

**C 03/05/22****MINUTES**

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN  
HELD IN THE COUNCIL CHAMBER, 6<sup>th</sup> FLOOR, PODIUM, CIVIC CENTRE, CAPE  
TOWN ON THURSDAY, 28 APRIL 2022 AT 10H00.**

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**MEMBERS PRESENT:**

Cllr M F Achmat (AJ)	Cllr S S Duka (ANC)	Cllr E Langenhoven (DA)
Cllr F Adams (CCC)	Cllr C J Esau (DA)	Cllr A Lansdowne (DA)
Cllr Y Adams (CMC)	Cllr P Francke (DA)	Cllr U F Lasiti (DA)
Cllr A Adams (DA)	Cllr C V Franklin (DA)	Cllr T A Le Goff (DA)
Cllr R Adams (DA)	Cllr S Frenchman (CCC)	Cllr S Liell-Cock (DA)
Cllr N R Adonis (DA)	Cllr A Gabuza (ANC)	Cllr A G Lightburn (DA)
Cllr F K Ah-Sing (DA)	Cllr M Gadeni (ANC)	Ald X T Limberg (DA)
Cllr W Akim (DA)	Cllr T M Geoghegan (DA)	Cllr E Linde (DA)
Ald E Andrews (DA)	Cllr G E Gordon (DA)	Cllr S A Little (GOOD)
Cllr E Anstey (DA)	Cllr T Gqada (DA)	Cllr F P Lombard (DA)
Cllr R Arendse (DA)	Cllr A J Griesel (DA)	Cllr N Lombi (ANC)
Cllr S F August (GOOD)	Cllr L A Gungxe (ANC)	Cllr A C Louw (GOOD)
Cllr D Badela (ANC)	Cllr K W Gxasheka (ANC)	Cllr N Makasi (ANC)
Cllr U M Barends (DA)	Cllr B Hansen (DA)	Cllr M S Makuwa (ANC)
Cllr A M Benadie (DA)	Cllr W Harris (DA)	Cllr M Manuel (DA)
Cllr R Beneke (DA)	Cllr G Haskin (ACDP)	Cllr M Manuel (CCC)
Cllr P N Booi (EFF)	Cllr P G Helfrich (DA)	Cllr B B Maqungwana (UDM)
Cllr E Botha-Rossouw (FF Plus)	Cllr A Hendricks (AJ)	Cllr G P Marais (FF Plus)
Cllr N A Botya (EFF)	Cllr P Hendricks (PA)	Cllr K Maré (DA)
Cllr R Bresler (DA)	Cllr F Higham (DA)	Cllr S G Markgraff (GOOD)
Cllr R C Cameron (DA)	Executive Mayor G G Hill-Lewis (DA)	Cllr P I Marman (GOOD)
Cllr R W Cannon (DA)	Cllr T Jackson (DA)	Cllr L Martin (ANC)
Cllr K R Carls (DA)	Cllr M R Jacobs (ARA)	Cllr J Martlow (DA)
Cllr H Carstens (DA)	Cllr B M Jacobs (DA)	Cllr D Z Masiu (DA)
Cllr A Cassiem (EFF)	Cllr H W Jacobs (DA)	Cllr N Matutu (Luthango) (ANC)
Cllr M A Cassiem (DA)	Cllr D G Jacobs (CCC)	Cllr L H Max (FF Plus)
Cllr C Cerfontein (DA)	Cllr P S Jacobson (FF Plus)	Cllr P Maxiti (DA)
Cllr M N Chitha (ANC)	Ald W D Jaftha (DA)	Cllr L Mazwi (EFF)
Cllr M Christians (ACDP)	Cllr C Janse van Rensburg (DA)	Cllr L N Mbiza (ANC)
Cllr D Christians (DA)	Cllr E Jansen (DA)	Cllr N W McFarlane (DA)
Cllr K A Christie (DA)	Cllr G V Joachims (GOOD)	Cllr A P McKenzie (DA)
Cllr B Clarke (DA)	Ald C Jordaan (DA)	Cllr I P McMahon (DA)
Cllr G J Classen (ARA)	Cllr M Joseph (GOOD)	Cllr B Mei (EFF)
Cllr D G Cottee (ANC)	Ald C R Justus (DA)	Cllr S Ndamane (PAC)
Cllr J Cupido (GOOD)	Cllr N Jowell (DA)	Cllr T M Mjuza (ANC)
Cllr M Dambuza (EFF)	Cllr K Kama (ANC)	Cllr M A Mkutswana (ANC)
Cllr A Davids (CCC)	Cllr A Kay (CIP)	Cllr Y Mohamed (DA)
Cllr R Davids (DA)	Ald M L Kempthorne (DA)	Ald S Moodley (DA)
Cllr D C De Vos (ACDP)	Cllr M R Kleinschmidt (DA)	Cllr A Moses (DA)
Cllr P W De Vos (DA)	Cllr M Kleinsmith (DA)	Cllr T Mpengezi (ANC)
Cllr X D Diniso (ANC)	Cllr C Kobeni (DA)	Cllr L M Mqina (ANC)
	Cllr A E Kuhl (DA)	Cllr N Mvinjelwa (DA)

**COUNCIL MINUTES: 28 APRIL 2022**

Cllr P S Mzolisa (DA)	Cllr C C Siebritz (DA)	Cllr C M K Wannenburg (GOOD)
Cllr D Ngubelanga (AIC)	Cllr L Simangweni (ANC)	Ald B R W Watkyns (DA)
Ald M Nieuwoudt (DA)	Ald J P Smith (DA)	Cllr N Williams (CCC)
Cllr M Nikelo (DA)	Cllr J Solomon (DA)	Cllr J J Witbooi (DA)
Cllr S Nodliwa (ANC)	Cllr L Somdaka (ANC)	Cllr B Yeko (EFF)
Cllr M L Nqavashe (DA)	Cllr N P Sono (PA)	
Cllr G T Ntamo (ANC)	Cllr L P Sonyoka (ANC)	
Cllr L Ntshuntshe (EFF)	Cllr Z W Sophazi (ANC)	
Cllr N A Ntshweza (ANC)	Ald X R Sotashe (ANC)	
Cllr T Nyamakazi (ANC)	Cllr K Southgate (DA)	
Cllr G D Paige (ACDP)	Cllr S L Stacey (DA)	
Cllr B L Payiya (ANC)	Cllr J N Stevens (ANC)	
Cllr G C Peck (DA)	Cllr N Stuurman (EFF)	
Cllr X G Peter (ANC)	Cllr N R E Sukers (ACDP)	
Cllr M Petersen (DA)	Cllr Z Sulelo (DA)	
Cllr L Phakade (ANC)	Cllr P S Swart (DA)	
Cllr S Philander (DA)	Cllr S Taliep (DA)	
Cllr T I Pimpi (ANC)	Cllr P P Tause (ANC)	
Cllr A Plaatjies (DA)	Cllr H P Terblanche (DA)	
Cllr C Pophaim (DA)	Cllr A Tetani (ANC)	
Cllr A J Potts (DA)	Cllr S C Thompson (ANC)	
Ald S Pringle (DA)	Ald T Thompson (DA)	
Cllr C B Punt (DA)	Cllr G Timm (DA)	
Ald F Purchase (DA)	Ald G Twigg (DA)	
Cllr Z L Qoba (ANC)	Cllr N V Tyandela (EFF)	
Cllr R M Quintas (DA)	Ald T Uys (DA)	
Cllr M H Raise (DA)	Cllr B van der Merwe (DA)	
Cllr N Rheeder (DA)	Ald J F H van der Merwe (DA)	
Cllr A Richards (PA)	Ald A van der Rhee (DA)	
Cllr S Rigby (DA)	Cllr P E van der Ross (DA)	
Ald S Rossouw (DA)	Cllr B van Reenen (DA)	
Cllr S Salie (AJ)	Cllr A van Zyl (DA)	
Cllr M J Sampson (PA)	Cllr R Viljoen (DA)	
Cllr N Satarien (CCC)	Cllr C L Visser (DA)	
Cllr F A Sauls (DA)	Cllr J Visser (DA)	
Cllr E Sawant (DA)	Ald J Vos (DA)	
Cllr M M Sibunzi (DA)	Cllr F C Walker (DA)	

**APOLOGIES**

Cllr A Adams (DI)  
 Cllr M Adonis (DA)  
 Cllr Z A Badroodien (DA)  
 Ald A J G Basson (DA)  
 Cllr M Booi (DA)  
 Cllr S S Booyesen (DA)  
 Ald P H Chapple (DA)  
 Cllr A C De Beer (UIM)  
 Cllr A Z M I Elyas (DA)  
 Cllr F Essack (DA)

