the meeting to testify before it and any logistical issues such as recordings etc.

There will also be a dedicated Committee Support Officer allocated to the Committee for compiling agendas, minutes and for any logistic matters as well as an allocated legal adviser from Legal Services as determined by the Chairperson of the Committee and the legal adviser of the Speaker's Office representing the Speaker's Office at the disciplinary meeting.

9 Performance Evaluation

Evaluation will be determined by statistics with reference to court reviews received and hearings successfully adjudicated as well as any outstanding hearings referred to the Committee from the Speakers Office.

10 Dispute Resolution

Dispute resolution will comprise of appeals to the MEC and/or court action by aggrieved parties to take decisions of the MEC on review.

The Promotion of Administrative Justice Act requires applicants to first exhaust any appeals mechanisms before turning to the Courts to review administrative actions.

11 Approval, Amendment, Modification or Variation

This Term of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference will also be contained in the Council's System of Delegations where applicable.

The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

12 Uniform standing procedure

The following Uniform Standard procedure is adopted by the Municipal Council for its Disciplinary Committee for Code of Conduct for Councillors envisaged in terms of Item 14(1) (b) thereof:

1. The Speaker receives a complaint in writing (preferably by affidavit) from any person giving full details of the allegations and witnesses if available and willingness to attend the enquiry or commence an investigation. Speaker may also institute proceedings on reasonable grounds or information at his/her disposal.

2. The Speaker evaluates and proceeds with the investigation and affords the Councillor an opportunity to respond to the allegations in writing in terms of the Code of Conduct for Councillors and if satisfied on a reasonable suspicion refer an alleged contravention to the Disciplinary Committee if he/she is satisfied it is substantial. Speaker in his/her discretion may appoint external investigators to investigate the matter.

3. A concise item drafted by the Office of the Speaker on behalf of the Speaker will be forwarded to the Disciplinary Committee to be included in its agenda referring to the specific councillor transgression and the item allegedly breached on an open meeting on white.

4. The Committee would then decide on a suitable date and advise the Speaker if an external Initiator should be appointed in terms of his/her delegated authority and determine a suitable date to hear the matter.

5. An external Initiator will be appointed by the Speaker and briefed by his/her Office who will then commence the process and notify the councillor in writing of the breach, formulate the charges in consultation with the Speaker, inform the councillor of his/her rights, the process, right of representation by his/her legal representative and the date and venue of the hearing by the Committee.

6. The Notification letter will be served on the Councillor in the matter and the Councillor will acknowledge receipt thereof by signing a copy of the Notification as proof of service thereof.

7. The Initiator will on instruction of the Speaker be entitled to enter into a pre-hearing agreement with the Councillor. The purpose of the pre-hearing agreement is solely to simplify the hearing where the Councillor will agree on common facts which will not have to be proved and thereby shorten the hearing process or even indicate if he/she will enter a guilty plea etc. In exceptional instances it might also be agreed to a lessen sanction where it is merited on the facts if the councillor plead guilty and in so doing does not waste the Committees time. The committee will its sole discretion adhere to such agreement and may decide to proceed with its own procedure as determined in this document and continue with the hearing if the Committee is of the opinion that the testimony is necessary on merit and/or sanction.

8. All hearings and evidence will be heard in closed meetings. All evidence will be tested and the Initiator or legal representative of such Councillor will be entitled to cross examine the witness(es). The Committee will consider all parties in limine raised before proceeding to the merits of the matter.

9. The Committee members and legal advisors may question witnesses on any matter of clarity only.

10. After hearing the matter via evidence against the Councillor or for the defense of the Councillor the Committee will adjudicate same and make a finding after he/shearing arguments for and against guilt and then if necessary on sanction and provide the relevant Councillor of written reasons for same as well as any notifications regarding rights of appeals.

11. Officials of Committee Services will assist in compiling agendas and minutes of each hearing as well as arrange that all sessions would be recorded and assist with logistics.

12. The Committee would be entitled to instruct any Councillor and/or request any official of Council and/or affected party to attend the hearing to give evidence before the Committee which is relevant to the matter before it and/or answer questions on testimony given.

13. The Speaker may withdraw any matter referred to the Disciplinary meeting on good reason or cause such as insufficient evidence or witnesses that is unavailable or where complainants withdrew the complaints. Such withdrawal will be in the sole discretion based on good reason, of the Speaker.

14. This is a statutory committee established and will be guided in its processes by item 14 of the Code of Conduct Schedule 1 of the Municipal Systems Act. The Disciplinary Committee will make findings on any breach of the Code by any councillor and make recommendation to Council as to appropriate sanction in terms of the relevant item 14(2) of the Municipal Systems Act and derives its powers, functions, competencies and functions directly from statute where applicable and court practices subject to the rules of natural justice and makes decisions in a fair and just manner without undue influence or any conflict of interest, which will necessitate that specific member to recuse him- or herself.

15. The committee chair upon adjudicating a case will compile a report on the open agenda relating to the finding and recommended sanction and attach the reasons for same and any appeal rights afforded the Councillor in accordance the said Code.

16. The Council will be able to amend the sanction in exceptional instances only on good reason and proper motivation why the Disciplinary sanction recommendation should not be followed only were the full council was informed on all evidence before the Disciplinary Committee as the latter committee was established and delegated to adjudicate the matter and make appropriate recommendations as to sanction.

17. Any sanction adopted by the Council can be taken on appeal to the MEC or to review to the relevant Court of law where applicable.

18. The Initiator may arrange a pre-hearing meeting with the Councillor and/or with his/her legal representative to narrow down and streamline proceedings or reach consensus on the necessity of proving certain aspects of the hearing and may on instruction of the Speaker enter into a pre hearing agreement and possible sanction.

19. The hearing of all testimony and its procedures will be heard in closed meetings and will be recorded.

20. The Chair will welcome all present and introduce members of the Committee the Initiator and legal representatives of the Councillor and officials, briefly set out the process and elaborate on the rights of the Councillor in the proceedings.

21. The chair will explain the relevant roles of each member and inform the councillor of his/her rights, choice of language and put the relevant alleged charges to the councillor as contained in the notification letter by

the Initiator to the Councillor by reading it into the record.

22. The Councillor will be entitled to legal representation on application therefore to the Committee on good reason, or in complex and difficult cases, or where the possible sanction might be severe in that it could possibly result in suspension or removal from office, or in complex matters.

23. The Chairperson of the Committee will then put the charges to the Councillor who will plead to same by responding to it, either guilty or not guilty.

24. The councillor pleads guilty to the charges, the committee will proceed to ascertain if the councillor understands the implications thereof and ensure there is nothing preventing the committee to reach a finding of guilt and continue with an appropriate sanction after questioning the Councillor or hearing submissions as to mitigating factors and affording the Initiator to submit aggravating factors, if any. No evidence will be lead in event the Councillor pleads guilty to the charges and admits to the offence and the Committee is satisfied of his/her guilt save as to a suitable sanction.

25. The legal representative on behalf of the accused Councillor can in person raise any points in limine before commencement of testimony as they see fit, and the Committee will have to decide or rule on its merits or applicability thereof before continuing with the hearing.

26. The Initiator will then proceed by calling witnesses or complainant and lead evidence as to the charges to proof it on a balance of probability as the onus will be on him to do so and proof his/her case against the Councillor.

27. Testimony will commence in chief followed by cross-examination and re-examination. The councillor or his/her representative will be able to test all evidence produced by way of cross examination.

28. The Initiator will close his/her case after calling his/her last witness and or introducing any documentation.

29. The councillor will then proceed to lead evidence in chief in his/her defense followed by any other witnesses whom the Initiator may cross examine and the councillor may re-examine.

30. Thereafter the defense will close their case after calling all his/her witnesses.

31. The Parties will then argue the matter before the Committee or presenting closing arguments or the Committee may invite written arguments on a relevant finding.

32. The committee will adjourn to decide/deliberate the matter based on testimony, evidence or written representation received.

33. The Committee will deliberate the matter in camera and make a finding based on consensus or majority decision.

34. The Committee will inform the councillor accordingly after adjournment, orally at the meeting (or postponement thereof) or may do so in writing at a later stage.

35. The Committee will continue with the hearing or assume with the hearing after adjournment and/or any postponement and invite parties to hear evidence in mitigation or aggravation on an appropriate sanction and in each instance provide the councillor of its written reasons for same.

36. The committee may use the assistance of the legal adviser to obtain clarity on legal issues but must come to a decision independently on merits solely by its members and write a report on the matter to Council. In the latter event the Committee Chair may make use of the assistance of legal services for the report to be tabled at an open meeting of council with its motivated finding and recommended sanction.

37. The report will be tabled at Council and be introduced by the Disciplinary Chairperson motivating its recommended sanction, after it will be adopted by Council or may be debated on good reason where after the Council will determine and adopt amended sanctions in exceptionable circumstances. The Council may amend the sanction only in exceptional instances with full knowledge of mitigating and aggravating testimony which was heard by the Disciplinary Committee.

38. The Speaker's Office will inform the Councillor of the decision by Council and reiterate any rights of appeals afforded to the Councillor who must lodged a motivated appeal with the MEC within 14 days after being notified thereof, where a fine, reprimand or warning was issued as sanction.

39. The council may in severe instances of transgressions or where the integrity or credibility of Council was compromised recommend suspension for a period with or without pay or removal from office of the

Councillor to the MEC.

40. The councillor must notify the Council of his/her appeal as it may make any representation pertaining to the appeal to the MEC in writing on behalf of the Municipality.

41. The council will then become functus officio the matter as the appeal will be decided upon by the MEC after which his/her decision/outcome can be taken on review by the Councillor.

42. The Disciplinary Committee is a committee of council as can determine its own procedure bases on court practices and principles of disciplinary procedures, but it will not apply strict rules of evidence of courts and should not be seen as Courts of Law. It will follow in-house disciplinary procedures as described above to ensure a fair and just procedure and strictly adhere to natural rules of justice. The Committee may in appropriate instances deviate from the above processes as it seems fit subject to always adhering to the natural rules of justice to give effect to its statutory obligation in terms of the provisions of the Code of Conduct for Councillors contained in Schedule I of the Systems Act and to ensure a fair and just procedure.

43. The Committee may decide that the Chairperson of the Committee may be assisted by two Assessors elected from other political parties to simplify process as was the practice in the past.

44. Council's Rules of Order will not form part of the procedures of this committee as it is a quasi-juristic committee where ordinary Rules of Order does not apply, except when it sits as ordinary committee with the open agenda.

45. It will follow the above procedures when it sits as a quasi-judicial tribunal and hears evidence and adjudicating the evidence before it to make a finding in camera. This process will be in closed session and not open to witnesses still to testify or any persons not relevant to the process.

46. The committee may not be able to determine the guilt on a balance of probabilities in which event a finding of not guilty must be entered as the Initiator did not dispose of the onus of proof.

47. The Initiator should notify the Councillor timeously to enable him-/herself to prepare properly and defend him- or herself against any charges levelled against him or her and a timespan of at least 14 clear days from receipt to hearing should be afforded, depending on the merits and complexity of the charges in which case a longer time for preparation should be anticipated.

48. The primary process followed will be the accusatorial system, but in discretion of the Committee and in exceptional circumstances the committee could play an inquisitorial role to establish or determine the facts and make a finding accordingly, provide the rules of natural justice are followed during this process.

49. It should be noted that the Committee and Council can only make recommendation as to suspension and removal from office to the MEC as it is his/her prerogative to decide on such extreme sanctions. In the latter instances the Councillor will remain a councillor pending the outcome by the MEC, on which date the Councillor will cease being a councillor in event he/she is removed from office by the MEC. A dissatisfied councillor could review the MEC's decision in the High Court.

50. If there is a deadlock in the Committee (for whatsoever reason) after every member has voted including the Chairperson then the Committee must find the Councillor to be not guilty of the allegations against him/her. Each Councillor and the chairperson may only vote once and there is no casting vote by a chairperson.

51. The failure of the Councillor to be present personally at the enquiry shall not invalidate the proceedings subject thereto that the Councillor be afforded the opportunity to respond to the allegations the allegations thereby complying with the rules of natural justice.

52. The Committee will be entitled to make findings based solely on documentary evidence including but not limited to judicial or quasi-judicial reports records and other documents. The committee may change from an inquisitorial to an accusatorial adversarial inquiry and vice versa before or during proceedings and the committee may and is entitled to deviate from its own procedure as set out above at any time if and when necessary

53. The Committee decides on application and motivation from the councillor if legal representation can be dispensed with in uncomplicated matters. This decision can only be decided after hearing submissions from the councillor and where there would be no prejudice to the Councillor. This would be to shorten process as a time saving decision or where the councillor decided to plead guilty.

54. The Committee may at any time where the Councillor misbehave in the hearing, abuse the process decide to continue without his/her presence in exceptional instances but afford him written submissions on

findings or sanction before the committee decides on same to give the councillor input to same prior to those decisions or where the abusive Councillor is represented to allow the legal representative to protect the interest of his/her client in the absence of the Councillor. The Committee cam recall the councillor to attend the meeting when and were needed.

55. The Committee may deviate from any process or procedure on good reason after giving the Councillor an opportunity to oppose such decision subject to the rules of natural justice.

56. The Disciplinary Committee will be entitled to impose a fine subject to the Rules of Order, on a Councillor for not attending any meeting which a councillor is required to attend or failing to remain in attendance or arriving late at such meeting except where prior leave of absence was obtained or where such councillor is required to withdraw from the meeting.

57. The Disciplinary committee can impose a fine only adhering strictly to its uniform standing procedure adopted by the municipal council and the rules of natural justice.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Economy and Environment Cluster Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* –

"*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, delegations (decision making powers) and duties, chair and membership, administrative support etc.

2. Role

The Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

The Committee also has **delegated** roles and functions related to –

- The activities of transversal work groups which are formed in the administration and which align with the thematic area of the Committee.

The delegated roles and functions are set out in Council's System of Delegations, and some are set out in paragraphs 5.13 to 5.21 below. These are to be applied in relation to the Committee's specific functions/objectives (see paragraphs 5.11 – 5.12) around cross-cutting strategies and policies.

3. Term

The Economy and Environment Cluster Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Alderman Clive Justus (Chairperson)
Councillor Gillion Bosman (Deputy Chairperson)
Members:
Alderman Carin Brynard
Councillor M.A Cassiem
Councillor Christiana Groenewoud
Councillor Vuyokazi Matanzima
Councillor Patience Nyakaza-Sandla
Councillor Willem Doman
Councillor Franchesca Walker
Councillor Ricardo Saralina
Councillor Sharlaine Oersen
Councillor Ernest Theron
Councillor N L Mquqwana
Councillor L Jali
Councillor L G Zondani
Councillor N D Hlangisa
Councillor A Adams
Councillor F Raymond

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Economy and Environment Cluster Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s), responsible for the Economic environment within the City, they will provide strategic and political direction with regard to economic sustainability requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Activity Work Plan for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Activity Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Activity Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the committee functions and activities.

5.7 The Chairperson must set and agree the agenda for meetings of the Economy and Environment Cluster Committee which contains clear objectives and outcomes for such meetings.

Deliverables

- Annual Activity Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Economy and Environment Cluster Committee
- Quarterly activity report on Economy and Environment Cluster Committee activities to the Economy and Environment Cluster Committee
- Assignments in terms of the Annual Activity Work Plan adopted and assigned by the Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Economy and Environment Cluster Committee.

Responsibilities

5.8 Members must be fully prepared for the Economy and Environment Cluster Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the activity annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

Specific Functions/Objectives

5.11 The Economy and Environment Cluster Committee may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the activities of the –

5.11.1 Working task teams – Local Economic Development and Revenue Sustainability Committee
5.11.2 Supply Chain Management Committees – Specification, Evaluation and Adjudication in so far as it relates to business improvement plans
5.11.3 Green economy work group and its implementation plan
5.11.4 Growth management working group and its implementation plan
5.11.5 Implementation of the Economic Growth Strategy
5.11.6 Biodiversity plans and their balance with urban and economic requirements
5.11.7 Carbon emission targets and their implementation
5.11.8 Economic incentives and use of ECAMP
5.11.9 Effectiveness of Special Purpose Vehicles (SPV) and Grant in aid organizations supporting the economy, including the CTICC, Cape Town Tourism, Wesgro, and the Economic Development Partnership
5.11.10 Implementation of the Digital City Strategy

5.12 The committees stipulated in 5.11 above have specific terms of reference and at times the deliverables may impact the Economy and Environment Cluster Committee.

General roles

Within its terms of reference and as they relate to the specific functions/objectives listed in 5.11 and 5.12 mentioned above, the Economy and Environment Cluster Committee will:

5.13 consider and adopt the Chairperson's annual activity work plan;

5.14 identify the economic needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward;

5.15 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions;

5.16 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's functions and activities;

5.17 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of economic issues affecting the City;

5.18 consider and recommend the need for public participation and / or additional consultation processes;

5.19 collaborate with the Public Participation unit in order to enhance the public participation process;

5.20 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.21 ensure that a stakeholder-inclusive approach is adopted, which takes into account and balances their legitimate and reasonable needs, interests and expectations;

5.22 lead the value creation process by appreciating that strategy, risk and opportunity, performance and sustainability development are inseparable elements;

5.23 require Executive Management Members to assist the committee by providing answers to

questions on potential areas of concern related to –

5.23.1 Business objectives
5.23.2 Performance targets
5.23.3 Service delivery

6. Authority, accountability and reporting

The Economy and Environment Cluster Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual Committee Report to Council of the functional operations of the Economy and Environment Cluster Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key strategic interventions and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any conflicts when exercising their roles and functions and what steps were taken to prevent recurrence in future;
6.2.5 Details of meetings and the number of meetings attended by each member.

6.3 The Economy and Environment Cluster Committee should recommend the Annual Committee Report for approval by the municipal council.

6.4 The Economy and Environment Cluster Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number 04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Cluster Committee is a majority of its members.*"*

7.3 Frequency of meetings

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Economy and Environment Cluster Committee.

7.4.3 Appropriate record management of Economy and Environment Cluster Committee activities must be maintained and published subject to Council-approved processes.

7.4.4 The minutes of meetings once confirmed and approved by members of the (Economy and Environment Cluster Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.3.

7.4.5 Legal advisory services to the Economy and Environment Cluster Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Economy and Environment Cluster Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management representatives, as and when necessary
- The nominated Legal Representative(s) to the Economy and Environment Cluster Committee

7.4.7 Subject matter experts (e.g. authors of reports, technical experts, process specialists, etc.) to be invited to applicable meetings.

7.4.8 Committee decisions to be disseminated to the Executive Management Members.

7.4.9 Committee resolutions for onward submission to be expedited.

7.5 General

7.5.1 Economy and Environment Cluster Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.5.2 Economy and Environment Cluster Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.5.3 Economy and Environment Cluster Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Executive Mayoral Committee Members to discuss economic issues and areas of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provides support, advice and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

9. Performance Evaluation

9.1 The Economy and Environment Cluster Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Economy and Environment Cluster Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Economy and Environment Cluster Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 above, the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Economy and Environment Cluster Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Finance Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations*

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Finance Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Finance Portfolio Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Siseko Mbandezi (Chairperson)
Councillor Annelize van Zyl (Deputy Chairperson)
Members:
Councillor Gideon Petrus Kriel
Councillor Nontsikelelo Ndaleni
Councillor Michelle Adonis
Councillor Joseph Witbooi
Councillor Danny Christians
Councillor Abraham Griesel
Councillor Fiona Abrahams
Councillor Xolani Ndongeni
Councillor Samkelo John
Councillor Thembelani Sakathi
Councillor Bongile Patrick Ngcani
Councillor Grant Haskin
Councillor N Makamba-Botya

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Finance Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for the Financial Services within the City, they will provide strategic and political direction with regard to financial requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan (*derived from the relevant Service Delivery Budget Implementation Plans [SDBIPs])* for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Finance Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Finance Portfolio Committee
- Quarterly overview report to the Finance Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Finance Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Finance Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.
  .

Committee

General roles

Within its terms of reference, the Finance Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) of the Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Finance Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Finance Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;

6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Finance Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Finance Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

*"*The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Finance Portfolio Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Finance Portfolio Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Finance Portfolio Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Finance Portfolio Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Finance Portfolio Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management
- The nominated Legal Representative(s) to the Finance Portfolio Committee

7.5 Appointment of Working Groups/Joint Working Groups/Ad hoc committees:

7.5.1 The Finance Portfolio Committee may individually or jointly with other Portfolio Committees consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or groups or committee members to assist the committees in their functions.

7.5.2 Working groups established are not sub-committees and are not subject to the Rules of Order of Section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

7.5.2.1 Ad hoc committees are compulsory attendance and therefore the Rules of Order in terms of Leave of Absence apply.

7.5.3 The Terms of Reference of any working group/ ad hoc committeee established under 7.5.1 above must be clearly stipulated by the appointing "parent" committee together with a defined period for their operation and existence and must be within the powers of the appointing committee.

7.5.4 Such working groups/ ad hoc committees must keep attendance registers each time that they meet which are to be submitted to the Chairperson of the "parent" committee within the defined period as determined in 7.5.3 above.

7.5.5 Working Groups/Joint Working Groups/ Ad hoc committees will receive secretarial and administrative support from the line departments within which the specific discipline is being scrutinized/investigated.

7.5.6 Such working groups/ ad hoc committees may conduct research, liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

7.6 General

7.6.1 Finance Portfolio Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.6.2 Finance Portfolio Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 Finance Portfolio Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Mayoral Committee member(s) to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

8.3 The Chairpersons and Deputy Chairpersons of the respective Portfolio Committees which have established Joint Working Groups, to consider any cross-cutting issues that are of significant interest or concern, will together exercise overall responsibility for the scope of work programme of such Joint Working Group to ensure a collaborative outcome.

9. Performance Evaluation

9.1 The Finance Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the Committee Self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Finance Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Finance Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Finance Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Municipal Public Accounts Committee (MPAC)

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 161(1) of the *Constitution* –

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Municipal Public Accounts Committee (hereafter referred to as MPAC) is established in terms of Section 79 of the Local Government: Municipal Structures Act, Act 117 of 1998 as a Committee of Council for the efficient and effective performance of its functions.

The purpose of the MPAC terms of reference is to promote transparency and public accountability and is required in terms of Section 53 of the Local Government: Municipal Systems Act, Act 32 of 2000 to establish a framework within which it must perform its duties.

MPAC activities would help to increase Council and public awareness of the financial and performance issues of the municipality and its entities.

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The MPAC may evaluate, direct and supervise investigations into any matters within the scope of its roles and responsibilities as instructed by the Council.

The oversight role of MPAC is to review the City of Cape Town's Annual Report with specific focus on the financial aspects as contained in the Auditor-General's Report on the Annual Financial Statements of the City and also when instructed by Council to advise Council in respect of unauthorised, irregular or fruitless and wasteful expenditure.

The oversight role may require:

- Briefings;
- Deliberations;
- Considerations of reports;
- Scrutiny of documents;
- Supply of information;
- Physical access to records, books and other documentation;
- Posing questions to officials and councilors.

3. Term

The MPAC was established by Council on 24 August 2016 resolution C06/08/16 and shall remain until amended by resolution of Council.

4. Membership

4.1 MPAC is a committee of Council and therefore Council determines its composition by a resolution of Council in terms of Section 79 of the Municipal Structures Act, Act 117 of 1998.

4.2. The composition –

4.2.1. The Council shall appoint MPAC Members (nominate up to 13 councillors).

4.2.2. Councillors serving on MPAC should represent a wide range of experience and expertise available in Council, especially with a financial background and should represent the various political affiliations.

4.2.3. The following Councillors should be excluded from the MPAC, i.e. Executive Mayor or Deputy Executive Mayor, Speaker, Chief Whip, a member of the Mayoral Committee, Chairpersons of Subcouncil and Portfolio Committee Chairpersons.

4.2.4. Where the municipality has a sufficient number of Councillors, Councillors serving on the MPAC should preferably not serve on other Committees of Council to minimise a possible conflict of interest.

NOTE: i.t.o Council resolution C18/10/16 the membership is as follows:

Councillor Y Adams (Chairperson)
Councillor P H Chapple (Deputy Chairperson)
Members:
Councillor K G Southgate
Councillor A van Zyl
Councillor E Anstey
Councillor R Beneke
Councillor P P Vokwana
Councillor D M Khatshwa
Councillor B Majingo
Councillor M Xego

4.3 Efficiency and transparency will be better served if the Chairperson is chosen from the opposition party. The Chairperson should be appointed by Council resolution. If the chairperson of the MPAC is absent from a specific meeting of MPAC, the members present must elect a chairperson from the members present to act as chairperson for that meeting. The Council may consider making the position of Chairperson of MPAC full-time.

4.4. When a member of the MPAC cannot for any reason continue as a member he/she shall forthwith be replaced by Council.

4.5 Membership of the MPAC shall be published in the City's annual report.

4.6 Members shall have the highest regard for the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson:

Definition:

A councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as chairperson of the **MPAC**.

Responsibilities:

5.1 The Chairperson will meet regularly with the Speaker who will provide strategic and political direction with regard to the Committees activities.

5.2 The Chairperson must develop an Annual Oversight Work Plan for each year, based on the committees assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests - to be linked to the members personal development plans and the committee's strategic objectives.

5.4 The Chairperson must assess individual member performance and refer outcomes to the Performance and Training Committee for individual councilor interventions, via the *City's How to become an Effective Councillor - Personal Development Programmes.*

5.5 The Chairperson must address collective Committee performance outcomes, as referred to in section 9 of this terms of reference – through self- and stakeholder assessments, and facilitate appropriate remedial action (action plans) to enhance the Committees performance.

5.6 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.7 The Chairperson must demonstrate an objective and evidence based approach to the Committees roles and responsibilities.

5.8 The Chairperson should participate in setting and agreeing to the agenda for meetings of the MPAC which contain clear objectives and outcomes for such meetings.

Deliverables:

- Annual Work Plan
- Agendas in accordance with Councils approved calendar of meetings
- Performance appraisals of committee members, for individual personal development plans
- Remedial action plans to enhance the Committees performance
- Signed minutes of meetings of the MPAC
- Quarterly overview report on MPAC activities
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Committee
- Task Team activities and meeting records – agendas, minutes and reports

Committee member:

Definition:

A councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the **MPAC.**

Responsibilities:

5.9 Members must be fully prepared for the MPAC meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.10 Members must exercise all actions required to fulfill the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.11 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the

discharge of such work assignments mentioned in 5.14 above.

5.12 Councillors must be accountable to local communities. and report back quarterly to constituencies on council matters including the performance of the municipality in terms of established indicators (Schedule 1 Code of Conduct – The Local Government: Municipal Systems Act, 32 of 2000).

Deliverables:

- Submissions in respect of the discharge of such work assignments mentioned in 5.9 above.
- Quarterly overview report on MPAC activities**.**
- Assignments in terms of the Annual Oversight Work Plan adopted by the Committee and assigned by the Chairperson of the Committee, including task team activities.

Committee:

General roles:

Within its terms of reference and the City's oversight report as envisaged in Section 129 of the MFMA to serve before Council for adoption. The MPAC's due process entails -

5.13 considering and adopting the Chairperson's annual oversight work plan;

5.14 considering and make recommendations on the Report to Council regarding specific reports of the Auditor-General and queries, comments and responses in respect thereof;

5.15 recommending on any proposals in respect of the oversight process for improving efficiency, effectiveness and economy in the financial sphere of the City; and

5.16 liaising with the Audit Committee and any other relevant combined assurance committees and role-players.

5.17 Investigating unauthorised, irregular or fruitless and wasteful expenditure in terms of section 32 and 102 of the MFMA, as instructed by Council, and as guided by the National Treasury Circular 68: Unauthorised, Irregular and Fruitless and Wasteful Expenditure. The purpose being to recommend to Council whether such expenditure -

5.17.1 resulted in the City receiving "value-for-money" (i.e. services received within a reasonable price);
5.17.2 is recoverable or not (financial implications);
5.17.3 resulted from non-compliance in following due process and subsequent disciplinary action is necessary, including whether legal action is appropriate; and / or
5.17.4 as a result of control failures or gaps and what remedial and disciplinary actions are proposed.

5.18 ensuring that corrective action has been taken in respect of the comments and resolutions of MPAC during the oversight reporting process;

5.19 promoting good governance, transparency and accountability on the use of municipal resources.

Specific Functions:

Appointment of Task Team:

5.20 The MPAC may consider that, in order to better facilitate cross-cutting reviews, the discharge of its duties would be best served by the appointment of task teams to assist the committee in its functions. MPAC may establish a Task Team to perform an in-depth investigation on the matters referred to it.

5.21 Task Teams established are not sub-committees and are not subject to the Rules of Order of Section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

5.22 Task Team meetings are constituted to scrutinise and evaluate information and interview the relevant officials before elevating the recommendations of such investigations to the MPAC.

5.23 The Task Team should consist of three or more members of MPAC.

5.24 In order to arrive at informed findings and recommendations the Task Team collects as much information which may involve interviewing officials and scrutiny of supporting and relevant documentation.

5.25 Once the investigation is completed, the Task Team reports its findings and recommendations to the full MPAC for consideration. Reporting is done on the formal or official reporting template of Council and should include details relating to the background, management action taken and recommendations regarding the corrective action.

5.26 If the full MPAC is satisfied with the investigation by the Task Team, the recommendations reported are adopted by the full MPAC and referred to Council for adoption.

6. Authority, accountability and reporting

The MPAC is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The authority, duties and functions of MPAC is derived from the following;

6.1.1 Municipal Finance Management Act, Act 56 of 2003;
- 6.1.1.1 Chapter 4: Municipal Budgets, Section 32: Unauthorised, irregular or fruitless and wasteful expenditure;
- 6.1.1.2 Chapter 10: Municipal Entities, Section 102: Irregular or fruitless and wasteful expenditure; and
- 6.1.1.3 Chapter 12: Financial Reporting and Auditing, Section 129: Oversight Reports on Annual Reports.

6.1.2 Council's Rules of Order; and
6.1.3 City's Systems of Delegations, as amended

6.2 The purpose of MPAC is to perform an oversight function on behalf of Council in line with the leading practices applicable to MPAC and National Treasury Circulars and Guidelines, as adopted by Council.

6.3 The Chairperson must submit minutes of all meetings to the municipal council on a quarterly basis in accordance with the requirements of the System of Delegations.