**COUNCIL MINUTES: 28 APRIL 2022**

Ald G Fourie (DA)  
 Cllr N E Grose (DA)  
 Cllr P C Heynes (ANC)  
 Cllr N F Kopman (ANC)  
 Cllr M Mabungani (ACDP)  
 Cllr E M Madikane (ANC)  
 Cllr B M Majingo (ANC)  
 Cllr M J Marr (DA)  
 Cllr S Mbandezi (DA)  
 Cllr D Nelson (DA)  
 Ald I D Neilson (DA)  
 Cllr B Ngcombolo (ANC)  
 Cllr A Ntsodo (DA)  
 Cllr M Temlett (DA)  
 Cllr D Visagie (DA)  
 Cllr J Woodman (DA)

**ABSENT**

***The following Councillor was absent without an apology:***

Cllr P East (DA)

***The following Councillor submitted an apology for late arrival:***

Ald J Vos (DA)

***The following Councillors submitted an apology for leaving early:***

Cllr M F Achmat (AJ)  
 Cllr A C Louw (GOOD)  
 Cllr P S Mzolisa (DA)  
 Cllr N Williams (CCC)

**PRESENT*****Executive Management Team***

Mr L Mbandazayo	-	City Manager
Mr K Jacoby	-	Chief Financial Officer
Mr E Sass	-	ED: Community Services and Health
Ms D Campbell	-	ED: Urban Mobility
Ms N Gqiba	-	ED: Human Settlements
Mr K Nassiep	-	ED: Energy
Ms Z Mandlana	-	Acting ED: Corporate Services
Mr R Keraan	-	Acting ED: Urban Waste Management
Ms E Naude	-	Acting ED: Spatial Planning and Environment

***Executive Committee Services***

Mrs R Razack - Acting Director: Executive & Councillor Support Operations

**COUNCIL MINUTES: 28 APRIL 2022**

Mr M Carolus  
 Ms J Cooper  
 Ms C France  
 Mr E Fray  
 Mr G Josephs  
 Mrs A Kline  
 Ms M Levendall  
 Ms L McGregor  
 Mr N Meissenheimer  
 Mr M Moses  
 Ms L von Molendorff

***Legal Services***

Ms R Sayed

<b><u>LIST OF ACRONYMS FOR INFORMATION</u></b>	<b><u>SEATS</u></b>
<b>ACDP - African Christian Democratic Party</b>	<b>6</b>
<b>AIC - African Independent Congress</b>	<b>1</b>
<b>AJ - Al Jama-ah</b>	<b>3</b>
<b>ANC - African National Congress</b>	<b>43</b>
<b>ARA - Africa Restoration Alliance</b>	<b>2</b>
<b>CCC - Cape Coloured Congress</b>	<b>7</b>
<b>CIP - Cape Independent Party</b>	<b>1</b>
<b>CMC - Cape Muslim Congress</b>	<b>1</b>
<b>DA - Democratic Alliance</b>	<b>136</b>
<b>DI - Democratic Independence</b>	<b>1</b>
<b>EFF - Economic Freedom Fighters</b>	<b>10</b>
<b>FF Plus - Freedom Front Plus</b>	<b>4</b>
<b>GOOD - GOOD</b>	<b>9</b>
<b>PA - Patriotic Alliance</b>	<b>4</b>
<b>PAC - Pan Africanist Congress of Azania</b>	<b>1</b>
<b>UDM - United Democratic Movement</b>	<b>1</b>
<b>UIM - United Independent Movement</b>	<b>1</b>
<b>Total</b>	<b>231</b>

**SECTION 1 OPENING OF MEETING**

The Speaker, Ald F Purchase welcomed all Councillors, officials, guests, public and the media onsite and those connected to the virtual platform.

A moment of silence was observed.

Councillors were called upon to register their attendance at the respective venues.

At this stage, the Speaker announced that the Chief of Council, Cllr D Visagie is on family responsibility leave. The Speaker asked for nominations from Councillors to act as Chief Whip.

A nomination for Cllr E Anstey to act as Chief Whip for this meeting was received from Cllr P Mzolisa, seconded by Cllr D Masiu.

No further nominations were received. Cllr E Anstey was therefore duly elected to act as Chief whip for this meeting.

## SECTION 2 MAYORAL ADDRESS

The Speaker called on the Executive Mayor, Ald G Hill-Lewis to address Council, as follows:

*“Speaker, Fellow Councillors and City colleagues, Residents of Cape Town and members of the media,*

*Good Morning, I would like to thank all the Capetonians who came forward with donations for those who lost their homes in the fire in Langa over the Easter Weekend. Our deepest condolences also go out to all those in KwaZulu-Natal who lost loved ones as a result of the flooding in that province. It is a human tragedy that has shocked the country. I’ve spoken to Mayor Kaunda of eThekweni regularly, and he has conveyed his sincere thanks for the search and rescue team that Cape Town sent immediately after the tragedy to help in the relief efforts. We thank that professional team for the work they did, the Disaster Risk Management staff who worked on the Langa fire, and all Capetonians who donated for the truck of goods we sent to KZN.*

*Speaker, before I begin, we are just days away from the sighting of the moon and the end of Ramadaan. We have also celebrated Easter and Passover. This period in which all three of the Abrahamic faiths celebrated together, has demonstrated the very best of Cape Town’s cultural, religious and historical plurality. Early in January, I instructed our policy team to begin work on a new document setting out a standard operating procedure that would resolve once and for all the issue of noise complaints relating to places of worship.”*

***[At this stage, the meeting was interrupted by community members seated in the gallery. The Speaker informed them not to demonstrate their placards and listen to the speech or otherwise they would be removed. The Executive Mayor intervened and advised the community members to peacefully display their placards. The community members continued to interrupt the meeting, whereupon the Speaker requested Law Enforcement to remove them from the gallery in the Chamber.]***

The Executive Mayor continued with his address as follows:

*“Our goal was clear: To give every faith community in Cape Town the peace of mind of knowing that this issue is now sorted, done, and resolved.*

*Our new standard operating procedure makes it clear that the by-law provisions on noise disturbances will not apply to correctly zoned places of worship. This document provides surety and a guarantee of religious freedom for correctly zoned places of worship. It also balances these freedoms by not giving a blanket exemption for un-zoned premises, which is not reasonable or fair in a plural constitutional democracy. We have now completed this new policy document, and have consulted with the Muslim Judicial Council about it. We are grateful for their statement of blessing and support. Notwithstanding this, I expect that some will continue to try to foment religious division on this issue. I hope in this holy month, you will all join me in taking a very dim view indeed of those who would abuse religion for political gain. I’m also grateful to other councillors who have drawn attention to this issue, one of whom has placed the matter on the order paper today for debate. While we welcome their attention to this issue, I am sure they will share my pleasure in the news I have just announced – and the obvious implication of that announcement, that their motion is moot as the policy document we’ve prepared and which has been under preparation for months, is now finalised, and the matter is now well and truly dealt with. We are also looking for better ways to demonstrate our commitment to inclusivity in meaningful ways.*

*In Kaapstad vier ons die diversiteit van ons stad se tale en kulture as ‘n bate eerder as ‘n las. Daarom is ek trots dat Kaapstad die eerste stad in die land is met digitale padtekens in Afrikaans en Xhosa. Saam is ons sterker!*

*E-Kapa sibhiyoza ukwa-hluka kwe-elwimi zesi sixeko njengo-kulu-lutho, hayi umthwalo. Somelele ngobambano! Thank you.*

*It will soon be six months since this new administration began its term of office. While there are still many challenges ahead, it gives me great pride to look back at what we have already achieved in this short period, and I hope that all those residents who joined in our many clean ups over the past months, who have joined our committees, and actively share their ideas for a better Cape Town with us, share in that pride. At the same time, I am filled with hope and excitement for what we are still going to achieve in the coming months and years.*

*As Mayor, I am committed to doing more, and I know that every one of our councillors and city officials shares that commitment. In particular, I am dedicated to doing more in those policy areas where the national government is struggling to deliver. This is not because we want to take power for its own sake; it is because we have an obligation to make sure that every Capetonian gets the services they deserve.*

*I refuse to allow our residents to be vulnerable because of another government's incapacity. If a local or regional government is able to carry out functions that the national government is failing to fulfil, then those functions should be devolved to that local or regional authority. This is what I call 'functional federalism'.*

*Thankfully, the Constitution backs me up on this point. Section 156(4) of the Constitution, states that a municipality MUST be assigned a function when there is agreement between the national and local governments; and where there is adequate capacity at the municipal level to perform the function.*

*Speaker, there are many people who say that South Africa is either a failed state or is fast becoming one. It does not matter whether you agree with this assessment or not. What matters is that in Cape Town, we refuse to let it happen. What matters for South Africa is what we do here, to put our country on the correct path. We need to show people that state failure does not need to be inevitable. We need to show people that there are places in South Africa where things work, where citizens are listened to and responded to and where services are delivered for everybody. And so, in the City of Cape Town, we are doing all we can to effectively fulfil all the functions traditionally assigned to local governments. But, we are going further than that: we are starting to move into policy areas that have historically been out of our scope.*