6.4 The Chairperson must submit an Annual report to Council of the functional operations of the MPAC. The report should include:

6.4.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.4.2 Clarify and justify their decisions or actions;
6.4.3 A summary of key cross-cutting (transversal) issues dealt with by the committee;
6.4.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;
6.4.5 Details of meetings and the number of meetings attended by each member

6.5 The MPAC should recommend the Annual report for approval by the municipal council.

6.6 The MPAC should consider any other reports that the City issues that relate to the MPAC responsibilities.

6.7 MPAC investigation findings and recommendations are reported to Council, through the Office of the Speaker, as soon as possible after the MPAC resolution.

6.8 The MPAC must discuss reports for approval by Council in accordance with the procedures defined in the Rules of Order of Council and in accordance with the City's Committee reporting templates.

6.9 The names of individuals are not included in its reports, except in exceptional circumstances, and only if all MPAC members agree. These reports would then be considered at in-committee

meetings.

6.10 The MPAC may be able to communicate freely with Council and its Committees.

6.11 The MPAC must report to Council at least quarterly (quarterly report on MPAC Workplan activities) and may bring items before Council as and when necessary.

7. Meeting procedures

7.1 Rules of Order: The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 and 80 Committees of Council. Such rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1

"The quorum for a meeting of a section 79 MPAC is a majority of its members."

7.3 Frequency of meetings: Meetings of the committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.4 MPAC Meetings: Agendas, Minutes and Logistics

7.4.1. At a minimum four (4) meetings shall be held in a year. These meetings shall be included on the annual calendar of the Council. The chairperson may cancel any monthly meeting if the workload of the committee does not justify a meeting. Special meetings can be called when circumstances warrant it.

7.4.2. Meetings are open to the public and media unless otherwise determined by the Committee.

7.4.3 The applicable Executive Directors (or delegated nominee) must attend as and when necessary, depending on the content and detail of the agenda.

7.4.4 The MPAC is also empowered to invite persons employed by the City with relevant experience to attend its meetings as it deems fit. Where internal resources are not available, external assistance may be obtained through the assistance of the applicable internal department.

7.4.5 The Auditor-General or his or her representative is in attendance at all meetings, except where the Chairperson, after consultation with the Auditor-General, feels that the circumstances do not require his or her presence. Finance is also expected to attend all meetings to answer questions as the Department with overall responsibility for regulating financial control and monitoring financial management.

7.4.6 Executive Committee Services must attend all meetings, except where the chairperson, after consultation with the Executive Director: Compliance and Auxiliary Services, agrees that Executive Committee Service's presence will not be necessary at the particular meetings.

7.4.7 Office of the City Manager, Legal Services, Internal Audit and Forensics Services or delegated nominees must attend all MPAC meetings (delegated nominees).

7.5 MPAC Meeting: Agendas, Minutes and Logistics

7.5.1 Agendas must be distributed at least seven days prior to a meeting for preparation purposes. (MPAC meetings scheduled as per the annual Council Calendar).

7.5.2 Executive Committee Services provides secretarial, administrative and logistical support to the Committee. Internal Audit, and on occasion the Auditor-General, provides the Committee with support of a technical nature.

7.6 General

7.6.1 MPAC will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the Office of the Speaker.

7.6.2 MPAC uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 MPAC must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Speaker monthly to discuss issues of concern, for strategic guidance and direction.

8.2 MPAC must have access, through the Office of the City Manager, to –

8.2.1 all financial statements and the Annual Report of the municipality and its municipal entities as part of the Committee's oversight process;
8.2.2 audit opinion, other reports and recommendations from the Audit Committee;
8.2.3 reports in respect of transgressions in terms of the MFMA pertaining to Section 32 and 102 of the MFMA;
8.2.4 information in respect of transgressions in terms of the MFMA pertaining to the City and its Municipal Entities, i.e. failure to prepare and adopt the Annual Report as well as the submission and auditing of the annual financial statements
8.2.5 feedback on corrective action taken in respect of recommendations by the MPAC;
8.2.6 information in respect of any disciplinary action taken in terms of the MFMA where it related to an item that is currently serving on or has served before the committee;
8.2.7 any other audit report from the municipality or its entities;
8.2.8 performance information of the municipality and municipal entities;
8.2.9 all reports of the Auditor-General;
8.2.10 in-year reports of the City and its municipal entities;
8.2.11 legal, technical and any other specialised assistance required to exercise their functions and duties within the budget provided;
8.2.12 direct access to internal and external auditors, forensics and legal services; and
8.2.13 resolutions and reports of the Audit Committee, Portfolio Committees and Sub Councils (public comments) related to the annual and audit reports.

8.3 Obtain annual feedback from The Auditor-General: South Africa (AG) or his or her representative on the AG report during the outset of the oversight process.

8.4 Liaise with Internal Audit and the Executive Director: Corporate Services and Compliance (ED: CORC) in the achievement of the annual workplan in a technical capacity.

8.5 In the case of any irregular expenditure or any fruitless and wasteful expenditure incurred by the City or municipal entities, the MPAC may call upon the accounting officer or his nominee of the municipality or the chairperson of the municipal entity's board of directors to appear before it to provide information or clarity.

8.6 MPAC may obtain relevant expertise, in consultation with the Speaker, in relevant specific fields to assist and advise in MPAC deliberations.

9. Performance Evaluation

9.1 The MPAC must assess and evaluate its performance and achievements on an annual basis

through a process of self-evaluation and evaluation by stakeholders of the committee's activities.

9.2 The findings of the performance-assessment must be presented to the municipal council.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the MPAC, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The Chairperson will provide each member with feedback on that member's contribution to the MPAC activities at least once during a member's term of office. The assessment will include training needs for each MPAC member which will be managed by the Performance and Training Committee.

9.5 The effectiveness and efficiency of the MPAC will be monitored by the Municipal Council annually, via the Speaker.

10. Dispute Resolution

Not applicable - MPAC makes recommendations to Council. Council takes the decision so dispute resolution process applicable to Council will apply.

11. Approval, Amendment, Modification or Variation

This Term of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

COUNCIL OF THE CITY OF CAPE TOWN 26 OCTOBER 2016

ITEM NUMBER: C 17/10/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 20 SEPTEMBER 2016

MC 37/09/16 ESTABLISHMENT OF A SECTION 80 COMMITTEE: NAMING AND NOMINATION COMMITTEE

Subsequent to Mayco considering the above report on 20 September 2016, it was pointed at its next meeting held on 04 October 2016 that, while the consideration of item MC 37/09/16 was correctly reflected in the minutes, it would be necessary to amend the minutes to reflect the correct name of the committee to be established in order to bring the minutes in line with the governance structure approved by Council on 24 August 2016 as part of the ODTP submission.

Mayco agreed on 04 October 2016 that the references to the *Naming Committee* in the subject heading and the resolution (recommendation to Council) under item MC 37/09/16 of the minutes be amended to read *Naming* ***and Nomination*** *Committee*. It was noted that the above amendment would also be incorporated into the recommendation to Council.

It is **RECOMMENDED** that:

(a) a committee be established in terms of Section 80 of the Municipal Structures Act, to be called the Naming and Nomination Committee

(b) Council determine the membership of the Naming and Nomination Committee.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

136

REPORT TO MAYORAL COMMITTEE DATE 2016 -09- 20 LC16609

1. ITEM NUMBER : **MC 37/09/16**

2. SUBJECT

ESTABLISHMENT OF A SECTION 80 COMMITTEE: NAMING COMMITTEE

ONDERWERP

STIGTING VAN 'N ARTIKEL 80-KOMITEE: NAAMGEWINGKOMITEE

ISIHLOKO

UKUMISELWA KWEKOMITI YECANDELO 80: IKOMITI ENGOKUTHIYWA KWAMAGAMA

HO451

3. STRATEGIC INTENT

Inclusive City

This report gives effect to the IDP strategic focus area 4, i.e. the Inclusive City and more specifically strategic objective 4.1. "Ensure responsiveness by creating an environment where citizens can be communicated with and be responded to."

4. PURPOSE

This report serves to give effect to the provisions of the Naming Policy 2012 as amended by Council on 29 August 2012, to establish a committee in terms of Section 80 of the Municipal Structures Act, whereby the said committee is to consider and make recommendations on matters related to naming and renaming.

5. FOR DECISION BY

Council

6. EXECUTIVE SUMMARY

The Amended Naming Policy 2012 of the City of Cape Town requires that Council establishes a committee in terms of Section 80 of the Local Government Municipal

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Structures Act, to advise the Executive Mayor with regards to proposals relating to the naming and renaming of Council owned streets, facilities and open spaces. This report requires of Council to resolve that such a committee be established.

7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

(a) A committee be established in terms of Section 80 of the Municipal Structures Act , to be called the Naming Committee, and that;

(b) Council determine the membership of the said Committee.

AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

(a) 'n Komitee ingevolge artikel 80 van die Wet op Munisipale Strukture gestig word, wat as die Naamgewingkomitee bekend sal staan, en dat;
(b) Die Raad die lidmaatskap van die gemelde komitee bepaal.

IZINDULULO

Azigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

(a) Makumiselwe ikomiti ngokungqinelana necandelo 80 loMthetho i-Municipal Structures Act, ezakubizwa ngokuba yiKomiti engokuThiywa kwaMagama, kwakhona;

(b) IBhunga malimisele ubulungu bale Komiti ichaziweyo.

8. DISCUSSION/CONTENTS

The Amended Naming Policy 2012 enjoins the Council of the City of Cape Town to establish a political structure, the Naming Committee.

The Naming Committee is to consider naming and renaming submissions and motions received and its function is to make recommendations on matters related to the naming and renaming of Council owned streets, facilities and open spaces, so as to enable the Executive Mayor to make recommendations to Council.

The chairperson of the abovementioned committee shall, in terms of Section 80 of the Local Government: Municipal Structures Act, be appointed by the Executive Mayor.

8.1. Constitutional Legal and Policy Implications

Section 9 (ss-9.1) of Amended Naming Policy 2012: "Council must establish a Section 80 Committee (the Naming Committee) to advise the Executive Mayor on all issues relating to naming, renaming and the implementation of this policy so as to enable the Executive Mayor to make recommendations to Council".

8.2. Sustainability Implications

Does the activity in this report have any sustainability implications for the City? No ☒ Yes ☐

8.3. Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No ☒

Yes ☐

8.4. Other Services Consulted

None

FOR FURTHER DETAILS CONTACT:

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CONTACT NUMBERS	021 400 3779
E-MAIL ADDRESS	irwin.robson@capetown.gov.za
DIRECTORATE	Corporate Services and Compliance
FILE REF NO	
SIGNATURE : DIRECTOR COUNCILLOR SUPPORT AND SUBCOUNCILS – GERALDINE METTLER	19/5/2016

IMH

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

☐ NON-COMPLIANT

LEGAL COMPLIANCE

NAME Joan-Mari Holt

TEL 021 400 2753

DATE 22/08/2016

Comment:

Certified as legally compliant: STH
Based on the contents of the report.

ACTING **EXECUTIVE DIRECTOR: CORPORATE SERVICES AND COMPLIANCE *(ED: CORC)***

☑ SUPPORTED FOR ONWARD SUBMISSION TO MAYOR ☐ / MAYCO ☐ / COUNCIL

☐ AUDIT/PERFORMANCE AUDIT

☐ NOT SUPPORTED

☐ REFERRED BACK

DATE 2016-08-23

COMMENT:

MAYORAL COMMITTEE MEMBER

NAME XANTHEA LIMBERG

DATE 24/08/2016

COMMENT:

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference for Rules Committee

1. Introduction

Section 160(6) of the *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Rules of Oder is a set of rules for conducting meetings in an orderly manner so as to make decisions effectively, allowing disciplined input and allowing any member to be heard. The Chairperson will use the rules to maintain order and are for regulating procedural issues such as validity of meetings, quorums, minutes, voting procedures and order debate with mutual respect among its members. Rules of Order is thus an essential requisite and tool for effective and orderly meetings.

Section 37 (d) and (f) of the Local Government Municipal Structures Act No. 117 of 1998 stipulates that the Speaker of a municipal council "*must maintain order during meetings and ensure that council meetings are conducted in accordance with the rules and orders of the council*".

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council.

Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The role of Rules Committee may require:

- Briefings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council;
- Tracking of inputs, processes, activities, outputs and outcomes against indicators;
- Require general input from all political parties to be forwarded to this committee to consider;
- Amend and review Rules of Order when necessary.

3. Term

This Terms of Reference is effective from 24 August 2016, resolution C06/08/16 and continues until amended by resolution of the Council of the City of Cape Town.

4. Membership

The Committee will comprise of a Governance Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Benedicta van Minnen (Governance Chairperson)
Councillor Ruan Beneke (Deputy Chairperson)
Members:
Councillor Bulelwa Madikane
Alderman Brian Watkyns
Councillor Mark Kleinschmidt
Councillor Mzuvukile Nikelo
Councillor Geraldine Gordon
Alderman Dirk Smit
Councillor Xolani Sotashe
Councillor Noluthando Makasi
Councillor M Xego

5. Responsibilities

Chairperson:

Definition: A councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town to serve as a member of the Rules Transversal Committee

Responsibilities:

5.1 Chair the meeting or in his/her absence the Committee will nominate one of its members;
5.2 Set the agenda;
5.3 Hold the committee members to account;
5.4 Exercise overall responsibility for the work program of the committee.

Deliverables

- Performance appraisals of committee members.
- Remedial action plans to enhance the Committee's performance.
- Sign the minutes of meetings of the Rules Committee.

Committee member:

Definition: A councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town to serve as a member of the Rules Transversal Committee.

Responsibilities:

5.5 Members must be fully prepared for the Rules Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

Committee:

The Rules Committee generally sets the forum under which a proposal to Council or its committees will be debated. This would include control over amendments to recommendations, for instance, there might be a process in the way in which amendments are decided on or a limit on the number or types of amendments.

Besides control over amendments, the rules proposed by the Rules Committee to Council for adoption, also determines control over debate at Council and meetings by proposing for example the amount of speaking time assigned to each matter on an agenda and ensure in general that meetings of Council and its committees are conducted in an orderly and constructive manner which protects the rights of its members and promotes democratic decision-making.

5.6 In accordance with Council's System of Delegations, the Committee will develop and recommend to Council, Rules of Order for Council and its section 79 and 80 Committees.

5.7 Will consider and recommend to Council, any revisions to the rules mentioned in 5.6 above which may be referred to it by Council or the chairperson of the Programming Committee.

6. Authority, accountability and reporting

The Rules Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure

6.1 The Chairperson must submit minutes of all meetings to the municipal council on a quarterly basis in accordance with the requirements of the System of Delegations.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

"The quorum for a meeting of a section 79 Transversal Committee is a majority of its members."

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Utilities and Energy Services Transversal Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Rules Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Rules Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Rules Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to the Rules Committee meeting should be sent to:

- The Speaker
- The Director: Executive Services or his/her nominee
- The nominated Legal Representative(s) to the Rules Committee

7.5 General

7.5.1 The Rules Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.5.2 The Rules Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.5.3 The Rules Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson will regularly meet with the Speaker of Council ex officio member of this committee to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

9. Performance Evaluation

The Committee will annually report on their performance to Council. Such report will:

- Give account of how the committee executed their assigned functions and responsibilities;
- Clarify and justify their decisions or actions; and
- Explain how the committee went about amending any fault or error found when exercising their oversight role and took steps to prevent recurrence in future.

10. Dispute Resolution

Not applicable the Rules Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Term of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Safety and Social Services
Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations*

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Safety and Social Services Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Safety and Social Services Portfolio Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Mzwakhe Nqavashe (Chairperson)
Councillor Patricia Francke (Deputy Chairperson)
Members:
Councillor Rashid Adams
Councillor Simon Liell-Cock
Councillor Phindile Maxiti
Councillor Brandon Golding
Councillor Roberto Quintas
Councillor Barbara Rass
Councillor Leonore van der Walt
Councillor Rhynhardt Bresler
Councillor Khaya Yozi
Councillor Amos Komeni
Councillor Simthembile Mfecane
Councillor Sharon Manata
Councillor Nkululeko Mgolombane
Councillor Faranaaz Simons
Councillor Erika Botha-Rossouw

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Safety and Social Services Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for the Safety and Social Services within the City, they will provide strategic and political direction with regard to safety and social service requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan (derived from the relevant Service Delivery Budget Implementation Plans [SDBIPs]) for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Safety and Social Services Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Safety and Social Services Portfolio Committee
- Quarterly overview report to the Safety and Social Services Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Safety and Social Services Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Safety and Social Services Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

General roles

Within its terms of reference, the Safety and Social Services Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) of the Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Safety and Social Services Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Safety and Social Services Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;

6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Safety and Social Services Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Safety and Social Services Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*

a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1

*"*The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members.*"*

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Safety and Social Services Portfolio Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Safety and Social Services Portfolio Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Safety and Social Services Portfolio Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Safety and Social Services Portfolio Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Safety and Social Services Portfolio Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management

- The nominated Legal Representative(s) to the Safety and Social Services Portfolio Committee

7.5 Appointment of Working Groups/Joint Working Groups/Ad hoc committees:

7.5.1 The Safety and Social Services Portfolio Committee may individually or jointly with other Portfolio Committees consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or groups or committee members to assist the committees in their functions.

7.5.2 Working groups established are not sub-committees and are not subject to the Rules of Order of Section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

7.5.2.1 Ad hoc committees are compulsory attendance and therefore the Rules of Order in terms of Leave of Absence apply.

7.5.3 The Terms of Reference of any working group/ad hoc committee established under 7.5.1 above must be clearly stipulated by the appointing "parent" committee together with a defined period for their operation and existence and must be within the powers of the appointing committee.

7.5.4 Such working groups/ad hoc committees must keep attendance registers each time that they meet which are to be submitted to the Chairperson of the "parent" committee within the defined period as determined in 7.5.3 above.

7.5.5 Working Groups/Joint Working Groups/Ad hoc committees will receive secretarial and administrative support from the line departments within which the specific discipline is being scrutinized/investigated.

7.5.6 Such working groups/ad hoc committees may conduct research, liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

7.6 General

7.6.1 Safety and Social Services Portfolio Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.6.2 Safety and Social Services Portfolio Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 Safety and Social Services Portfolio Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Mayoral Committee member(s) to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

8.3 The Chairpersons and Deputy Chairpersons of the respective Portfolio Committees which have established Joint Working Groups, to consider any cross-cutting issues that are of significant interest or concern, will together exercise overall responsibility for the scope of work programme of such Joint Working Group to ensure a collaborative outcome.

9. Performance Evaluation

9.1 The Safety and Social Services Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the Committee Self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Safety and Social Services Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Safety and Social Services Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Safety and Social Services Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Section 62 General Appeals Committee

1. Introduction

Section 62 of the Systems Act provides for an appeal procedure that can be used by any person whose rights are affected by a decision taken in terms of a delegated power to appeal against that decision. The provisions of section 62 do not detract from any appropriate appeal procedure provided for in any other applicable law.

The appeal lies only against the decision taken by persons or structures to whom powers have been delegated. There is no provision for an appeal against a decision of the full Council.

Oversight is a crucial role of the Municipal Council in monitoring and evaluating actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against such abuse and mal-administration. One of the statutory mechanisms to curb such faulty decisions is appeals, which is a constitutional right and much of the common law principles is contained and codified in legislation such as the Protection of Administration of Justice Act which should be adhered to. Section 62 of the Municipal Systems Act makes provision for appeals relating to decisions made by political structures, political office bearers, councillors in terms of delegated authority or a sub delegated power which affected a person's rights.

Section 62 of the municipal Systems Act regulates:

62. Appeals.—(1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(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.

(4) When the appeal is against a decision taken by—

(*a*) a staff member other than the municipal manager, the municipal manager is the appeal authority;

(*b*) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or

(*c*) a political structure or political office bearer, or a councillor—

(i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or

(ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

Rights of section 62 appeals have also been the subject and scrutiny of our Courts where the interpretation of section 62 affected its applicability and process.

2. Role

Any appeal of affected person must be lodged within 21 days of the date of notification of the decision appealed against and forwarded to the City Manager. He will then refer the appeal to the prescribed appeal authority in this instance the general Appeal Committee. Appeals against any decision by the Mayoral Committee, sub councils, any political office bearer and or councillor and any section 79 or 80 committee can be heard by the general appeals committee.

The committee is the final decision-making body and there is no further appeal on the full council.

The Committee has an important oversight role within the administration and political structures in accordance with constitutional rights and gives effect to a person's general right of appeal protected in the Bills of Rights in the Constitution and especially in the said Municipal Systems Act section 62 which is the basis and empowering provision of this Committee. The specific and main role is to adjudicate all appeals mentioned in the provision. Previously it also dealt with planning appeals which is now excluded due to Spluma legislation where the appeals mechanism now falls within a tribunal under the Executive Mayor.

The main and delegated role would be to consider appeals against decisions taken in terms of delegated or sub delegated authority by political structures, political office bearers or councillors.

The committee must consider the appeal (against the previous decision) 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. This relates to all decisions taken in terms of delegated and/or sub delegated decisions as mentioned above and the Committee has a very wide application and oversight appeal function.

In doing so it is generally accepted that the empowering section regulates the powers and functioning of the Committee enhanced by various other common law principles, acts and case law regarding the section 62.

3. Term

The Committee and its Terms of Reference was established on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of a Chairperson of Council and 6 members of Council appointed in terms of section 79(b) of the Local Government Municipal Structures Act no 117 of 1998 and regulations and in accordance with section 160(8)(a) of the Constitution of the Republic of South Africa. The Committee should comprise of a total amount of uneven number of councillors as this is an Appeal committee where a stay of votes should not likely occur to ensure a decision with a majority of votes.

Councillors appointed to the general Appeal Committee should not have been involved in the decisions taken on appeal.

Alderman J D Smit (Chairperson)
Councillor S N August (Deputy Chairperson)
Members:
Councillor M Booi
Councillor S Moodley
Councillor N Mahango
Councillor A X Ndongeni
Councillor R Bazier
Councillor F Simons

5. Responsibilities

Chairperson

The committee should be chaired by the Chairperson of Council or in his/her absence the Committee will nominate one of its members.

Responsibilities

5.1 Chair the General Appeals meeting (independently and unbiasedly).
5.2 Must determine meetings on a regular basis.

Deliverables

- Performance appraisals of committee members.
- Remedial action plans to enhance the Committee's performance.
- Sign the minutes of meetings of the General Appeals Committee.

Committee member

A committee member should not have been part of any previous decision which is being appealed against and is before the General Appeals Committee.

Responsibilities

Must attend the Committee fully prepared without having being involved in any decision which is the subject of the appeal, and should be unbiased and without any previous discussion of the appeal before the meeting. The Chair will not allow any caucusing during the adjudication of an appeal, and all councillors will vote independently and objectively based on the appeal merits of each individual matter before the committee, and at all times act impartially and without any undue influence.

Committee

Specific Role and Function

The General Appeal Committee will act at all times within the empowering provision of the Act and will adjudicate matters as if in the stead and with the effect as if the Council made such decision. When the Committee is functus officio, any aggrieved person who wishes to review same will have to do so by approaching a court to review the decision taken as no further or other remedy exists.

The General Appeals Committee will abide with all Council By-laws but does not need to adhere to any Council policies provided that it may deviate from same with good reason to do so.

General Procedure

Any appeal of an affected person must be lodged within 21 days of the date of notification of the decision appealed against and forwarded to the City Manager. He will then refer the appeal to the prescribed appeal authority, in this instance the General Appeal Committee. Appeals against any decision by the Mayoral Committee, Sub-councils, any political office bearer and/or councillor and any section 79 or 80 committee can be heard by the General Appeals Committee.

Officials of line departments, Sub-council or political structures committees will compile an item and table it, in the form of an agenda, which will be tabled at the appeal committee comprising of the previous decision taken with the reasons for the appeal fully motivated by the person or individual whose rights were affected by the previous decision, now the subject of the appeal.

The author of such item will attend the appeal meeting to elaborate on same and answer any question of members and/or to submit clarify any question or furnish more or additional information required.

Deliverables

- All general appeals adjudicated in accordance with section 62 as timeously received by the City Manager in accordance with the statutory legislation.
- Every agenda's last agenda item to be a report reflecting outstanding appeals and or appeals received and still to be decided upon.

6. Authority, accountability and reporting

This is a statutory committee established and empowered by section 62 of the Municipal Systems Act and derives its powers, competencies and functions directly from statute and makes decisions as if it sits as the Council as the highest appeal mechanism within Council.

The General Appeals Committee makes decisions in the stead and place as if Council itself made the decision and therefor does not report to Council and all aggrieved parties will have no other remedy to their disposal save to take the matter forward on review by an applicable court.

7. Meeting procedures

7.1 Rules of Order

7.1.1 Council's Rules of Order will not form part of the procedures of this committee as it is a quasi-juristic committee where ordinary Rules of Order does not apply.

7.1.2 The Committee will however be able to determine its own procedure and processes where it seems fit to give effect to its statutory obligation in terms of section 62 of the Systems Act.

7.1.3 Order will at all times be maintained by the Chairperson of the Committee.

7.2 Quorum

Five members of the Committee must be present at all its meetings and will form a quorum.

7.3 Frequency of meetings:

Formal scheduled meetings as determined by Council and/or additional meetings needed on good reason decided and called for by the Chairperson.

7.4 Meeting: Agendas, Minutes and Logistics:

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the General Appeals Committee.

7.4.3 Appropriate record management of the General Appeals Committee activities must be maintained and published subject to Council-approved processes.

7.4.4 The minutes of meetings once confirmed and approved by members of the General Appeal Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.3.

7.4.5 Legal advisory services to the General Appeals Committee shall be rendered by the City's Legal Department.

7.5 General

7.5.1 The General Appeals Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

8. Relationship and Interaction

Interaction between the Committee and administration should be to ensure agendas and officials attending the meeting as well as to ensure that appeals received by the City Manager, are referred to the relevant appeals authority in accordance with the relevant statutory regulation.

9. Performance Evaluation

Evaluation will be determined by statistics with reference to appeals received and appeals successfully adjudicated.

10. Dispute Resolution

Dispute resolution will comprise of court action by aggrieved parties to take decisions by the appeals Committee on review.

The Promotion of Administrative Justice Act requires applicants to first exhaust internal appeals before turning to the Courts to review administrative actions.

11. Approval, Amendment, Modification or Variation

This Term of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Sustainability and Resilience Cluster Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* –

"*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, delegations (decision making powers) and duties, chair and membership, administrative support, etc.

2. Role

The Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council;
- Tracking of inputs, processes, activities, outputs and outcomes against indicators; and
- Questions posed and answers gathered on business objectives, performance targets and service delivery.

The delegated roles and functions are set out in Council's System of Delegations, and some are set out in paragraph 5.11 below. These are to be applied in relation to the Committee's specific functions/objectives (see paragraphs 5.12 – 5.21) around cross-cutting strategies and policies

3. Term

The Sustainability and Resilience Cluster Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor David Bryant (Chairperson)
Councillor Mark Kleinschmidt (Deputy Chairperson)
Members:
Councillor Carol Bew
Councillor Sharon Cottle
Councillor Paul Swart
Councillor Geraldine Gordon
Councillor Aimee Kuhl
Councillor Zimkhitha Sulelo
Councillor Sanityi Noludwe
Councillor Henry Davids
Councillor Marlene Abrahams
Councillor Rhoda Bazier
Councillor Nomfundo Moshani
Councillor Jongidumo Maxheke
Councillor Ntomboxolo Kopman
Councillor Mahomed Cassim
Councillor Mandisa Menisi
Councillor Thembisile Batembu

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Sustainability and Resilience Cluster Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the relevant Executive Mayoral Committee

Members, responsible for the environment within the City, they will provide strategic and political direction with regard to economic sustainability requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Activity Work Plan for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Activity Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Activity Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the committee functions and activities.

5.7 The Chairperson must set and agree the agenda for meetings of the Sustainability and Resilience Cluster Committee which contains clear objectives and outcomes for such meetings.

Deliverables

- Annual Activity Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Sustainability and Resilience Cluster Committee
- Quarterly activity report on Sustainability and Resilience Cluster Committee activities to the Sustainability and Resilience Cluster Committee
- Assignments in terms of the Annual Activity Work Plan adopted and assigned by the Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Sustainability and Resilience Cluster Committee.

Responsibilities

5.8 Members must be fully prepared for the Sustainability and Resilience Cluster Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the activity annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

Specific Functions/Objectives

5.11 The Committee may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the activities of the –

5.11.1 Commitments to the 100 Resilient Cities programme in partnership with the Rockefeller Foundation; and
5.11.2 Organizational and Development Transformation Plan (ODTP) implementation in so far as it relates to the 100 Resilient Cities programme.

General roles

Within its terms of reference and as they relate to the specific functions/objectives listed in 5.11, 5.11.1 and 5.11.2 mentioned above, the Sustainability and Resilience Cluster Committee will:

5.12 consider and adopt the Chairperson's annual activity work plan;

5.13 identify the needs of the Municipality related to City priorities, new developing services and existing services and recommend to the Executive Mayoral Committee Members the potential way forward;

5.14 comment on draft policies and by-laws and recommend the same to the Executive Mayor;

5.15 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions;

5.16 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's functions and activities;

5.17 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of Social issues affecting the City;

5.18 consider and recommend the need for public participation and/or additional consultation process;

5.19 collaborate with the Public Participation unit in order to enhance the public participation process;

5.20 consider Governance systems in the organization including audit plans, policy and legislative agenda implementation, public engagement plans around public policy mechanisms;

5.21 ensure that social efforts exercised by the City promote the creation of value in a sustainable manner;

5.22 lead the social value creation process by recognizing organized local government (in terms of section 163 of the constitution) and utilize the inter-government relationship vehicle to mobilise social enhancement opportunities within the City;

5.23 require Executive Management Members to assist the committee by providing answers to questions on potential areas of concern related to –

5.23.1 Business objectives
5.23.2 Performance targets
5.23.3 Service delivery

5.24 To assist the Executive Mayor to initiate specific programmes and projects associated within the committee's functional area, and report thereon to the Executive Mayor.

6. Authority, accountability and reporting

The Sustainability and Resilience Cluster Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual Committee Report to Council of the functional operations of the Sustainability and Resilience Cluster Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;
6.2.3 A summary of key strategic interventions and how these matters were effectively dealt with;
6.2.4 A summary of and explanation of how the committee went about amending any conflicts when exercising their roles and functions and what steps were taken to prevent recurrence in future;
6.2.5 Details of meetings and the number of meetings attended by each member.

6.3 The Sustainability and Resilience Cluster Committee should recommend the Annual Committee Report for approval by the municipal council.

6.4 The Sustainability and Resilience Cluster Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) *Its business and proceedings*."