*Take policing, for example. In terms of the Constitution, policing is primarily a national competency under the Minister of Police and the South African Police Service. Local government police have traditionally been limited to policing bylaws and traffic violations. Through writing and passing new local and provincial legislation under DA administrations over the past decade, and ensuring the proper interpretation of national legislation, we have empowered our officers to go beyond these previously limited responsibilities. The South African Police Service (SAPS), despite the bravery of some exceptional police officers – is losing the fight against violent criminals. To make matters worse, in the Western Cape, the national SAPS management has chronically under-resourced the province and the city. Since 2018 there has been a withdrawal of over 500 SAPS officers here, and although there has recently been an additional deployment, even this deployment is 821 officers fewer than what was budgeted for. This has severely hampered crime-fighting in our city.*

*This is why the City of Cape and the Western Cape Government has worked together to deploy 1000 extra LEAP (law enforcement) officers to the 11 worst crime hotspots in our city. And we have already seen what dedicated boots on the ground can achieve. While crime in the rest of the country is on the increase, we have seen a marked decrease in our crime hotspots. This is evident in the 40,5 percent reduction in crime in Kraaifontein, a 24,1 percent decrease in crime in Nyanga, a 21,1 percent drop in crime in Khayelitsha and a 14,5 percent cut in crime in Harare – all areas where we have deployed dedicated LEAP units.*

*Some of these hotspots have now dropped off the murder-capital lists that they have dominated for a decade. While this progress is encouraging, it is too soon to celebrate. We must keep going until every man, woman and child in this city feels safer in their homes and in their neighbourhoods.*

*This is why we will continue to find more money in our budget to train and deploy additional police officers. In my address to Council on the tabling of the draft budget, last month, I announced that the City of Cape Town will be providing for 150 new officers and 80 new auxiliaries, for a total of 230 new officers in one year. We have allocated R66m to expand our training college so we can produce more officers over three years, including staff, programme, and property improvements; R50m is allocated for the expansion of our CCTV and Licence plate recognition camera network in 2022, R36m on new Crime-fighting aerial technology, R7,6m on a new and innovative drone programme and R78m on dashcams and bodycams. We are also starting a new protection unit for frontline staff and community facilities. We will continue with our plans to take more metro police officers out of their offices and onto the streets where they can take the fight to criminals.*

*Madam Speaker, We want everyone who lives in a LEAP deployment area to know and feel the greater safety that this investment is delivering. We want residents to know that they live in a LEAP area, and we want criminals to know it too. Don't even try it, because you will be caught. That is the whole point. Capetonians can feel safer because of this investment. So we are not stopping at just boots on the ground. We want to develop those communities themselves, and build partnerships with active citizens. We want to work more closely with neighbourhood watches in LEAP neighbourhoods. We are going to dedicate millions more for neighbourhood watch equipment and training specifically in LEAP areas. And our small business support teams will move in and give training and support to entrepreneurs in those communities. And our sewage pipe replacement and infrastructure investments will improve basic services and dignity in those areas. This is a whole of society approach to bringing violence down and making communities safer.*

*Speaker, we have shown that – when we take more control – we deliver better for the people of Cape Town. And that is why we are pushing to take more responsibility for our city's energy needs too. I don't need to spell out here how the national government has failed to manage the country's power supply. All of us feel the inconvenience of load-shedding on a regular basis, and we see the impact that load-shedding has on service delivery, on businesses and on jobs. The City of Cape Town refuses to have our local economy bled dry, small businesses suffer and manufacturing jobs leave our shores because of the national government's inability to ensure a reliable and stable supply of electricity. We are already in a position to provide our customers with relief from one level of load-shedding. Last week, when Eskom customers were facing six hours of load-shedding a day on stage 4, City customers were on stage 2 and 3.*



*This is thanks to our Energy Directorate's excellent maintenance of the Steenbras Hydro Pumped Storage Scheme. Going forward, we will invest heavily in the refurbishment and upgrade of Steenbras to keep Capetonians protected from that extra stage of load-shedding. This week, I met with Eskom and we discussed what can be done to transfer Eskom customers on to the City's system, so that every Capetonian can be protected from a stage of load-shedding. The City's Energy team is doing a detailed analysis of Eskom supply areas, and Eskom has pledged their support and co-operation in providing the information necessary for this analysis, and in working together towards a transfer process after that.*

*Of course, ultimately, we want to go much further in protecting our residents. We want to go from protecting them from one stage of load-shedding to free them from load-shedding altogether over time. And so we are moving as quickly as possible to bring Independent Power Producers (IPPs) on board, adding more independently generated electricity to the grid, and further reducing our reliance on Eskom. This is a journey that will take time. That is why it is so important that we start as early as possible and move with real ambition to get this done. I announced in my budget speech last month that embedded commercial generators will no longer be compelled to be net consumers of City-supplied power; in fact they will be incentivised to be net producers. This is a major policy shift that will see a huge contribution being made to our energy grid, and combined with the other interventions I have just mentioned we will make Cape Town the first load-shedding free city in South Africa.*

*Speaker, it is clear that capable local governments, and not the national government, are best positioned to deliver the services needed by residents. We are showing what functional federalism looks like, and what can and is being done right here in this city to improve people's lives. I think every councillor here, and every resident of the city, shares my frustration with the national government-controlled passenger rail service, run by PRASA. National Government's Rail service has reached crisis point in Cape Town, with just 33 operational train sets in 2020 compared to 95 trains sets in 1995. In February, the Passenger Rail Agency of South Africa (Prasa) reported to the Western Cape Provincial Parliament Standing Committee on Transport and Public Works about its rail service in this province. The media reported on that presentation in which it was revealed that In June 2019, Prasa was operating 444 train trips on a weekday in Cape Town, in early 2020, (pre-pandemic) this had dropped to 270 daily trips, and that this year there are no more than 153 train trips across the city on a weekday, a 66% reduction in availability of the service. And so I am very pleased to announce here today that the City of Cape Town is now ready to proceed with a detailed feasibility study for the devolution of the metropolitan rail function to this metro.*

*Like with ending load-shedding, projects of this ambition take time, and so it is essential that we start immediately. We have already issued the tender and the work will begin as soon as the new financial year begins on 1 July this year.*

*I do not think this first part of the project needs to take a long time and I know that our Mayoral Committee Member for Urban Mobility, Cllr Rob Quintas and his team will ensure not a second is wasted here. Let's get it done as quickly as possible, so we can move on with getting the trains working. In recent days there has been a sea-change in policy statements from the national government – we are now seeing regular and substantive verbal commitments to privatization in South Africa, not from us (who have been calling for this for years), but from the national government itself. Their resistance to this has cost South Africa dearly, and has left all of these essential services in a state of advanced collapse. But we are greatly encouraged that they are now embracing the idea, and we want to make sure Cape Town is at the forefront. The truth is this: government should not be in the business of running businesses. Government is there to regulate, set the rules of engagement, ensure competition and fairness, provide essential infrastructure, and uphold the rule of law. We hope the recent statements are meaningful, and not just lip-service being paid to economic reform. We will certainly test the sincerity of these statements, and we intend to do it soon. Early signs are very encouraging.*

*A letter received from the Minister of Finance this week not only gives us a green light to conduct the passenger rail feasibility study, but fully endorses our intended policy direction in favour of devolution of this critical function. In the letter, Minister Godongwana expresses the view on behalf of the National Treasury that a study of this kind is essential and should be carried out by the City. Furthermore, that a municipality should be assigned a function by agreement, and as long as there is adequate capacity at the municipal level to perform the function, which there no doubt is here. The Minister further added that the policy intent in the White Paper on Transport Policy and the draft White Paper on Rail Policy, is for public transport to be devolved to the lowest level. This is a big deal, because up until now, the national government had tried to block the feasibility study. There is a new wind blowing, we hope.*

*I want to thank Minister Godongwana for the national government's encouraging and supportive letter. It seems that some sections of the national government agree with my analysis that functional federalism is the way to go. I hope that, in time, more of their colleagues will adopt the same stance and devolve more functions to us. Our aim is to ensure that the trains run on time, that they are safe to travel on and that they are the preferred mode of transport for our citizens. This is essential if we are to connect our city and our residents to one another, to unlock economic opportunity, to relieve the congestion on our roads, and to unstitch the legacy of Group Areas. As Cape Town works to devolve these crucial services, we are also mindful that we can only reach our goals through continued sound financial management. The ongoing turnaround of other metros confirms that the responsible financial management we enjoy in Cape Town is non-negotiable to making further progress.*

*Vat nou maar net die voorbeeld van Tshwane, waar burgemeester Randall Williams en die nuwe DA-koalisiering hard werk om die*

*dekades van finansiële wanbestuur onder die ANC om te keer. Dit is direk danksy die finansiële vordering wat Tshwane nou maak dat hulle hierdie afgelope week aangekondig het dat R60 miljoen beskikbaar gemaak is om die Pyramid-kragstasie, wat in 2019 afgebrand het, te herstel. Hierdie herstelwerk gaan betroubare elektrisiteit aan die noorde van Pretoria herstel.*