Council on 11 August 2016 by way of resolution number 04/00/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

"The quorum for a meeting of a section 79 Cluster Committee is a majority of its members."

7.3 Frequency of meetings

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Sustainability and Resilience Cluster Committee.

7.4.3 Appropriate record management of Sustainability and Resilience Cluster Committee activities must be maintained and published subject to Council-approved processes.

7.4.4 The minutes of meetings once confirmed and approved by members of the Sustainability and Resilience Cluster Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.3.

7.4.5 Legal advisory services to the Sustainability and Resilience Cluster Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Sustainability and Resilience Cluster Committee meeting should be sent to:

- Mayoral Committee members
- Executive Management representatives, as and when necessary
- The nominated Legal Representative(s) to the Sustainability and Resilience Cluster Committee

7.4.7 Subject matter experts (e.g. authors of reports, technical experts, process specialists, etc.) to be invited to applicable meetings.

7.4.8 Committee decisions to be disseminated to the Executive Management Members.

7.4.9 Committee resolutions for onward submission to be expedited.

7.5 General

7.5.1 Sustainability and Resilience Cluster Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.5.2 Sustainability and Resilience Cluster Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.5.3 Sustainability and Resilience Cluster Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Executive Mayoral Committee Members to discuss Social issues and areas of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provides support, advice and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

9. Performance Evaluation

9.1 The Sustainability and Resilience Cluster Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Sustainability and Resilience Cluster Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Sustainability and Resilience Cluster Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 above, the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Sustainability and Resilience Cluster Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Transport and Urban Development
Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations*

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Transport and Urban Development Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to relevant records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Transport and Urban Development Portfolio Committee and its Terms of Reference was established by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by

resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Anthony Moses (Chairperson)
Councillor Lindela Tshwete (Deputy Chairperson)
Members:
Councillor Taki Amira
Councillor Liz Brunette
Councillor Siva Moodley
Councillor Errol Anstey
Councillor Desmond Jaftha
Councillor Kyle Carls
Councillor Angus McKenzie
Councillor Jonathan Cupido
Councillor Desiree Visagie
Councillor Charlotte Heynes
Councillor Bheki Hadebe
Councillor Thando Mpengezi
Councillor Daliwonga Badela
Councillor Wela Dlulane
Councillor Mandisa Menisi
Councillor Charlotte Williams

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Transport and Urban Development Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for Transport and Urban Development within the City, they will provide strategic and political direction with regard to transport and urban development requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan (derived from the relevant Service Delivery Budget Implementation Plans [SDBIPs]) for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all

relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committee's performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Transport and Urban Development Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Council's approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Transport and Urban Development Portfolio Committee
- Quarterly overview report to the Transport and Urban Development Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Transport and Urban Development Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Transport and Urban Development Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfil the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

General roles

Within its terms of reference, the Transport and Urban Development Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Transport and Urban Development Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Transport and Urban Development Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;

6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;

6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;

6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Transport and Urban Development Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Transport and Urban Development Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
b) Its business and proceedings."

Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

7.2 Quorum

Rule number 7.1:

"The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members."

7.3 Frequency of meetings:

7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

7.3.2 Special Meetings to be called as the need arises to expedite decision making that are within the ambit of the committee, in terms of the Rules of Order.

7.4 Meeting: Agendas, Minutes and Logistics

7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

7.4.2 Executive Committee Services provides secretarial, administrative support and logistical support to the Committee. The relevant line departments provide the Committee with support of a technical nature and are also responsible for secretarial support with respect to any workshops arranged by the Transport and Urban Development Portfolio Committee.

7.4.3 The minutes of meetings once confirmed and approved by members of the Transport and Urban Development Portfolio Committee must be signed and each page thereof initialed by the Chairperson and managed in accordance with paragraph 7.4.4.

7.4.4 Appropriate record management of Transport and Urban Development Portfolio Committee activities must be maintained and published subject to Council-approved processes.

7.4.5 Legal advisory services to the Transport and Urban Development Portfolio Committee shall be rendered by the City's Legal Department.

7.4.6 A standing invitation to Transport and Urban Development Portfolio Committee meeting

should be sent to:

- Mayoral Committee members
- Executive Management
- The nominated Legal Representative(s) to the Transport and Urban Development Portfolio Committee

7.5 Appointment of Working Groups/Joint Working Groups/Ad hoc committees:

7.5.1 The Transport and Urban Development Portfolio Committee may individually or jointly with other Portfolio Committees consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or groups or committee members to assist the committees in their functions.

7.5.2 Working groups established are not sub-committees and are not subject to the Rules of Order of Section 79 Committees and accordingly have no powers other than to investigate and make recommendations to the parent committee.

7.5.2.1 Ad hoc committees are – compulsory attendance and therefore the Rules of Order in terms of Leave of Absence apply.

7.5.3 The Terms of Reference of any working group/ad hoc committeee established under 7.5.1 above must be clearly stipulated by the appointing "parent" committee together with a defined period for their operation and existence and must be within the powers of the appointing committee.

7.5.4 Such working groups/ad hoc committees must keep attendance registers each time that they meet which are to be submitted to the Chairperson of the "parent" committee within the defined period as determined in 7.5.3 above.

7.5.5 Working Groups/Joint Working Groups/Ad hoc committees will receive secretarial and administrative support from the line departments within which the specific discipline is being scrutinized/investigated.

7.5.6 Such working groups/ad hoc committees may conduct research, liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

7.6 General

7.6.1 Transport and Urban Development Portfolio Committee will formalise operational processes, systems and procedures as necessary for the performance of its terms of reference, in consultation with the relevant Executive Director(s) and Executive Services.

7.6.2 Transport and Urban Development Portfolio Committee uses a schedule of outstanding matters to keep track of the various stages of the Committee's review process with respect to each of the reports or topics under consideration.

7.6.3 Transport and Urban Development Portfolio Committee must deal with all matters, as instructed by Council. It is therefore important to prioritise the items on the schedule of outstanding matters.

8. Relationship and Interaction

8.1 Chairperson and Deputy Chairperson will regularly meet with the Mayoral Committee member(s) to discuss issues of concern, for strategic guidance and political direction.

8.2 Chairperson and Deputy Chairperson will regularly meet with the Executive Director(s) who provide support, advise and assist in ensuring an integrated approach to the management and delivery of Council's priorities and objectives.

8.3 The Chairpersons and Deputy Chairpersons of the respective Portfolio Committees which have established Joint Working Groups, to consider any cross-cutting issues that are of significant interest or concern, will together exercise overall responsibility for the scope of work programme of such Joint Working Group to ensure a collaborative outcome.

9. Performance Evaluation

9.1 The Transport and Urban Development Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

9.2 The findings of the Committee Self-assessment must be presented to the Municipal Council in the Committee's Annual Report.

9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Transport and Urban Development Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Transport and Urban Development Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Transport and Urban Development Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

11. Approval, Amendment, Modification or Variation

This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Terms of Reference
Utilities and Energy Services
Portfolio Committee

1. Introduction

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* –

> "*A Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality*";

It is also possible for municipal councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information about the committee such as the details of its role, powers and duties, chair and membership, administrative support etc.

2. Role

The Portfolio Committee has an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of the Municipal Council.

The oversight role of the Utilities and Energy Services Portfolio Committee includes developing strategy for the monitoring and evaluation of the actions or inactions of the executive and administration and may require:

- Briefings;
- Hearings;
- Considerations of relevant reports;
- Scrutiny of relevant documents;
- Supply of relevant information;
- Physical access to records, books and other documentation;
- Posing questions in council; and
- Tracking of inputs, processes, activities, outputs and outcomes against indicators.

3. Term

The Utilities and Energy Services Portfolio Committee and its Terms of Reference was established

by Council on 26 October 2016 resolution C18/10/16 and shall remain until amended by resolution of Council.

4. Membership

The Portfolio Committee will comprise of a Chairperson, a Deputy Chairperson (non-statutory) and members of Council appointed in terms of section 79 (1)(b) and (2)(c) of the *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* and in accordance with section 160(8)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations* which requires that such committees be constituted in a manner that allows parties and interests reflected within the Council to be fairly represented.

Councillor Philiswa Marman (Chairperson)
Councillor Patricia van der Ross (Deputy Chairperson)
Members:
Councillor Elgan Fortune
Councillor Nora Grose
Councillor Mercia Kleinsmith
Councillor Patrick Ngqu
Councillor Asa Abrahams
Councillor Joy McCarthy
Councillor Gregory Peck
Councillor Carl Punt
Councillor Delmaine G Cottee
Councillor Lazola Ashley Gungxe
Councillor Danile Khatshwa
Councillor Andile Lili
Councillor R Zwelijikile Simbeku
Councillor Ncedo Silas
Councillor Matthew Kempthorne
Councillor Mlungisi Bafo
Alderman N Belinda Landingwe

Members shall have the highest regard to the Code of Conduct for Councillors set out in Schedule 1 of the Local Government: Municipal Systems Act No. 32 of 2000 and shall at all times be committed to the following values:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability
- Consensus building

5. Responsibilities

Chairperson

Definition

A Councillor appointed in terms of sect 79(2)(c) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations by the Council of the City of Cape Town as Chairperson of the Utilities and Energy Services Portfolio Committee.

Responsibilities

5.1 The Chairperson will meet regularly with the applicable Executive Mayoral Committee Member(s) responsible for Utilities and Energy within the City, they will provide strategic and political direction with regard to utilities and energy requirements in the City for the City of Cape Town.

5.2 The Chairperson must develop an Annual Oversight Work Plan (derived from the relevant

Service Delivery Budget Implementation Plans [SDBIPs]) for each year, based on the committee's assigned functions and responsibilities, ensuring that such plan is aligned to all relevant strategies and governance priorities for service delivery and operational implementation as well as to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

5.3 The Chairperson must in accordance with the Annual Oversight Work Plan, assign roles and responsibilities to members based on the individual member's expertise and interests.

5.4 The Chairperson must assess collective Committee performance outcomes as referred to in section 9 of this Terms of Reference – through self- and stakeholder assessments and facilitate appropriate remedial action (action plans) to enhance the Committees performance.

5.5 The Chairperson must exercise overall responsibility for the Annual Oversight Work Plan adopted by the committee.

5.6 The Chairperson must demonstrate an objective and evidence based approach to the oversight function.

5.7 The Chairperson must set and agree the agenda for meetings of the Utilities and Energy Services Portfolio Committee which contain clear objectives and outcomes for such meeting.

Deliverables

- Annual Oversight Work Plan
- Agendas in accordance with Councils approved calendar of meetings
- Remedial action plans to enhance the Committee's performance
- Signed minutes of meetings of the Utilities and Energy Services Portfolio Committee
- Quarterly overview report to the Utilities and Energy Services Portfolio Committee
- Assignments in terms of the Annual Oversight Work Plan adopted and assigned by the Portfolio Committee

Committee member

Definition

A Councillor appointed in terms of sect 79(1)(b) of the Local Government: Municipal Structures Act No. 117 of 1998 and Regulations Structures Act by the Council of the City of Cape Town to serve as a member of the Utilities and Energy Services Portfolio Committee.

Responsibilities

5.8 Members must be fully prepared for the Utilities and Energy Services Portfolio Committee meetings and are expected to attend each meeting in accordance with the Code of Conduct and Rules of Order governing the meetings of Section 79 Committees.

5.9 Members must exercise all actions required to fulfill the personal work assignments in terms of the oversight annual work plan adopted by the committee.

5.10 Submit reports and/or recommendations to the Committee and/or Chairperson in connection with the discharge of such work assignments mentioned in 5.9 above.

Deliverables

- Submissions and assignments in respect of the discharge of such work assignments mentioned in 5.9 above.

Committee

General roles

Within its terms of reference, the Utilities and Energy Services Portfolio Committee will:

5.11 consider and adopt the Chairperson's annual oversight work plan;

5.12 comment on draft policies and by-laws and recommend same to the Executive Mayor;

5.13 consider the draft business plans and SDBIPs and recommend to the Executive Mayor;

5.14 make recommendations to the Executive Mayor in regard to the draft IDP including amendments to the IDP during the annual review thereof for decision by Council;

5.15 make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor;

5.16 monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor;

5.17 evaluate the impact and performance of service delivery generally within the functional area of their respective committee (outcomes monitoring), and report to the Executive Mayor;

5.18 assist the Executive Mayor 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 within the committee's functional area and to recommend the same to the Executive Mayor;

5.19 assist the Executive Mayor 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, in terms of section 56 (2)(a) of the Structures Act;

5.20 review and evaluate the needs of the municipality in order of priority, in terms section 56 (2)(b) of the Structures Act and recommend the same to the Executive Mayor;

5.21 require Councillor(s) and/or official(s) to submit report(s) to the Committee to assist the Committee in the performance of its functions within its functional area;

5.22 conduct research, community and other consultations and undertake inspections in regard to matters relating to the committee's oversight functions;

5.23 consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee area;

5.24 collaborate with the Public Participation unit in order to enhance the public participation process.

6. Authority, accountability and reporting

The Utilities and Energy Services Portfolio Committee is a committee of Council established in terms of section 79 of the Local Government: Municipal Structures Act No. 117 of 1998. In terms of section 79(2) the municipal Council:

(a) Must determine the functions of a committee
(b) May delegate duties and powers to it
(f) May determine a committee's procedure
.

6.1 The Chairperson must report quarterly on all decisions taken by the Committee to the municipal council in accordance with the requirements of the System of Delegations read together with section 63 of the Local Government: Municipal Systems Act.

6.2 The Chairperson must submit an Annual report to Council of the functional operations of the Utilities and Energy Services Portfolio Committee. The report should include:

6.2.1 A summary of how the committee executed their assigned functions and responsibilities against the annual work plan;
6.2.2 Clarify and justify their decisions or actions;

6.2.3 A summary of key cross-cutting issues dealt with together with other Portfolio committees and how these matters were effectively dealt with;

6.2.4 A summary of and explanation of how the committee went about amending any faults or errors found when exercising their oversight role and what steps were taken to prevent recurrence in future;

6.2.5 Details of meetings and the number of meetings attended by each member. This is to include attendance at meetings of Working Groups and Joint Working Groups.

6.3 The Utilities and Energy Services Portfolio Committee should recommend its Annual report for approval by the municipal council.

6.4 The Utilities and Energy Services Portfolio Committee should consider any other reports that the City issues that relate to the Committee's responsibilities.

7. Meeting procedures

7.1 Rules of Order

The *Constitution* provides:

"*A municipal council may make by-laws which prescribe rules and orders for:*
a) Its internal arrangements;
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Council on 11 August 2016 by way of resolution number C04/08/16 adopted *Rules of Order for* Section 79 Committees of Council. Such Rules govern the meeting procedures of this committee.

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Rule number 7.1:

"The quorum for a meeting of a section 79 Portfolio Committee is a majority of its members."

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7.3.1 Meetings of the Committee will be held in accordance with the meetings scheduled in the approved Council calendar of meetings.

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7.4.1 Electronic agendas must be distributed at least 5 working days prior to a meeting for preparation purposes.

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9.1 The Utilities and Energy Services Portfolio Committee must assess and evaluate its performance and achievements of the Committee.

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9.3 Where the self-assessment highlights a need for improvement to the role, operational processes or membership of the Utilities and Energy Services Portfolio Committee, the Chairperson should take action to ensure that such improvements, upon approval by the municipal council, are implemented.

9.4 The effectiveness and efficiency of the Utilities and Energy Services Portfolio Committee will be monitored by the Municipal Council annually.