*The R60 million upgrade of the Pyramid substation in Tshwane is a clear example of how DA good governance directly translates into improved services.*

*Speaker, I am a huge believer in this beautiful country of ours. I know that we face many challenges as a nation but I am convinced that, if we work hard, we can fix any problem. It starts here at local level. I want Cape Town to become the standard-bearer for good government in South Africa, a place where things work and every citizen is given a fair chance to live a better life. That does not mean we are in competition with other spheres of government. We are all South Africans, and we should all want our country to succeed. It is my hope that Cape Town is given the space and the resources to show South Africa what good governance looks like. We will do this by collaborating with our colleagues in National and Provincial Government, and sharing knowledge and expertise with other cities. I fully intend for this City to take greater control of its own destiny as envisaged in the Constitution. Let us be a beacon of hope for every citizen of this magnificent country.*

*And if there is to be the sweeping economic reform in our country that revives the dry bones of our economy and sets South Africa finally on the path of prosperity, then let it start here in Cape Town, and let it start with us. Thank you.”*

## **SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS**

The following questions were put to the Executive Mayor, Ald. G Hill-Lewis:

### **Cllr L Max (FF Plus)**

Cllr L Max thanked the Executive Mayor for his commitment with regard to the safety and security of the citizens of this City. He mentioned that it is a fact that the infrastructure of the City is destroyed by criminals, which is not isolated to the City of Cape Town, but all municipalities. He asked the Executive Mayor if the City would promulgate a By-Law to compel scrapyards owners to report any equipment like cables etc., which belongs to the City, to Law Enforcement for clearance before buying such equipment or material. Cllr Max further asked the Executive Mayor if he would support such initiative.

The Executive Mayor responded that he acknowledge the fact of unethical scrap dealers and scrapyards accepting products which they know belongs to the City, and if it is their current practise, he don't think

that a By-law would stop them. By the time the copper arrives at the scrapyards, it is also impossible to identify if such copper belongs to either Transnet, Prasa, Telkom or the City, due to the fact that it has been burned or melted. Innovative and drastic new measures should be implemented i.e to embed material with chemical signatures inside the copper itself. The Executive Mayor made reference to the security measures taken by eThekweni Municipality by using pepper spray inside substations and meterboxes and advised that such innovative solutions be explored. He also indicated that the current legislation is very prescriptive about what can be sold at scrapyards. The Executive Mayor further expressed his view on the export of copper, economic growth and firm law enforcement. It was also noted that the aerial surveillance capacity as invested in this budget would also restrict further vandalism and destruction of the City's infrastructure.

### **Cllr Z Sulelo (DA)**

Cllr Z Sulelo asked the Executive Mayor what the City has done to assist the victims who were affected by the fires in Langa and floods in KZN.

The Executive Mayor responded that a team of volunteers (Fire and Rescue Crew) were sent to KZN to assist, who did exceptional work sifting through the rubble and mud after the disaster. Donations were also requested from Councillors and Cape Townians to assist with blankets, non-perishable food and water, which were transported to KZN.

With reference to the fire victims in Langa, the Executive Mayor mentioned that the Fire Department responded within minutes to the fire outbreak, but suffered violence and attack from some members of the community. The Executive Deputy Mayor, Ald E Andrews and the Disaster Risk Management Team also assisted during the Easter Weekend helping to arrange for alternative accommodation. The Executive Mayor also gave massive credit to the Gift of the Givers for their assistance to the victims.

### **Ald X Sotashe (ANC)**

Ald X Sotashe asked the Executive Mayor why the former MEC, Bonginkosi Madikizela refused to devolve some of the functions of housing, namely accreditation and assignment, to the City of Cape Town. Ald X Sotashe also alluded to the fact that the Executive Mayor presented wrong information on the crime stats to Council.

The Executive Mayor responded that this government was elected by an electorate where people voted for a different political party, whereupon he made reference to Schedule 4 and 5 of the Constitution and explained the legislative powers of Local – and Provincial Governments. The Executive Mayor indicated that the crime stats quoted was official information published by the South African Police Service. It was noted that the Western Cape was deprived of 821 SAP officers, as the MEC Community Safety revealed that an additional 1300 SAP Officers would

be deployed in the Western Cape in terms of the National Budget, which did not happen.

**Cllr M Sampson (PA)**

Cllr M Sampson expressed his thanks for the good job the Law Enforcement and Metro Police are doing in the respective areas. He asked the Executive Mayor how the City would compensate when SAPS are not present in the respective areas, in order to supplement the Metro Police in their duties.

The Executive Mayor responded that SAPS National Management has failed. The Executive Mayor gave his full honour and credit to the hardworking and dedicated SAPS Officers for their commitment and determination, in some areas with restricted resources and officers, deployed in the City of Cape Town. The Executive Mayor indicated that where SAPS Officers are falling short in certain areas, the LEAP deployment is done in such a manner to assist in these areas and will continue to expand dependent on resources. It was noted that the law enforcement deployment and auxiliaries would be increased by 230 officers in one year at a cost of more than R250 million.

**Cllr M Dambuza (EFF)**

Cllr M Dambuza asked the Executive Mayor what the City is planning to do with the provision of fire kits to the victims in Joe Slovo. Cllr Dambuza was of the view that other organisations who assisted the fire victims and played a significant role should also be acknowledged. He also made reference to the representatives of all 3 spheres of government who were in the area, but did nothing since then to assist the victims.

The Executive Mayor acknowledged that there are many other organisations who are doing excellent work in areas of disaster and fires, whereupon he expressed his earnest gratitude to them as well. The Executive Mayor further responded that if the best possible outcome for the people, who lives in Cape Town or anywhere in South Africa, the point of departure is the common desire to get the best possible prosperity and dignity for the people, and should be done by the sphere of government who can do it the best.

The Executive Mayor further responded that the reconstruction kits were usually funded by a national grant from Human Settlements, which was discontinued. The City continued for almost 2 years to fund the fire reconstruction kits, but it became prohibitively expensive and it was not sustainable to fund those fire reconstruction kits without the grant allocation. The Executive Mayor was of the view that the generosity of the citizens of Cape Town should also be channelled to victims of shack fires, and not only for mountain and bush fires. The City got unused buildings and venues which could be used as collection points for the donation of building materials, where skilled and crucially trusted NGO's could take charge of the distribution themselves, and not to create the impression

that fire reconstruction kits are used for political gain in Cape Town. It was noted that Property Management is looking for a facility that is big enough for such purpose.

### SECTION 3

#### C 02/04/22 APOLOGIES / LEAVE OF ABSENCE

In the absence of Cllr D Visagie, the Chief Whip of Council, the Acting Chief Whip, Cllr E Anstey announced the applications for leave of absence as listed below.

**RESOLVED** that the following applications for leave of absence as announced by the Acting Chief Whip, **BE NOTED**:

Cllr A Adams (DI)  
 Cllr M Adonis (DA)  
 Cllr Z A Badroodien (DA)  
 Ald A J G Basson (DA)  
 Cllr M Booï (DA)  
 Cllr S S Booysen (DA)  
 Ald P H Chapple (DA)  
 Cllr A C De Beer (UIM)  
 Cllr A Z M I Elyas (DA)  
 Cllr F Essack (DA)  
 Ald G Fourie (DA)  
 Cllr N E Grose (DA)  
 Cllr P C Heynes (ANC)  
 Cllr N F Kopman (ANC)  
 Cllr M Mabungani (ACDP)  
 Cllr E M Madikane (ANC)  
 Cllr B M Majingo (ANC)  
 Cllr M J Marr (DA)  
 Cllr S Mbandezi (DA)  
 Cllr D Nelson (DA)  
 Ald I D Neilson (DA)  
 Cllr B Ngcombolo (ANC)  
 Cllr A Ntsodo (DA)  
 Cllr M Temlett (DA)  
 Cllr D Visagie (DA)  
 Cllr J Woodman (DA)

**ACTION: L KELLEEM**

### SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

No announcements were made by the Speaker.

### SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

**C 03/04/22 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 31 MARCH 2022**

**RESOLVED** that the minutes of the ordinary Council meeting held on 31 March 2022, be confirmed, subject to the following corrections:

Pg. 6 MEMBERS PRESENT

That the name of Cllr C Franklin (DA) be recorded under the heading "APOLOGIES".

Pg. 8 APOLOGIES

That the name of Cllr B Yeko (EFF) be recorded under the heading "MEMBERS PRESENT".

Pg. 8 ABSENT WITHOUT AN APOLOGY

That the names of Cllrs S Frenchman (CCC) and L Mazwi (EFF) be recorded under the heading "APOLOGIES".