10. Dispute Resolution

10.1 With regard to paragraph 5.7 the following:

Should there be any disagreement with what should be included on the agenda, such dispute is to be referred to the Chief Whip for discussion and resolution.

Note: The Utilities and Energy Services Portfolio Committee makes recommendations to Council. Council takes the decisions so the dispute resolution application to Council will apply, in terms of the Promotion of Administrative Justice Act.

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This Terms of Reference may be reviewed annually or as regularly as deemed appropriate. Amendments to the Terms of Reference are subject to approval by the municipal council and will be applicable from date of approval until amended by the municipal council. The approved Terms of Reference will be published on the municipal website to promote awareness to all stakeholders.

APPENDIX E:

GUIDE AND RULES OF ORDER FOR BAC

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

GUIDE AND RULES OF ORDER
FOR MEMBERS OF THE CITY OF CAPE TOWN'S BID COMMITTEES

Introduction

Bid specification, evaluation and adjudication committees ("the bid committees") should implement their roles in the supply chain management process in an honest, fair, impartial, transparent, cost-effective and accountable manner.

In order to perform effectively and efficiently, the bid committees should be familiar with and adhere to the prescribed legislation, directives and procedures in respect of the supply chain management process.

Index

Part 1: Guide

1. Definitions
2. Application and Interpretation of this Guide
3. Applicable Codes of Conduct and Ethical Standards

Bid Committees

4. Bid Specification Committees
5. Bid Evaluation Committees
6. Bid Adjudication Committee

Part 2: Rules of Order

7. Highest Level of Professional Competence
8. Disclosure of Interests
9. Conduct of meetings
10. Attendance at Meetings
11. Quorum
12. Decisions
13. Reasons for decisions
14. Admittance of Public
15. Approval of Guide and Rules of Order

PART 1 - GUIDE

1. Definitions

In these rules, unless inconsistent with the context:

"BAC" means Bid Adjudication Committee as described in Regulation 29 of the Municipal SCM Regulations (Government Notice 868), Government Gazette no.27636 dated 30 May 2005;

"BEC" means Bid Evaluation Committee as described in Regulation 28 of the Municipal SCM Regulations (Government Notice 868), Government Gazette no.27636 dated 30 May 2005;

"Bid Committees" means the Bid Specification, Evaluation and Adjudication committees;

"BIF" means the Bid Initiation Form accompanied by a draft specification;

"BSC" means Bid Specification Committee as set out in Regulation 27 of the of the Municipal SCM Regulations (Government Notice 868), Government Gazette no.27636 dated 30 May 2005;

" Chairperson" means in relation to the different bid committees, a person that is appointed by the City Manager or his/her delegated authority;

"**City Manager**" means the Municipal Manager appointed by the Council in terms of Section 54A of the Local Government: Municipal Structures Act 32 of 2000, who is also the Accounting Officer as defined in Section 60 of the Local Government: Municipal Finance Management Act 56 of 2003;

"Council or Municipal Council" means a municipal council referred to in section 157 (1) of the Constitution 108 of 1996;

"Legal Precedents" means judgments, and the rulings made in terms of Section 62 of the Local Government: Municipal Systems Act 32 of 2000 and Objections in terms of SCM Regulation 49;

"Member" means a member of any of the committees and also includes an alternate member of any such committee;

"MFMA" means the Local Government: Municipal Finance Management Act 56 of 2003;

"PPPFA" means the Preferential Procurement Policy Framework Act 5 of 2000;

"PPPFA Regulations" means the Regulations published under PPPFA (Government Notice R502 in Government Gazette 34350 of 8 June 2011);

"SCMBAC Delegations" means the powers, functions and duties delegated to the SCM Bid Adjudication Committee in terms of the City of Cape Town's System of Delegations as amended by Council (from time to time);

"SCM Policy" means the City of Cape Town's SCM Policy adopted by Council as contemplated in terms of section 111 of the MFMA;

"SCM Regulations" means the Municipal SCM Regulations (Government Notice 868), Government Gazette no.27636 dated 30 May 2005;

2. Application and Interpretation of this Guide

2.1 This Guide shall apply to all meetings of the –

2.1.1 Bid Specification Committees;
2.1.2 Bid Evaluation Committees; and
2.1.3 Bid Adjudication Committee.

3. Applicable Codes of Conduct and Ethical Standards

3.1 All officials appointed to serve on the Bid Committees shall adhere to the applicable codes of ethical standards, including but not limited to the:

3.1.1 Code of Conduct for Municipal Staff Members contained in Schedule 2 of the Systems Act 32 of 2000;
3.1.2 Ethical Standards contained in SCM Regulation 46;
3.1.3 Provisions relating to inducements, rewards, gifts and favours to municipalities, municipal entities, officials and other role players contained in SCM Regulation 47;
3.1.4 the Code of Ethical Standards in the SCM Policy; and
3.1.5 National Treasury's code of conduct for SCM practitioners and other role players involved in SCM (*www.treasury.gov.za/mfma located under "legislation"*).

Bid Committees

4. Bid Specification Committees

4.1 The BIF is available on the Supply Chain Management (SCM) website (Intranet) and must be completed and submitted to the SCM Department (Manager: Tenders and Contract Administration) with a copy of the proposed (draft) specification.

4.2 Composition

4.2.1 Bid specifications and bid documentation must be compiled by an *ad hoc* BSC constituted for each tender.

4.2.2 The City Manager or his/her delegated authority shall, taking into account Section 117 of the MFMA, appoint the members of the BSC.

4.2.3 A BSC shall be comprised of at least 3 (three) City officials being:

(a) an appointed Chairperson,

(b) the responsible official (project manager), and

(c) at least 1 (one) SCM practitioner.

4.2.4 Where necessary, a representative of Internal Audit and/or Legal Services may be an advisor to or form part of the BSC as well as other internal or external experts/specialists.

4.2.5 In the event of a BSC Chairperson being unable to attend a meeting, the BSC may nominate an alternative Chairperson for that meeting and the change in Chairperson must be minuted accordingly at the meeting.

4.3 Chairperson

4.3.1 Bid specification chairpersons are nominated by the relevant director as per the Bid Initiation Form.

4.3.2 The Chairperson must ensure the BSC meetings are conducted in accordance with this Guide and Rules of Order.

4.4 Approval of specifications by the City Manager

The Chairperson of the BSC shall submit the final tender specification for each tender to the City Manager or his/her delegated authority for approval prior to publication of the invitation for bids.

4.5 Functions and Duties

The BSC shall compile the specification for each tender and shall ensure that the specifications:

4.5.1 are drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;

4.5.2 take account of any accepted standards such as those issued by Standards South Africa, the International Standards Organisation, or any authority accredited or recognized by the South African National Accreditation System with which the equipment or material or workmanship should comply;

4.5.3 where possible, be described in terms of performance required rather than in terms of descriptive characteristics for design;

4.5.4 do not create trade barriers in contract requirements in the forms of specification, plans, drawings, designs, testing and test methods, packaging, marking or labelling of conformity certification;

4.5.5 do not make any reference to any particular trade mark, name, patent, design, type, specific origin or producer, unless there is no other sufficiently precise or intelligible way of describing the

characteristics of the work, in which case such reference must be accompanied by the words "or equivalent".

5. Bid Evaluation Committees

5.1 Composition

5.1.1 An ad hoc BEC shall be constituted for each tender for the evaluation of bids received.

5.1.2 The City Manager or his delegated authority shall, taking into account Section 117 of the MFMA, appoint members of the BEC.

5.1.3 The BEC shall be comprised of at least 3 (three) City officials, being:

(a) the appointed Chairperson (who may be the same person as the Chairperson of the BSC),

(b) the responsible official (project manager), and

(c) at least one SCM practitioner.

5.1.4 Where necessary, a representative of Internal Audit and/or Legal Services may be an advisor to or form part of the BEC as well as other internal or external experts/specialists.

5.2 Chairperson

5.2.1 Bid evaluation chairpersons are nominated by the relevant director as per the Bid Initiation Form.

5.2.2 The Chairperson must ensure the BEC meetings are conducted in accordance with this Guide and Rules of Order.

5.3 Functions and Duties

A BEC must:

5.3.1 Evaluate bids in accordance with the specification for a specific tender;

5.3.2 Evaluate bids in accordance with functionality criteria if applicable;

5.3.3 Evaluate bids in accordance with the points system as set out in the SCM Policy and as prescribed in terms of the PPPFA;

5.3.4 Evaluate each bidder's ability to execute the contract;

5.3.5 Consider the outcome of due diligence reports;

5.3.6 Where possible collusion or fraudulent activity or documentation is detected, the matter must be referred to Forensic, Ethics and Integrity Department for investigation;

5.3.7 Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are in arrears;

5.3.8 take into account legal precedents and any legal advice which may find application; and

5.3.9 Submit to the BAC a report and recommendations regarding the award of the bid or any other related matter.

5.4 Report to BAC

5.4.1 The Chairperson of a BEC must submit the BEC's report and recommendation(s) regarding the award of a bid (or any other related matter) to the secretariat of the BAC;

5.4.2 The report shall be submitted in the latest version of the approved template as provided on the SCM intranet website. The Director SCM reserves the right not to include the report on the relevant BAC agenda if the report is on the incorrect template, incomplete or contains any substantial omissions or errors; and

5.4.3 The Chairperson of the BEC shall attend the BAC meeting to present the report, unless he/she has designated a member of the BEC to attend in his or her place.

6. Bid Adjudication Committee

6.1 Composition

6.1.1 The BAC must consist of at least 4 (four) senior managers which must include:

(a) the Chief Financial Officer (CFO) or, if the CFO is not available, another manager reporting directly to the CFO and designated by the CFO;

(b) at least one senior SCM practitioner who is an official of the City Of Cape Town;

(c) a technical expert in the relevant field who is an official of the City of Cape Town, if the City has such an expert.

6.1.2 Neither members of BSC's and BEC's, nor an advisor or person assisting such committees, may be members of the BAC.

6.2 Chairperson

6.2.1 The Chairperson of the BAC is appointed by the City Manager. If the Chairperson is absent from a meeting, the members of the committee who are present, must elect one of the members to preside at the meeting;

6.2.2 The Chairperson must ensure the BAC meetings are conducted in accordance with this Guide and Rules of Order; and

6.2.3 The Chairperson shall sign the minutes and resolutions.

6.3 Functions and duties

6.3.1 The BAC must exercise its authority strictly in accordance with the SCM Policy and System of Delegations;

6.3.2 If the BAC decides to award a bid other than the one recommended by the BEC, the BAC must prior to awarding the bid—

(a) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are in arrears; and

(b) notify the City Manager.

6.3.3 The City Manager may—

(a) after due consideration of the reasons for the deviation, ratify or reject the decision of the BAC referred to in paragraph 6.3.2; and

(b) if the decision of the BAC is rejected, refer the decision of the BAC back to it for reconsideration.

PART 2 - RULES OF ORDER

7. Highest Level of Professional Competence

The integrity of all members of the Bid Committees must never be compromised and the highest level of professional competence must be maintained. Furthermore, courteous conduct is expected of all committee members.

8. Disclosure of Interests

8.1 A member of a bid committee shall declare in writing, any interest it has in the transaction which poses a conflict, on the applicable declaration/form; and

8.2 A withdrawal by a member due to a conflict of interest must be recorded in the minutes of the relevant meeting.

9. Conduct of Meetings

The Chairpersons shall:

9.1 ensure the meeting commences at the time and on the date for which the meeting has been scheduled;

9.2 maintain order during a meeting and ensure that business is conducted in an orderly manner;

9.3 before opening a meeting, ensure that it is properly constituted;

9.4 protect the rights of every member;

9.5 regulate participation in discussion;

9.6 ensure that members know exactly what they are required to vote on;

9.7 ensure that only one member holds the floor at any time;

9.8 conduct meetings in a formal manner; and

9.9 formulate clearly the decision to be minuted, approve the minutes after they have been verified for correctness and sign them.

10. Attendance at meetings

10.1 Every person attending a meeting of the committee must:

10.1.1 sign his or her name in the attendance register kept for such purpose; and

10.1.2 sign the declaration of interest form.

10.2 A member must attend each meeting except when –

10.2.1 leave of absence is granted by the Chairperson prior to the meeting; or

10.2.2 the member is required to withdraw for any reason whatsoever.

11. Quorum

11.1 The following constitutes a quorum:

11.1 BSC - the Chairperson, responsible official and at least 1 (one) SCM practitioner.

11.2 BEC - the Chairperson, responsible official and at least 1 (one) SCM practitioner.

11.3 BAC - the CFO, at least one senior SCM practitioner who is an official of the City Of Cape Town and a technical expert in the relevant field who is an official of the City of Cape Town, if the City has such an expert.

12. Decisions

12.1 A committee must attempt to take decisions by consensus;

12.2 If consensus cannot be achieved on any matter, such matter must be decided by a supporting vote of a majority of the members present;

12.3 A member must vote when called upon to do so by the Chairperson;

12.4 If the votes are equal the Chairperson must cast an additional vote to break the deadlock.

13. Reasons for decisions

The Chairperson of a committee must ensure the reasons for decisions are minuted.

14. Admittance of Public

14.1 The meetings of the BSC and BEC are not open to the public;

14.2 The BAC meetings are open to the public and the chairperson of the BAC must take reasonable steps to regulate public access to and public conduct at meetings. Members of the public may not participate in the meeting and may only observe;

14.3 The BAC must conduct its business in an open manner and may close its meetings only when reasonable to do so having regard to the nature of the item(s) to be considered;

14.4 The reason for the exclusion of the public from a meeting of the BAC must be minuted.

15. Councillors

No councillor may be a member of any of the bid committees nor may he/she attend any of its meetings.

16. Approval of Guide and Rules of Order

This Guide and Rules of Order or any amendment thereof must be approved by the City Manager in terms of the obligations conferred on the City Manager by Section 115(1) of the MFMA.

CERTIFICATE OF APPROVAL

I hereby approve the Guide and Rules of Order for members of the City of Cape Town's Bid Committees

Achmat Ebrahim
City Manager
City of Cape Town
Date: 28.07.2015

APPENDIX F:

PLANNING DELEGATIONS IN TERMS OF LUPO

EXECUTIVE MAYOR

DELEGATED POWERS

PLANNING DELEGATIONS IN TERMS OF LUPO

This will remain in effect until the last planning item subject to LUPO has been finalised where after these delegations will no longer be applicable and will be removed.

6. Purchase, Lease and Expropriation of Immovable Property

(5) To approve the amount of compensation to be paid to an owner whose land sustains a fall in value -

(a) consequent on the rezoning thereof or a part thereof, contrary to his wishes, or

(b) consequent on the rejection, except on the ground of the provisions of any other law, of a plan for a building which is in accordance with the use right of the land concerned, in terms of section 19(2) of LUPO.

12. Planning and Environment

Planning applications

(1) To decide on any application other than those in terms of the Municipal Planning By-law, 2015:

(a) where Interim Planning Committee ("IPC") does not agree with the recommendation of the Commissioner: Transport and Urban Development Authority (C:TDA); or

(b) recommends refusal of an application; or

(c) any other application referred to the Executive Mayor by the Interim Planning Committee, for decision.

(2) To recommend to Council those applications which are not consistent with the approved Cape Town Spatial Development Framework.

(3) To recommend to Council on the amendment of the approved Spatial Development Framework, after considering the comments of The Commissioner: TDA.

(4) To recommend to Council that an amendment of the Cape Town Spatial Development Framework, be approved or refused in terms of section 34(b).

(5) Deleted. Not part of LUPO.

Land use Planning Ordinance No. 15 of 1985

(6) To determine when land is deemed to be zoned, what the most restrictive zoning permitting of the utilisation of the land concerned shall be, either in conjunction with a departure or not, in terms of section 14(3).

(7) To substitute for a zoning scheme or part thereof, with one in terms of which land is not necessarily zoned in accordance with the utilisation thereof, in terms of section 14(4).

(8) To determine the zoning of land, in accordance with the utilisation thereof where a use right has lapsed because of failure to exercise such right for an uninterrupted period of two years, in terms of section 14(5).

Use Rights

(9) To grant a use right by way of rezoning in terms of section 16 or 18 where the lawful use right of land cannot be determined, in terms of section 14(7).

(10) To determine the utilisation of land referred to in section 8 for the purposes of section 14(3).

Departures

(11) To approve or refuse applications for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, including an alteration of the development rules or restrictions or provisions of any overlay zone, in terms of section 15(1).

(12) To approve or refuse applications to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone, in terms of section 15(1).

(13) To approve an application by the owner to extend the period within which the use right must be exercised, in terms of section 15(5).

Rezoning

(14) To grant or refuse an application by an owner of land or an application submitted on the initiative of Council in terms of section 18, in respect of land which it does not own, for the rezoning thereof, in terms of section 16(1).

(15) To grant or refuse an application for rezoning made on the initiative of Council in respect of Council land in terms of section 16 as read with section 18.

(16) To grant or refuse an extension of the validity period of two years in which the use right must be utilised, in terms of section 16(2).

Subdivisions

(17) To grant or refuse an application for the subdivision of land, in terms of section 25(1).

(18) To grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 25.

(19) To grant an extension in terms of section 27(1) of the validity period within which a subdivision of land must be confirmed.

Home owners' association

(20) To impose conditions in relation to the compulsory establishment by the applicant for subdivision of a home owners' association, when granting of an application for subdivision, in terms of section 29(1).

Amendment or cancellation of plan of subdivision

(21) To amend or partially cancel the plan of a subdivision, including a general plan, or cancel the plan of a subdivision, including a diagram or general plan, after application for the subdivision of land has been granted and after

(a) considering objections received in consequence of an advertisement of the proposed amendment or cancellation of a plan of subdivision, and

(b) consulting the owner of the land concerned and the Surveyor-General in relation to land units not yet registered by virtue of the granting of that application,

in terms of section 30(1).

Conditions

(22) To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42(1).

(23) In relation to a condition, imposed by a political structure or an official and after consideration of objections received, if any, in consequence of an advertisement and after consultation with the owner of the land concerned, to –

(a) waive or amend any condition, and

(b) impose additional conditions

in terms of section 42(3).

(24) To approve or amend a Site Development Plan where a rezoning, subdivision, departure or consent/conditional use application has been approved subject to the submission and approval of a site development plan.

Special Consent, Consent or Conditional Use
In Terms Of the legacy Zoning Scheme Regulations

(25) To grant, with or without conditions, or refuse an application for the Special consent of Council, consent of Council or a conditional use referred to in the Zoning Scheme Regulations in operation in Council's area of jurisdiction.

Regulations Promulgated In Terms of The Black Communities Development Act No 4 Of 1984.

(26) To make recommendations to the Provincial government to grant or refuse, with or without conditions, of applications for rezoning, subdivision, departures, consent of Council or amendment to town planning conditions.

Applications made in Terms of
The Less Formal Townships Establishment
Act No 125 Of 1991

(27) To recommend to the Premier or relevant Minister to grant or refuse an application for the establishment of a township in terms of Section 11, to formulate conditions for the establishment of the township and to recommend the exclusion of laws and suspension of servitudes and restrictive conditions referred to in section 12.

(28) Deleted. Not part of LUPO.

Consent in terms of Title deeds

(29) To grant or refuse written consent where a title deed condition permits an owner to exceed the use or development parameters or other land use or building development or aesthetic restrictions set in the title deed in relation to the property.

Cape Town Zoning Scheme

(30) To approve or refuse applications in terms of section 2.3.1 as submitted in terms of the Zoning Scheme.

(31) To impose conditions when approving an application in terms of the Zoning Scheme.

(32) To grant or refuse an extension of time within which to utilize land or to exercise an approval.

(33) To impose further conditions or to waive or amend a condition after an approval has been granted and after consultation with the owner concerned.

(34) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.

(35) Deleted. Not part of LUPO.

(36) To approve or refuse one or all components of a package of plans.

(37) Deleted. Not part of LUPO.

(38) To grant or refuse an application for an activity which cannot be carried out in an overlay zone unless the approval of Council has been granted.

(39) To exempt a specific activity from the requirements of an Overlay zone where the overlay zone provides for such exemption.

(40) To, when provided for in the new zoning scheme, exercise power to waive or exempt matters.

(41) To exercise the power to approve as set out in the Zonings scheme regulations.

The Legal Succession to South African Transport Services Act, No 9 of 1989, As Amended (SATS Act)

(42) To approve Precinct Plans, Site Development Plans, Development Framework Plans arising out of agreements entered into in terms of the SATS Act.

(43) To approve or refuse the amendment of Precinct Plans, Site Development Plans, Development Framework Plans arising out of agreements entered into in terms of the SATS Act.

Street Naming

(44) To name streets in accordance with the Council policy on street naming and numbering, having regard to the criteria set out in Council's Naming policy where the street arise from a land use planning application and the Executive Mayor has the power to decide on the land use application.

INTERIM PLANNING COMMITTEE

PLANNING DELEGATIONS IN TERMS OF LUPO

This will remain in effect until the last planning item subject to LUPO has been finalised where after these delegations will no longer be applicable and will be removed.

Acting in terms of section 59 of the Systems Act, and subject to the following conditions, Council hereby delegates the following powers, functions and duties to the Interim Planning Committee including the power to sub delegate any of their delegated powers, functions and duties.

1. Planning Delegations

Directions:

- The Interim Planning Committee has the power to, take decisions which are not compliant with structure plans or approved Council policy which is used to guide decision making; where an EIA, or TIA or HIA is required in order to assess the application; where an application straddles Sub-council boundaries. When exercising its power, if, after applying its mind, the Interim Planning Committee decides not to follow a structure plan or approved Council policy when considering an application, it must give reasons and this will be recorded as a deviation from the policy.
- If the Interim Planning Committee takes a decision to refuse an application or is not in agreement with the recommendations provided by the Commissioner: Transport and Urban Development Authority then the Executive Mayor together with the Mayoral Committee will have the authority to decide on the application.
- The Interim Planning Committee has the power to make recommendations to the Mayor on applications which are not consistent with the spatial development framework approved as part of the IDP.
- Should the Interim Planning Committee not wish to exercise a delegated power, the Mayor together with the Mayoral Committee has the power to decide on the application.

Note:

In these directions:

- a Council policy does not include policies and guidelines set by the Commissioner or his/her officials.

- EIA: A land use development application made in terms of LUPO which triggers a full scoping and environmental impact assessment as set out in the regulations promulgated in terms of the National Environmental Management Act (NEMA)
- TIA: A land use development application made in terms of LUPO which triggers any impact assessment dealing with traffic for a development which is likely or will generate 150 vehicles and more per hour. An impact assessment dealing with traffic for a development which is likely to or will generate less than 150 vehicles per hour will be dealt with by Sub-council if there are objections from the public to the development application and the matter is within Sub-council's boundaries and by the ED where there are no objections from the public to the development application. The trigger for determining whether a matter will be dealt with by the Interim Planning Committee is the number of vehicles per hour, not the name of the assessment.
- HIA: A land use development application made in terms of LUPO which triggers a Heritage Impact Assessment report required in terms of section 38 of the National Heritage Resources Act, 25 of 1999 and which may or may not form part of the EIA referred to above. It does not include a Heritage Statement.
- All other development applications whether subject to a basic assessment in terms of the Regulations promulgated in terms of NEMA or an EIA requested in terms of LUPO will be dealt with by Sub-council if there are objections from the public to a development application (not the EIA application) and by the ED where there are no objections from the public to the development application within boundaries.

Land Use Planning Ordinance, No. 15 of 1985

Use rights

(1) To recommend to the Executive Mayor to amend, replace or delete a scheduled condition which is part of the Zoning Scheme regulations in terms of section 9(2).

(2) To determine, when land is deemed to be zoned, what the most restrictive zoning permitting of the utilisation of the land concerned shall be either in conjunction with a departure or not, in terms of section 14(3).

(3) To substitute a zoning scheme or part thereof with one in terms of which land is not necessarily zoned in accordance with the utilisation thereof, in terms of section 14(4) where objections have been received.

(4) To determine the zoning of land, that, in accordance with the utilisation thereof where a use right has lapsed because of failure to exercise such right for an uninterrupted period of two years and where objections have been received, in terms of section 14(5).

(5) To grant a use right by way of rezoning in terms of section 16 or 18 where the lawful use right of land cannot be determined in terms of section 14(7).

(6) To determine the utilisation of land referred to in section 8 for the purposes of section 14(3) as read with section 14(1).

Departures

(7) To grant or refuse applications for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, including an alteration of the development rules or restrictions or provisions of any overlay zone in terms of section 15(1).

(8) To grant or refuse applications to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular, in terms of section 15(1).

(9) To grant or refuse an application by the owner to extend the period within which the use right must be exercised, in terms of section 15(5).

Rezoning (application of owner of land)

(10) To grant or refuse an application by an owner of land or an application on the initiative of Council for the rezoning thereof, in terms of section 16(1) as read with section 18.

(11) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 16 as read with section 18.

(12) To grant or refuse an extension of the validity period of two years in which the use right must be utilised, in terms of section 16(2).

(13) To determine the utilisation of land for purposes of zoning, where a zoning has lapsed in terms of section 16(2).

(14) To approve or refuse the adoption, replacement or amendment of overlay zones that provide for development directives (as set out in Chapter 15) of the Cape Town Zoning scheme by following the rezoning procedures stipulated in planning law.

Subdivisions

(15) To grant or refuse an application for the subdivision of land, in terms of section 25(1).

(16) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 25.

(17) To grant or refuse an extension in terms of section 27(1) of the validity period within which a subdivision of land must be confirmed.

Home owners' association

(18) To impose conditions in relation to the compulsory establishment by the applicant for subdivision of a home owners' association, when granting of an application for subdivision, in terms of section 29(1).

Amendment or cancellation of plan of subdivision

(19) To amend, or partially cancel the plan of a subdivision, including a general plan, or cancel the plan of a subdivision, including a diagram or general plan, after application for the subdivision of land has been granted and after

(a) considering public objections received, if any, in consequence of an advertisement of the proposed amendment or cancellation of a plan of subdivision, and

(b) consulting the owner of the land concerned and the Surveyor-General in relation to land units not yet registered by virtue of the granting of that application,

in terms of section 30(1).

Conditions

(20) To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42(1).

(21) In relation to a condition imposed by the Interim Planning Committee, after consideration of any public objections received, in consequence of an advertisement and after consultation with the owner of the land concerned, to–

(a) waive or amend any condition, and

(b) impose additional conditions

in terms of section 42(3).

(22) To approve or amend a Site Development plan where public objections have been received, where a rezoning, subdivision, departure or consent/conditional use has been approved by the Interim Planning Committee subject to the submission and approval of a site development plan.

(23) Notwithstanding the above, the Commissioner has the power to approve or amend a Site Development plan where there are no public objections thereto, where a rezoning, subdivision or departure or consent/conditional use has been approved by the Interim Planning Committee subject to the submission of a site development plan.

(24) In relation to a condition imposed in respect of an application for rezoning, subdivision, departure or consent/conditional use by Provincial Government on appeal in terms section 44 of LUPO, to waive, amend or impose additional conditions in terms of section 42(3).

Special Consent,
Consent or Conditional Use
In Terms of the Zoning Scheme Regulations

(25) To grant, with or without conditions, or refuse an application for the Special consent of Council, consent of Council or a conditional use referred to in the Zoning Scheme Regulations in operation in Council's area of jurisdiction.

Regulations Promulgated in Terms of the Black Communities Development Act, No 4 Of 1984.

(26) To make recommendations to the Executive Mayor to recommend to the Provincial government to grant or refuse, with or without conditions, of applications for rezoning, subdivision, departures, consent of Council or amendment to town planning conditions.

(27) To grant or refuse, with or without conditions, a consent and departures in cases where the power is delegated to Council.

(28 – 34) Deleted. Not part of LUPO.

The Legal Succession to South African Transport Services Act, No. 9 Of 1989, As Amended (SATS Act)

(35) To approve Precinct Plans, Site Development Plans, Development Framework Plans arising out of agreements entered into in terms of the SATS Act.

(36) To approve the amendment of Precinct Plans, Site Development Plans, Development Framework Plans arising out of agreements entered into in terms of the SATS Act in cases where objections have been received.

Title Deeds

(38) To grant or refuse the written consent, of Council where a title deed condition permits an owner to exceed the use or development parameters or other restrictions set in the title deed in relation to the property with the written consent of Council.

Cape Town Zoning Scheme

(39) To approve or refuse applications in terms of section 2.3.1 as submitted in terms of the Zoning Scheme.

(40) To impose conditions when approving an application in terms of the Zoning Scheme.

(41) To grant or refuse an extension of time within which to utilize land or to exercise an approval.

(42) To impose further conditions or to waive or amend a condition after an approval has been granted and after consultation with the owner concerned.

(43) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.

(44) To grant or refuse one or all components of a package of plans.

(45) To grant or refuse an application for an activity which cannot be carried out in an overlay zone unless the approval of Council has been granted.

(46) To exempt a specific activity from the requirements of an overlay zone where the overlay zone provides for such exemption.

Street naming

(47) To name streets in accordance with the policy on street naming and numbering, having regard to the criteria set out in the Naming policy, where the streets arise from a land use planning application and the Interim Planning Committee has the power to decide on the land use application.

SUB-COUNCILS

PLANNING DELEGATIONS IN TERMS OF LUPO

This will remain in effect until the last planning item subject to LUPO has been finalised where after these delegations will no longer be applicable and will be removed.

3. Street naming

(1) To name streets in accordance with the policy on Naming and Numbering.

8A. Planning and Environmental Matters

Directions:

- *Sub-councils decide on applications which relate to land within the Sub-council boundary, provided that they are compliant with*
- *structure plans*
- *t;*
- *Council policy.*

and

- *where no EIA, TIA or HIA is required.*

Note:

In these directions:

a Council policy does not include policies and guidelines set by the Commissioner or his/her officials.

Should a Sub-council not wish to exercise a delegated power, MAYCO has the power to decide on the application.

- *EIA: A land use development application made in terms of LUPO which triggers a full scoping and environmental impact assessment as set out in the regulations promulgated in terms of the National Environmental Management Act (NEMA).*
- *TIA: A land use development application made in terms of LUPO which triggers any impact assessment dealing with traffic for a development which is*

likely or will generate 150 vehicles and more per hour. An impact assessment dealing with traffic for a development which is likely to or will generate less than 150 vehicles per hour will be dealt with by Sub-council if there are objections from the public to the development application and the matter is within Sub-council boundaries and by the Commissioner where there are no objections from the public to the development application. The trigger for determining whether a matter will be dealt with by the Interim Planning Committee is the number of vehicles per hour, not the name of the assessment.