**ACTION: N MEISSENHEIMER**

**At this stage, the Speaker, Ald F Purchase (DA) announced that the following items were agreed on by the respective political parties at the Whips' meeting:**

**Volume 2A - Items 6, 7, 8 and 9**

**Volume 2C - Item 20C**

**Volume 3 - Item 24**

**Volume 4 - Items 29, 31, 34, 35 and 36. [Reports for information and noting.]**

**205 Councillors participated when this announcement was made.**

**It also be noted that the following totals of Councillors from the respective Political Parties present at the meeting were taken into account when the decisions were taken by Council:**

<b>ACDP</b>	<b>- African Christian Democratic Party</b>	<b>5</b>
<b>AIC</b>	<b>- African Independent Congress</b>	<b>1</b>
<b>AJ</b>	<b>- Al Jama-ah</b>	<b>3</b>
<b>ANC</b>	<b>- African National Congress</b>	<b>37</b>
<b>ARA</b>	<b>- Africa Restoration Alliance</b>	<b>2</b>
<b>CCC</b>	<b>- Cape Coloured Congress</b>	<b>7</b>
<b>CIP</b>	<b>- Cape Independent Party</b>	<b>1</b>
<b>CMC</b>	<b>- Cape Muslim Congress</b>	<b>1</b>
<b>DA</b>	<b>- Democratic Alliance</b>	<b>120</b>

## COUNCIL MINUTES: 28 APRIL 2022

DI	- Democratic Independence	0
EFF	- Economic Freedom Fighters	10
FF Plus	- Freedom Front Plus	4
GOOD	- GOOD	9
PA	- Patriotic Alliance	3
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	0

**C 04/04/22 REQUEST FOR APPROVAL TO SPEND ADDITIONAL FUNDING ON THE CONGESTION MANAGEMENT PROGRAMME OVER THE NEXT FOUR FINANCIAL YEARS**

**RESOLVED** that:

- (a) the Congestion Relief Programme cost be increased from R750 million to R953.5 million (which excludes the seed funding of R40 million) over the next 4 financial years on the Urban Mobility's Capital Expenditure Programme to be funded, ex CRR: Congestion Relief, as indicated in the table below:

Financial Year	2022/23	2023/24	2024/25	Total
Provision of additional funding (ex CRR)	R15.8m	R180.3m	R7.4m	R203.5m

- (b) it be noted that, should additional funding be required, the Urban Mobility Directorate will submit a further report to Council, detailing the status of the Congestion Management Programme as well as further funding requirements to ensure that critical links and capacity improvements are made to the City's high order road network.

**ACTION: T VIEIRA, N SLINGERS, D CAMPBELL**

**C 05/04/22 REQUEST FOR MEMBERSHIP BY THE WATER AND SANITATION DIRECTORATE OF THE SMART WATER NETWORKS FORUM (SWAN)**

**RESOLVED** that:

- (a) the membership by the Water and Sanitation Directorate to the Smart Water Networks Forum (SWAN) for the 2021/22, 2022/23 and 2023/24 financial years, be approved.



- (b) the annual payment of the membership fees as set out in the table under paragraph 4.3 in the report to the agenda, be approved.

**[The EFF recorded their vote against the above decision.]**

**ACTION: M CARELSE, J DE BRUYN, Z BASHOLO, M MATIWANE, M WEBSTER**

**C 06/04/22 ACQUISITIVE PRESCRIPTIVE CLAIM OVER PORTIONS OF PUBLIC STREET, ABUTTING ERVEN 3972 AND 3973 QUEEN VICTORIA STREET, CAPE TOWN: EMBASSY OF FRANCE, TRADING AS CONSULATE GENERAL OF FRANCE CAPE TOWN**

**RESOLVED** that:

- (a) based on the evidence submitted by the claimant, Council in terms of the provisions of Clause 5 of the City of Cape Town: Immovable Property By-law, 2015, read with Section 1 of the Prescription (Local Authorities) Ordinance No. 16 of 1964, admit and concede to the Acquisitive Prescriptive Claim over portion of Public Street, abutting Erven 3972 and 3973, situated at Queen Victoria Street, Cape Town, measuring in extent approximately 27 m<sup>2</sup> as depicted by the aerial picture marked Annexure A to the report on the agenda, in favour of Embassy of France trading as Consulate General of France – Cape Town or its successors-in-title.
- (b) all costs in connection with the transaction are to be borne by the claimant.
- (c) approval be subject to compliance with any other statutory requirement.

**ACTION: C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM**

**C 07/04/22 PROPOSED REVIEW AND AMENDMENT OF RESOLUTION FOR THE TRANSFER OF PORTIONS OF REMAINDER ERVEN 17 AND ERF 2519 CAMPS BAY TO THE OWNER OF ABUTTING ERF 3062 CAMPS BAY: PROMENADE CENTRE (PTY) LTD**

**RESOLVED** that Council review and amend its resolution SPC 17N/09/21 taken on 29 September 2021 in order to read as follows:

- (a) in terms of Sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
- (i) it be resolved that the subject portion of Remainder Erf 17 and Erf 2519, Camps Bay situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown by the hatched figure lettered ABCD, on Plan STC 3185v2 attached as Annexure A to the report on the agenda, be regarded as not being required

for the provision of the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R. 878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of portion of Remainder Erf 17 and Erf 2519, Camps Bay situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown hatched and lettered ABCD, on Plan STC 3185v2 attached as Annexure A to the report on the agenda.
  - (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of portion of Remainder Erf 17 and Erf 2519 situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown by the hatched figure lettered ABCD, on Plan STC 3185v2 attached as Annexure A to the report on the agenda.
  - (d) the transfer of portions of Remainder Erf 17 and Erf 2519, Camps Bay situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown hatched and lettered ABCD, on Plan STC 3185v2 attached as Annexure A to the report on the agenda; to Promenade Centre (Pty) Ltd, or its successor(s)-in- title, be approved, subject to the following conditions, that:
    - (i) A purchase price of R2 500 000 excluding VAT be payable;
    - (ii) The purchase price shall escalated by 5% per annum compounded annually on a pro-rata basis commencing 6 months from the current date of valuation, i.e. 1 April 2022, until date of registration;
    - (iii) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.

**ACTION: M CARELSE, C DAVIS, M SIMS, R GELDERBLOEM**

**C 08/04/22**

**PROPOSED CLOSURE OF PORTION OF PUBLIC PLACE: PORTION OF ERF 620-RE RUSTDAL**

**RESOLVED** that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, approval be granted that, by Notice in the Provincial Gazette public place portion of Erf 620-RE Rustdal, as depicted on Annexure A to the report on the agenda, be closed.

**ACTION: A KLUE, D GEYSMAN, M SIMS, R GELDERBLOEM****C 09/04/22 ACQUISITIVE PRESCRIPTIVE CLAIM OVER PORTION OF UNREGISTERED STATE LAND (CLOSED ROAD) ABUTTING ERF 149639, KLOOF STREET, CAPE TOWN: SAGGY STONE BREWING COMPANY (PTY) LTD****RESOLVED that:**

- (a) based on the evidence submitted by the claimant, Council in terms of the provisions of Clause 5 of the City of Cape Town: Immovable Property By-law, 2015, read with Section 1 of the Prescription (Local Authorities) Ordinance No. 16 of 1964, admit and concede to the Acquisitive Prescriptive Claim over portion of Closed Road (Unregistered State Land), abutting Erf 149639, situated at Kloof Street, Cape Town, measuring in extent approximately 49 m<sup>2</sup> as depicted by the figure ABCDE on the plan marked as Annexure A to the report on the agenda, in favour of Saggy Stone Brewery Co. (Pty) Ltd or its successors-in-title
- (b) the subject property be notarially tied to the claimant's property, being Erf 149639, Cape Town for the reasons set out in the report on the agenda
- (c) all costs in connection with the transaction are to be borne by the claimant
- (d) approval be subject to compliance with any other statutory requirement.

**ACTION: C DAVIS, M SIMS, R GELDERBLOEM****C 10/04/22 REVIEW REPORT ON THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 AND THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME****RESOLVED that:**

- (a) the proposed amendments to the City of Cape Town Municipal Planning By-law, 2015, inclusive of the City of Cape Town Development Management Scheme, identified in Annexure F to the report on the agenda, be formally investigated and proceeded with
- (b) the number of deviations from the Municipal Spatial Development Framework and the nature and reasons therefore, as per Annexure G to the report on the agenda, be noted
- (c) the responses to comments received as a result of the review process, be noted as per Annexure D and E to the report on the agenda

- (d) in support of creating economic opportunities and the ease of doing business, the following principles be approved as part of the MPBL review:
- (i) First and foremost, the amendments are to be considered within the context of the priorities of the soon-to-be-adopted IDP - in particular, placing meaningfully faster economic growth and job creation at the apex of everything we do;
  - (ii) A facilitative approach with the private sector;
  - (iii) The overall aim needs to be to simplify the Development Management Scheme and Municipal Planning By-law to make it more accessible and understandable i.e. remove rules, rather than adding more;
  - (iv) Considering the categories of land use to create more flexibility - work from home, appropriate densification opportunities, flexibility to increase development rights without the need for rezoning in specific areas;
  - (v) Reduce the number of applications that are required by allowing several submissions to be made at the same time in a seamless process;
  - (vi) Allow for simultaneous submission of land use applications and building plans that could be considered in parallel to reduce time frames;
  - (vii) Reduction of administrative processes to allow faster processing of applications, but not at the cost of public participation;
  - (viii) The removal of unnecessary prescriptive red-tape;
  - (ix) Only include conditions that are realistic and implementable and necessary;
  - (x) Include mechanisms or structures to improve communication and engagement between internal departments to be able to resolve concerns / conditions proactively, such as development charges;
  - (xi) More plentiful formal housing;
  - (xiii) Support transport-oriented densification;
  - (xiv) Help facilitate micro-developments and the formalisation of informal settlements.