- *HIA: A land use development application made in terms of LUPO which triggers a Heritage Impact Assessment report required in terms of section 38 of the National Heritage Resources Act, 25 of 1999 and which may or may not form part of the EIA referred to above. It does not include a Heritage Statement.*

All other development applications whether subject to a basic assessment in terms of the Regulations promulgated in terms of NEMA or an EIA requested in terms of LUPO will be dealt with by Sub-council if there are objections from the public to a development application (not the EIA application) and by the Commissioner where there are no objections from the public to the development application within boundaries.

In terms of Land Use Planning Ordinance, No. 15 of 1985

Use rights

(1) To determine the zoning of land in accordance with the utilisation thereof where a use right has lapsed because of failure to exercise such right for an uninterrupted period of two years, in terms of section 14(5).

(2) To grant a use right by way of rezoning in terms of section 16 or 18, where the lawful use right of land cannot be determined, in terms of section 14(7).

(3) To determine the utilisation of land referred to in section 8 for the purposes of section 14(3), in terms of section 14(1).

Departures

(4) To grant or refuse applications for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, including an alteration of the development rules or restrictions or provisions of any overlay zone, in terms of section 15(1).

(5) To grant or refuse applications to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone, in terms of section 15(1).

(6) To grant or refuse an application by the owner to extend the period within which the use right must be exercised, in terms of section 15(5).

Rezoning (application of owner of land)

(7) To grant or refuse an application by an owner of land or an application on the initiative of Council in terms of section 18 for the rezoning thereof in relation to land, in terms of section 16(1).

(8) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 18 as read with section 16.

(9) To grant or refuse an extension of the period of two years in which the use right must be utilised in relation to, in terms of section 16(2).

(9A) To grant or refuse an extension of the period of two years in which the use right must be utilised in relation to, in terms of section 16(2).

(10) To determine the utilisation of land for purposes of zoning in relation to where a zoning has lapsed, in terms of section 16(2).

(11) To approve or refuse, the adoption, replacement, or amendment of overlay zones that provide for development directives as set out in Chapter 15 of the Cape Town Zoning Scheme.

Subdivisions

(12) To grant or refuse an application for the subdivision of land where objections have been received, in terms of section 25(1).

(13) To recommend to the Executive Mayor to grant or refuse an application made in respect of Council land in terms of section 25.

Home owners' association

(14) To impose conditions in relation to the compulsory establishment by the applicant for subdivision of a home owners' association when granting of an application for subdivision, in terms of section 29(1).

Amendment or cancellation of plan of subdivision

(15) To amend or partially cancel the plan of a subdivision, including a general plan, or cancel the plan of a subdivision, including a diagram or general plan, after application for the subdivision of land has been, and after:

(a) considering public objections received in consequence of an advertisement of the proposed amendment or cancellation of a plan of subdivision, and

(b) consulting the owner of the land concerned and the Surveyor-General in relation to land units not yet registered by virtue of the granting of that application,

in terms of section 30(1).

Conditions

(16) To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42(1).

(17) In relation to a condition imposed by Sub-council, whether objections are received or not, after consideration of public objections received, if any, in consequence of an advertisement and after consultation with the owner of the land concerned, to –

(a) waive or amend any condition, and

(b) impose additional conditions

in terms of section 42(3)

(18) To approve or amend a Site Development plan where public objections have been received, where a rezoning, subdivision, departure or consent/conditional use has been approved by Sub-council or a staff member subject to the submission and approval of a site development plan.

(19) In relation to a condition imposed by an official,

(a) to waive or impose additional conditions;

(b) to consider the amendment of a condition

in terms of section 42 (3) where public objections have been received.

(20) In relation to a condition imposed in respect of an application for rezoning, subdivision, departure or consent/conditional use by the Provincial Government on appeal in terms section 44 of LUPO, to waive, amend or impose additional conditions in terms of section 42(3).

Zoning Scheme Regulations

(21) To grant, with or without conditions, or refuse an application for the Special consent of Council, consent of Council or a conditional use referred to in the Zoning Scheme Regulations in operation in Council's area of jurisdiction.

(22) Deleted. Not part of LUPO.

In terms of the Cape Town Zoning Scheme, 2013

(23) To approve or refuse applications in terms of section 2.3.1 as submitted in terms of the Zoning Scheme.

(24) To impose conditions when approving an application in terms of the Zoning Scheme.

(25) To grant or refuse an extension of time within which to utilize land or to exercise an approval.

(26) To impose further conditions or to waive or amend a condition after an approval has been granted and after consultation with the owner concerned.

(27) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.

(28 and 29) Deleted. Not part of LUPO.

(30) To, when provided for in the zoning scheme regulations, exercise power to waive or exempt matters.

(31) To exercise the power to approve as set out in the Zoning scheme regulations.

(32) To lay down restrictive requirements in the circumstances described in the zoning scheme regulations.

(33) Deleted. Not part of LUPO.

Title deed restrictions

(34) To grant or refuse the written consent of Council where a title deed condition permits an owner to exceed the use or development parameters or other restrictions set in the title deed condition in relation to the property with the written consent of Council.

COMMISSIONER: TRANSPORT AND URBAN DEVELOPMENT AUTHORITY

PLANNING DELEGATIONS IN TERMS OF LUPO

This will remain in effect until the last planning item subject to LUPO has been finalised where after these delegations will no longer be applicable and will be removed.

3. Land Use Management

Directions:

- *The Commissioner: TDA has the power to, on land use applications other than those in terms of the Municipal Planning By-law, 2015, take decisions which are consistent with structure plans, any spatial development framework or district plan, the spatial development framework approved as part of the IDP and Council policy (including where no policy exists) which is used to guide decision making on these applications, where no EIA, TIA or HIA is required and where there are no public objections to the application.*
- *All other development applications whether subject to a basic assessment in terms of the regulations promulgated in terms of NEMA or an EIA required in terms of LUPO will be decided by subcouncil if there are objections from the public to the development application (not the EIA application) and by the Commissioner where there are no objections from the public to the development application.*

Note:

In these directions:

- *a Council policy does not include policies and guidelines set by the Commissioner or his/her officials.*
- *EIA means a land use development application made in terms of LUPO which triggers a full scoping and environmental impact assessment as set out in the regulations promulgated in terms of the National Environmental Management Act (NEMA), and excludes a basic assessment.*
- *TIA means a land use development application made in terms of LUPO which triggers an impact assessment dealing with traffic resulting from a development likely to generate 150 vehicular trips and more per peak hour and does not include a Traffic Impact Statement. An impact assessment dealing with traffic resulting from a development likely to generate less than 150 vehicular trips per peak hour will be dealt with by subcouncil if there are objections from the public to the proposal and the matter is within the subcouncil boundaries and by the*

Commissioner where there are no objections from the public to the development application. The trigger for determining whether a matter will be dealt with by the Interim Planning Committee or the Commissioner is the number of vehicular trips generated by the proposed development per peak hour, not the name of the assessment.

- *HIA means a land use development application made in terms of LUPO which triggers a Heritage Impact Assessment report required in terms of section 38 of the National Heritage Resources Act, No 25 of 1999 and which may or may not form part an EIA and does not include a Heritage Impact Statement.*

Land Use Planning Ordinance, No 15 of 1985

(1) To determine what the most restrictive zoning permitting of the utilisation of the land concerned shall be either in conjunction with a departure or not when land is deemed to be zoned, in terms of section 14(3).

(2) To substitute for a zoning scheme or part thereof, with one in terms of which land is not necessarily zoned in accordance with the utilisation thereof, in terms of section 14(4).

(3) To determine the zoning of land, in accordance with the utilisation thereof where a use right has lapsed because of failure to exercise such right for an uninterrupted period of two years, in terms of section 14(5).

(4) To grant a use right by way of rezoning in terms of section 16 or 18 where the lawful use right of land cannot be determined, in terms of section 14(7).

(5) To determine the utilisation of land referred to in section 8 for the purposes of section 14(3), as read with section 14(1).

(6) To grant or refuse applications for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, including an alteration of the development rules or restrictions or provisions of any overlay zone, in terms of section 15(1).

(7) To grant or refuse applications to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone, in terms of section 15(1).

(8) To grant or refuse an application by the owner to extend the period within which the use right must be exercised, in terms of section 15(5).

(9) To grant or refuse an application by an owner of land or on application on the initiative of the Council in terms of section 18, for the rezoning thereof, in terms of section 16(1).

(10) To prepare or cause to be prepared and submit an application in respect of which the City is not the registered or vested owner of land when the rezoning is required on the initiative of the City in terms of section 18.

(11) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council in respect of Council owned land in terms of section 18 as read with section 16(1).

(12) To grant or refuse an extension of the validity period of two years in which the use right must be utilised, in terms of section 16(2).

(13) To determine the utilisation of land for purposes of zoning in relation to land where a zoning has lapsed, in terms of section 16(2).

(14) To approve the adoption, replacement or amendment of overlay zones that provide for development directives as set out in Chapter 15 of the Cape Town Zoning Scheme.

(15) To authorise an exemption of a subdivision from the provisions of Chapter III of LUPO as provided for in terms of section 23.

(16) To authorise an owner of land to deal with his land with a view to the separate

registration of land units, of undivided portions in terms of section 23.

(17) To grant or refuse an application for the subdivision of land, in relation to land where no objections have been received in terms of section 25(1).

(18) To indicate the relevant zonings in relation to the subdivision concerned for the purpose of an application for the subdivision of land, in terms of section 25(2).

(19) To extend the period of five years within which the owner of land must –

(a) furnish the registrar of deeds with such documents and information as he may require,
(b) comply with the requirements of the said registrar in connection with the cancellation of existing conditions of title,
(c) provide services in accordance with a condition imposed in respect of the subdivision, and
(d) obtain the registration of at least one land unit.

in terms of section 27(1).

(20) To grant or refuse an extension in terms of section 27(1) of the validity period within which a subdivision of land must be confirmed.

(21) To recommend to the Executive Mayor to grant or refuse an application made on the initiative of Council for and in respect of Council land in terms of section 25.

(22) To impose conditions in relation to the compulsory establishment by the applicant for subdivision of a home owner's association, when granting of an application for subdivision, in terms of section 29(1).

(23) To approve the constitution of a home owners' association established in terms of section 29(2), or to grant written approval to amend clauses in the

Constitution which relate to the provisions of section 29(2) after consultation with Legal Services.

(24) To, if a home owners' association fails to meet any obligation resting on it in terms of section 29 and the community is adversely affected by such failure, take all steps required to rectify that failure, and recover from the owners any expenditure incurred by it in relation to such steps, in terms of section 29(4).

(25) To amend or partially cancel the plan of a subdivision, including a general plan, or cancel the plan of a subdivision, including a diagram or general plan, after application for the subdivision of land has been granted and after:

(a) considering any objections received if the application of the proposed amendment or cancellation of a plan of subdivision was advertised, and
(b) consulting the owner of the land concerned and the Surveyor-General in relation to land units not yet registered by virtue of the granting of that application,

in terms of section 30(1).

(26) Deleted. Not part of LUPO.

(27) To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42(1).

(28) In relation to a condition imposed by officials, and in cases where no objections have been received and after consultation with the owner of land concerned, to –

(a) waive or amend any condition, and
(b) impose additional conditions

in terms of section 42(3).

(29) To approve or amend a Site Development Plan or any other plan, method, statement, specification, document or approval required as a condition where a planning application has been approved subject to the submission and approval of a site development plan or any other such plan, method statement, specification, document or approval, notwithstanding the political structure/official who approved the application.

(30) To, before registration is effected by the registrar of deeds, issue written authority confirming that all conditions on which an application for subdivision was granted, has been complied with, in terms of section 31(1).

(31) To grant authority that a building or structure may be erected on a land unit forming part of a subdivision before such subdivision has been confirmed, in terms of section 31(2).

(32) To authorise any official to at any reasonable time, after reasonable notice and causing as little inconvenience as possible, enter upon any land in order to –

(a) do anything which the council is permitted or required to do in terms of LUPO, or

(b) make an inquiry, an investigation or a survey in connection with the exercise or performance of the council's powers or duties in terms of LUPO,

in terms of section 41.

Zoning Scheme Regulations

(33) To grant, with or without conditions, or refuse an application for the consent of Council, or a conditional use referred to in the Zoning Scheme Regulations in operation in City's area of jurisdiction.

(34) To approve or amend site development plan required in terms of an applicable zoning scheme.

Cape Town Zoning Scheme, 2013

(35) To approve or refuse applications in terms of section 2.3.1 as submitted in terms of the Zoning Scheme.

(36) To impose conditions when approving an application in terms of the Zoning Scheme.

(37) To grant or refuse an extension of time within which to utilize land or to exercise an approval.

(38) To impose further conditions or to waive or amend a condition after an approval has been granted and after consultation with the owner concerned.

(39) To limit the approval of a consent use application to one or more uses included within the definition of the consent use concerned.

(40) To notify or consult with owners where required to do so in terms of the Zoning Scheme.

(41) To serve notices calling for compliance with instructions set out in such notice and/or cessation of the use of premises in question for such land use activity.

(42) To issue a notice calling for compliance with additional conditions or for the ceasing of specific activities by a specific date, where an additional use right is being or may be conducted in a manner that is (a) detrimental to the general purpose of the zoning scheme; (b) detrimental to the purpose of the zone; or (c) causing a nuisance.

(43) To call for a cessation of the land use or activity, or impose conditions in order

to minimize any potential nuisance to surrounding neighbours or the general public.

(44) Deleted. Not part of LUPO.

(45) To determine that an application submitted in terms of the zoning scheme is complete.

(46) Deleted. Not part of LUPO.

(47) To prepare a contextual framework in respect of a particular development / site as a component of a package of plans.

(48) To require a package of plans to be submitted for approval in terms of section 18(11).

(49) To approve or refuse one or all components of a package of plans.

(50) To, where provided for in the zoning scheme, exercise the power to formulate requirements, formulate opinions and/or to make determinations.

(51 - 54) Deleted. Not part of LUPO.

Less Formal Townships Establishment Act, No 125 of 1991

(57) To grant or refuse, with or without conditions, a consent in those areas where the power is delegated to Council.

Removal of Restrictions Act, No 84 of 1967

(58) To comment on and make recommendation to the Director-General regarding a proposed alteration, suspension or removal of a restriction or obligation, in terms of section 3(2).

(59) To request the Director-General in terms of section 3(8) to grant a further period to allow the municipality to comment on and make recommendations.

(60) To transmit an application for the alteration, suspension or removal of a restriction or obligation to the Director-General together with comments and recommendation thereon, in terms of section 3.

(61) To process the advertising of an application in accordance with the instructions of the Director-General in terms of section 3(6) or 5(b)(ii).

Legal Succession to the South African Transport Services Act, No 9 of 1989 (SATS Act)

(64) To approve precinct plans, site development plans, development framework plans and amendments thereto arising out of agreements entered into in terms of the Act, in terms of Section 13.

(65) To determine uses which comply with the definitions of “ancillary uses” as provided for in Transportation Use Zones.

(66) To 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, subject thereto that major expansions will require Council`s consent and significant departures will require a rezoning to an appropriate use zone.

(67) To determine deemed consents for non-transport uses which pre-existed the Amendment Act.