- (e) any further proposed amendments identified be included in phase 2 of the review project.
- (f) the objections received not be upheld for the reasons stated in the report on the agenda.

**[The EFF recorded their vote against the above decision.]**

**ACTION: S DE JAGER, C WALTERS, E NAUDE**

**The Speaker announced that Items C11 to C19 would be clustered for debate and that the decisions would be recorded separately.**

**C 11/04/22 APPLICATION TO EXTEND THE TERM OF THE BEACONVALE IMPROVEMENT DISTRICT (BVID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Beaconvale Improvement District (BVID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the BVID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the BVID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 12/04/22 APPLICATION TO EXTEND THE TERM OF THE EPPING CITY IMPROVEMENT DISTRICT (ECID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Epping City Improvement District (ECID) term from 1 July 2022 to 30 June 2027, be approved.
- (b) the ECID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved

- (c) the City of Cape Town imposes the levying of an additional rate on properties in the ECID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 13/04/22 APPLICATION TO EXTEND THE TERM OF THE MONTAGUE GARDENS - MARCONI BEAM IMPROVEMENT DISTRICT (MMID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Montague Gardens - Marconi Beam Improvement District (MMID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the MMID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the MMID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 14/04/22 APPLICATION TO EXTEND THE TERM OF THE NORTHPINE IMPROVEMENT DISTRICT (NCID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Northpine Improvement District (NCID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the NCID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the NCID from 1 July 2022, in terms of section 22(1)(b)

of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 15/04/22 APPLICATION TO EXTEND THE TERM OF THE OBSERVATORY IMPROVEMENT DISTRICT (OBSID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Observatory Improvement District (OBSID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the OBSID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the OBSID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 16/04/22 APPLICATION TO EXTEND THE TERM OF THE PENZANCE ESTATE SPECIAL RATING AREA (PESRA) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Penzance Estate Special Rating Area (PESRA) term from 1 July 2022 to 30 June 2027, be approved
- (b) the PESRA's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the PESRA from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 17/04/22**

**APPLICATION TO EXTEND THE TERM OF THE VOORTREKKER ROAD CORRIDOR IMPROVEMENT DISTRICT (VRCID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Voortrekker Road Corridor Improvement District (VRCID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the VRCID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the VRCID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 18/04/22**

**APPLICATION TO EXTEND THE TERM OF THE VREDEKLOOF COMMUNITY IMPROVEMENT DISTRICT (VCID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Vredeklouf Community Improvement District (VCID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the VCID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the VCID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**



**ACTION: E SCOTT, E NAUDE**

**C 19/04/22 APPLICATION TO EXTEND THE TERM OF THE WOODSTOCK IMPROVEMENT DISTRICT (WID) FROM 1 JULY 2022 TO 30 JUNE 2027**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Woodstock Improvement District (WID) term from 1 July 2022 to 30 June 2027, be approved
- (b) the WID's new 5-year Business Plan for the period 1 July 2022 to 30 June 2027, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the WID from 1 July 2022, in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

**[The EFF, PA and PAC recorded their votes against the above decision.]**

**ACTION: E SCOTT, E NAUDE**

**C 20/04/22 WATER SERVICES DEVELOPMENT PLAN: FINANCIAL YEAR 2022/23 – 2026/27**

**RESOLVED** that the Water Services Development Plan: Financial Year 2022/23 - 2026/27 attached as Annexure C to the report on the agenda, be approved.

**ACTION: D PAULSE, S MANIE, J DE BRUYN, Z BASHOLO, T ZEEMAN, M WEBSTER**

**C 20A/04/22 NEDBANK SHORT-TERM DEBT FACILITIES FOR THE PERIOD 1 JULY 2022 TO 31 MARCH 2023**

**RESOLVED** that, in terms of Section 45(2)(a) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:

- (a) the short-term debt facilities for the period 1 July 2022 to 31 March 2023, as listed below and included in the Nedbank Facilities agreement to be entered into between the City of Cape Town and Nedbank Limited, be approved:
  - General Banking Facility (Overdraft Facility) R 800 000 000
  - Guarantee Facility (cash covered) R 150 000 000
  - Guarantee Facility (non-cash covered) R 30 000 000
  - Business Travel Card (monthly limit) R 2 000 000

- Forward Exchange Contract R 74 000 000
- Letter of Credit R 16 000 000

- (b) the City Manager, or his delegated authority, be authorised to reallocate from the general banking facility towards the different categories as listed in (a) above, in order to maximise the benefits to the City.

**ACTION: D VALENTINE, K JACOBY**

**C 20B/04/22 TO REVIEW AND AMEND COUNCIL RESOLUTION C19A/01/21 PERTAINING TO THE MOTHBALLING OF SEVEN FACILITIES IN CLOSE PROXIMITY**

**RESOLVED** that:

- (a) Recommendation (e) contained in Council resolution C19A/01/21 be reviewed and amended for the reasons mentioned in the report on the agenda, in order for it to read as follows:

*The City clinic network be rationalised / optimised to reduce the financial burden on the City and thereby improve service efficiency, including negotiating the transfer of shared facilities and mothballing of facilities (only in relation to the two satellite facilities, namely Honeyside and Newfields) in close proximity by June 2022, where this process must be concluded and should be appropriately recorded in the SLA, that will be signed with the Provincial Department of Health.*

- (b) It be noted that as a result of the abovementioned recommendation, the following facilities remain open: Elsies River, Maitland, Northpine, Rocklands, Eastridge, Alphen and Lavender Hill Clinics.

**ACTION: P NKURUNZIZA, E SASS**

**C 20C/04/22 TRANSFER OF FUNDS FOR THE PAYMENT OF RETENTION ON THE BONTEHEUWEL TOWN CENTRE UPGRADE FENCING PROJECT IN THE 2021/2022 FINANCIAL YEAR**

**RESOLVED** that the transfer from WBS element CPX.0020023-F1 Bonteheuwel Town Centre Upgrade Building to WBS CPX.0020024-F1 Bonteheuwel Town Centre Upgrade Fencing in the amount of R8 981 VAT exclusive to be funded by 1 EFF:2 in the 2021/2022 financial year, be approved.

**ACTION: A GRAHAM, E NAUDE**

**C 21/04/22 PROPOSED LEASE OF PORTION OF CITY OWNED LAND (PUBLIC PLACE), BEING A PORTION OF ERF 21172 MILNERTON, SITUATED**

**OFF SAIL STREET, MILNERTON: COLAM PROPERTY PORTFOLIO (PTY) LTD (T/A ELKANAH HOUSE SCHOOL)**

Cllr J Stevens (ANC) expressed her concern on the public participation process on subject matter, as it is advertised in the mainstream media only. She requested that local newspapers such as City Vision and Vukani be looked at, in order for more residents in the poorer areas and townships to take part in the public participation process.

**RESOLVED** that the lease of a portion of City owned land, being a portion of Erf 21172, Milnerton situated off Sail Street, Milnerton, shown hatched and lettered ABCDEFGHJKL on Plan 130006417 attached as Annexure B to the report on the agenda, in extent approximately 3 027 m<sup>2</sup>, to Colam Property Portfolio (Pty) Ltd and trading as Elkanah House School, or its successors-in-title, be approved, subject to *inter alia* the following conditions:

- (a) A market rental of R12 400 per month, excluding VAT, calculated at the rate applicable as the time of the transaction, be payable, Rates is included in the rental.
- (b) The monthly rental is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing from 2021-09-01.
- (c) The above rental is to be effective and payable as from 2021-09-01.
- (d) The lease will endure for a period of 10 years **plus a 10-year renewal option**.
- (e) Rental must be reviewed after 5 years.
- (f) Subject to compliance with any other statutory requirements.
- (g) No compensation will be payable for any improvement made to the property.
- (h) The property may be used for sport purposes only.
- (i) No structures may be erected on the property.
- (j) Council shall not be liable for any damage, to equipment or infrastructure erected or stored on the property, as a result of flooding of the canal for whatever reason.
- (k) Council shall have unhindered access to the property for the maintenance of any municipal services crossing the property.
- (l) The applicant will be responsible for all maintenance in respect of the property.

**ACTION: G DU PLESSIS, B MALI-SWELINDAWO, M SIMS, R SCHNACKENBERG, R GELDERBLOEM**

**C 22/04/22 AUTHORISATION TO COMMENCE WITH PUBLIC PARTICIPATION PROCESS IN TERMS OF THE MUNICIPAL ASSET TRANSFER REGULATIONS (MATR) FOR THE PROPOSED GRANTING OF LONGTERM RIGHTS TO USE, CONTROL AND/OR MANAGE, BY WAY OF PUBLIC COMPETITION THE CITY-OWNED LAND BEING PORTIONS OF ERF 1056-RE CAPE TOWN, SITUATED AT BILL PETERS DRIVE, GREEN POINT FOR USAGE AS A SPORTING CLUB AND PARKING**

**RESOLVED** that, in terms of Regulation 34(3)(a) of the Municipal Asset Transfer Regulations (MATR), promulgated on 22 August 2008, the City Manager be authorised to conduct the public participation process for the proposed granting of rights to use, control, and manage by public competition, a portion of Erf 1056-RE Cape Town, situated at Bill Peters Drive, Green Point for the purpose of usage as a gym / sporting club and parking.

**ACTION: C EASTLAND, S MUKORI, M SIMS, R GELDERBLOEM**

**C 23/04/22 PROPOSED LEASE OF PORTION OF PUBLIC STREET, UNREGISTERED STATE LAND, ABUTTING ERF 2042 GREEN POINT, MAIN ROAD, GREEN POINT, CAPE TOWN FOR RESTAURANT PURPOSES: K2014091755 (PTY) LTD (SHORT STAY HOTEL)**

**RESOLVED** that the lease of Public Street, being a portion of Unregistered State Land, abutting Erf 2042, Green Point situated at Main Road, Green Point, Cape Town shown hatched and lettered ABCD on the Sketch 130007923 marked Annexure A to the report on the agenda, in extent approximately 41 m<sup>2</sup>, to K2014091755 Pty Ltd (Short Stay Hotel), owner of Erf 2042, Green Point, or its successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) A market rental of R5 500.00 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable.
- (b) The monthly rental shall escalate at 6% per annum compounded annually on a pro rata basis commencing 6 months from date of valuation, i.e. as from 1 October 2021. Accordingly, the above recommended rental is effective and payable as from 1 October 2021.
- (c) The lease will endure for a period of 10 (ten) years, subject to a rental review after a period of 2 (two) years; i.e. first review by 1 April 2023.
- (d) The property be used for restaurant purpose only.

- (e) Subject to such further conditions to be imposed by the Director: Property Management in terms of his/her delegated authority.
- (f) Subject to compliance with any other statutory requirements.
- (g) No compensation will be payable for any improvement made to the property.

**ACTION: N VANQA, C DAVIS, M SIMS, R SCHNACKENBERG, R GELDERBLOEM**

**C 24/04/22**

**PROPOSED LEASE OF CITY LAND, BEING A PORTION OF ERF 149100 CAPE TOWN, CORNER OF CHADWIN ROAD AND APPOLLO WAY, HEATHFIELD: SOUTH PENINSULA HIGH SCHOOL**

**RESOLVED** that the lease of a portion of City land, being a portion of Erf 149100, Cape Town situated at the corner of Chadwin Road and Appollo Way, Heathfield, shown bordered grey and lettered ABCDE on Plan 130008360 marked as Annexure A to the report on the agenda, in extent approximately 3 766 m<sup>2</sup>, to South Peninsula High School, Old Kendal Road, Diep River, be approved, subject to *inter alia* the following conditions, that:

- (a) A rental of R995,65 per annum excluding VAT and other fees and charges, subject to the following conditions:
  - (i) The lease to be for a period of 10 years, with a 5-year review.
  - (ii) The rental to increase in accordance with the City's tariff structure as approved by Council and as may be amended from time to time.
  - (iii) The subject property to be used for tennis courts only. No permanent structures to be erected thereon.
  - (iv) Access to the subject property by the general public when not being used by the school for sport purposes, shall not be restricted in any way and offered free of charge.
  - (v) Consent to be obtained for any commercial activities on the subject property, i.e. private coaching, in such instance, the rental will need to be reviewed.
- (b) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority.
- (c) Subject to compliance with any other statutory requirements.
- (d) No compensation will be payable for any improvement made to the property.

- (e) Adherence to the requirements of the City of Cape Town's Water By-law.
- (f) The City of Cape Town has the right to construct and/or erect and lay such poles, stays, cables, wires, or appurtenances relating thereto as may be necessary, together with the right to use, inspect, maintain, repair, alter, relay and/or remove all such poles, stays, cables, wires or appurtenances aforesaid. This includes the right to bring machinery onto property and to carry out excavations.
- (g) The City of Cape Town has the right for any employee, servant, or contractor of the City of Cape Town to enter and be upon the property at any time in the exercise of the aforesaid rights.
- (h) No building, containers or structure may be erected within 3 metres of the electricity services.
- (i) No excavation or filling may be carried out within the leased area without the prior written consent of the Director: Electricity Services via the wayleave approval process. All excavations within 3 metres of the electrical services must be carried out under the direction of a representative of the Electricity Department. In this regard, contact the Directorate two weeks before the commencement of work.
- (j) No stake, pegs or pins may be driven into the ground within 1 metre of any part of the electricity services.
- (k) No plant or material may be stored within 1 metre of any part of the electricity services.
- (l) No mechanical plant may be used within 3 metres of medium voltage cable or 5 metres of high voltage cable.
- (m) It is the responsibility of the applicant to notify Telkom immediately should the applicant locate any Telkom plant, which may not be indicated on the plan.
- (n) Telkom requires access to carry out maintenance or upgrade existing plants at all times.
- (o) The objection from Heathfield Tennis Club not be upheld and that the alternative proposal not be recommended.

**ACTION: L ARON, M SIMS, R SCHNACKENBERG, R GELDERBLOEM**

**C 25/04/22 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES**

**RESOLVED** that Cllr T Jackson (DA) be removed as a member from the Innovation and Ease of Doing Business Portfolio Committee.

**ACTION: EXECUTIVE COMMITTEE OFFICERS, N DAMON, S ABEL, D DANIELS, R RAZACK, Z MANDLANA**

**C 26/04/22      OVERSIGHT REPORT IN RESPECT OF THE 2020/2021 INTEGRATED ANNUAL REPORT OF THE CITY OF CAPE TOWN**

The ACDP was not in support of item, as the oversight report contained inaccurate information.

**RESOLVED** that:

- (a) the Oversight Report be adopted and the 2020/2021 Integrated Annual Report of the City of Cape Town be approved without reservations
- (b) the resolutions in Annexure B attached to the report on the agenda, be supported for action and where applicable, be referred to the relevant officials and feedback, where applicable, be provided to the Municipal Public Accounts Committee.
- (c) the questions and comments received from Subcouncils and Portfolio Committees and the responses thereto as set out in Annexure C attached to the report on the agenda, be subjected to review at the next Municipal Public Accounts Committee meeting.

**[The ACDP recorded their vote against the above decision.]**

**ACTION: G JOSEPHS, W CLAASSENS, A MOOLMAN, A VORSTER, L MBANDAZAYO**

***At this stage, namely 13H30, the Speaker announced that the meeting would adjourn for lunch. The meeting recommenced at 14H15.***

**C 27/04/22      MOTION RECEIVED FROM COUNCILLOR S LITTLE**

Cllr S Little (GOOD), seconded by Cllr J Cupido (GOOD), was asked to introduce her motion as set out on pages 1 to 6 of Volume 4 of the agenda, as reflected below:

***“PROPOSAL TO AMEND THE BY-LAW RELATING TO STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES NOISE NUISANCE.***

***INTRODUCTION:***

*In May 2019, in the middle of the holy month of Ramadaan, someone lodged a noise disturbance complaint against the 100-year-old Zeenatul Mosque in District Six for the call to prayer, the Athaan.*

*Following the complaint against the Zeenatul Mosque in 2019, and the righteous outcry over the City's legitimization of a complaint that the Athaan was a "noise nuisance", the City's leadership made a public commitment to provide for an exemption, from the noise control regulations, for the Athaan and church bells. This has not happened.*

*Noise disturbances are regulated by the WESTERN CAPE NOISE CONTROL REGULATIONS promulgated in 2013 and by Section 3 of the BY-LAW RELATING TO STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES ("by-law").*

*Regulation 12(1)(a) states that the local authority may exempt any person or venue or type of venue from any provision of these regulations (a) on its own initiative; or (b) on application by any person.*

*The City of Cape Town's website currently includes "Church singing / bells" and " Calls to Mosque" as examples of a "noise disturbance"- alongside Nightclubs and industrial noise.*

**MOTION:**

*It is proposed that Section 3 of the by-law be amended by the addition of a section 3(c) to provide for the exemption of legitimate religious sounds such as the call to prayer ("calls to Mosque"), the ringing of church bells and church singing as follows:*

*(c) Places of worship, such as churches and mosques, operating lawfully in terms of the Cape Town Planning By-Law and its Zoning Scheme, shall be exempted from the provisions of the WESTERN CAPE NOISE CONTROL REGULATIONS and from the provisions of this by-law, for the purposes of religious sounds of calls to prayer, ringing of bells and singing.*

*Once amended Section 3 of the By-Law shall read as follows:*

**3. No person shall in a public place-**

- (a) cause or permit to be caused a disturbance by shouting, screaming, or making any other loud or persistent noise or sound, including amplified noise or sound; or*
- (b) Permit noise from a private residence or business to be audible in a public place, except for the purposes of loudspeaker announcements for public meetings or due to the actions of street entertainers.*
- (c) Places of worship, such as churches and mosques, operating lawfully in terms of the Cape Town Planning By-Law and its Zoning Scheme, shall be exempted from the provisions of the WESTERN CAPE NOISE CONTROL REGULATIONS and from the provisions of this by-law, for the purposes of religious sounds of calls to prayer, ringing of bells and singing."*



The Executive Mayor, Ald G Hill-Lewis (DA), seconded by Cllr E Anstey (DA) proposed an amendment to Cllr Little's motion by deleting all words after "Motion" and replacing them with the following:

Noting that there is no need to amend the city's Bylaw to provide for the City's recognition of the importance of religious sounds or calls to prayer within our communities

Noting further that:

- (a) a blanket exemption from the application of the Western Cape Noise Control Regulations is neither reasonable nor necessary to achieve this purpose; and
- (b) the City's protection of reasonable, religious sounds can most easily be achieved by a Standard Operating Procedure (SOP) wherein it is confirmed that Section 3 (Noise Nuisances) of the streets, Public Places, and Prevention of Noise Nuisances by-law is not applicable to places of worship operating within an appropriate zoning.

The amendment to the motion submitted by the Executive Mayor was duly supported by the majority of Councillors present.

**RESOLVED** that Council recognises that a Standard Operating Procedure (SOP) has been developed, the purpose of which is to codify the methods by which officials of the city of Cape Town implement the City's Street Public Places and the Prevention of Noise Nuisance By-Law and the Western Cape Noise Control Regulations in an appropriate and sensitive manner, that protects and upholds religious freedoms with due regard for the rights of other residents.

**[The CCC, FF Plus and GOOD were not in support of the amendment to the above motion. The ANC abstained.]**

**ACTION: V BOTTO**

**C 28/04/22 MOTION RECEIVED FROM COUNCILLOR N LOMBI**

Cllr N Lombi (ANC), seconded by Cllr E Madikane (ANC), was asked to introduce his motion as set out on pages 7 to 10 of Volume 4 of the agenda, as reflected below:

***"Noting that:***

*Sand Mining is not the responsibility of the COCT yet the land belong to the City and I'm sure you'd also understand that it also bring Economic Opportunities to those in that industry.*

*Currently illegal mining is taking place on Erf 1, Kwezi Street and Mfuleni Main Road, and the matter has been brought to the attention of official last year October already yet nothing is done.*

*We are also informed of illegal mining taking place on Old Faure Road in Driftsands*

***Further Noting:***

*The said land is meant as per previous reports earmarked for a housing development, and should the mining process not be properly done and ground stabilized it might not be conducive to for its purpose as and when funds are available or extra funds might be needed to stabilize the ground.*

*I, Cllr N Lombi, seconded by Cllr E Madikane, move this motion for Council to the following;*

1. *The relevant department immediately intervene and stop the illegal mining on both pieces of land.*
2. *The land be fenced and protected by the COCT until the line department is ready to proceed with the project.”*

Cllr A Cassiem (DA), seconded by Cllr Z Sulelo (DA), proposed an amendment to the motion of Cllr N Lombi by deleting everything after”noting that” and replacing it with the following:

- (i) illegal sand mining in the City must be stopped
- (ii) the case of Erf 1, Kwezi Street is being investigated by Law Enforcement and the Metro Police
- (iii) Metro Police will undertake visible patrols at hotspots to prevent illegal sand mining
- (iv) the councillor has not provided a precise location for the old Faure Road site mentioned, making it difficult to investigate the complaint
- (v) Request the Councillor to provide specific directions to the other illegal sand mining operation to allow officials to investigate this case properly
- (vi) Encourage all Councillors to report all incidents of illegal sand mining in their wards.

The amendment to the motion submitted by Cllr A Cassiem was duly supported by the majority of Councillors present.

**RESOLVED** that the amendment to the motion submitted by Cllr A Cassiem, be supported.

**[The ANC, CCC, EFF and PA were not in support of the amendment to the above motion.]**

**ACTION: V BOTTO**

**C 29/04/22 QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE CHAIRPERSON FOR THE PERIOD 1 OCTOBER 2021 TO 31 DECEMBER 2021**

**RESOLVED** that the quarterly report of the Audit and Performance Audit Committee Chairperson for the period 1 October 2021 to 31 December 2021, be noted.

**ACTION: A MOOLMAN, K KALAM, L MBANDAZAYO**

**C 30/04/22 WATER AND SANITATION: 2021/22 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

**RESOLVED** that the 2021/22 second quarter's progress report on the Water and Sanitation Directorate's performance, be noted.

**ACTION: A EBRAHIM, D PAULSE, N DAMANE, M WEBSTER**

**C 31/04/22 WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR THE QUARTER ENDING MARCH 2022**

**RESOLVED** that the report on the withdrawals made from the City's bank accounts for the quarter ending March 2022, be noted.

**ACTION: D VALENTINE, K JACOBY**

**C 32/04/22 SAFETY AND SECURITY: 2021/22 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATES PERFORMANCE**

**RESOLVED** that the 2021/22 second quarter progress report on the Safety and Security Directorate's performance, be noted.

**ACTION: M CLEINWERCK, A VISSER, V BOTTO**

**C 33/04/22 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 16 MARCH 2022 TO 10 APRIL 2022: FOR INFORMATION PURPOSES**

**RESOLVED** that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36; and the Supply Chain Management Policy, clause 330, for the period 16 March 2022 to 10 April 2022, attached as Annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's annual financial statements.

**ACTION: G POSTINGS, L MBANDAZAYO**

**C 34/04/22 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: JANUARY 2022 TO FEBRUARY 2022**

**RESOLVED** that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period January 2022 to February 2022, be noted.

**ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR**

**C 35/04/22 DECISIONS TAKEN BY THE SECTION 79 PORTFOLIO COMMITTEES IN TERMS OF DELEGATED AUTHORITY: JANUARY TO MARCH 2022**

**RESOLVED** that the decisions taken in terms of delegated authority by the Section 79 Portfolio Committees, as set out in Annexure A to the report on the agenda, be noted.

**ACTION: M CAROLUS, R RAZACK, Z MANDLANA**

**C 36/04/22 QUARTERLY FINANCIAL REPORT: MARCH 2022**

**RESOLVED** that the quarterly financial report for the quarter ended 31 March 2022, be noted.

**ACTION: J STEYL, K JACOBY**

**ADDITIONAL ITEMS:**

The following resolutions of items CIC 05/04/22 to CIC 06/04/22 related to the Municipal Public Accounts Committee matters were moved to the open agenda, at conclusion of the discussion of these items in the confidential meeting.

The resolutions are however recorded as Items C 37/04/22 to C 38/04/22.

**C 37/04/22 EMERGENCY DEVIATION APPROVALS (IRREGULAR EXPENDITURE: R1 750 482)**

**RESOLVED** that:

- (a) The irregular expenditure of R1 750 482,32 (one million seven hundred and fifty thousand four hundred and eighty-two rand and thirty-two cents) (excluding VAT), related to the emergency procurement where the contract expired and the replacement tender was not timeously in place, be certified as irrecoverable and the claim be written-off as the City was enriched by the services and works received.

**NO ACTION OWNER**

- (b) The Water and Waste directorate implements the following additional control measures:
- (i) Officials responsible for multiple instances of non-compliance must be identified and held accountable, and repeat offenders must be appropriately disciplined to ensure behaviour change.
  - (ii) Roles and responsibilities are assigned to all levels of staff, including senior management, as the roles cannot be limited to project and contract management, and there should be collective responsibility.
  - (iii) Timeous planning must be exercised to ensure that replacement tenders are in place, i.e. contract required by dates must accommodate the appeal processes, bid committee meeting scheduling and other procurement processes, such as price negotiations.
  - (iv) The applicable guidelines and City Manager Directives in respect of section 33 and 116(3) of the MFMA must be correctly implemented and applied.
  - (v) In future similar cases should follow a transparent, fair and competitive process to validate cost-effective quotations, e.g. comparative Request for Quotations (RFQ) should be obtained.
  - (vi) Lessons learnt must be applied in future in terms of timely planning.
  - (vii) The findings and corrective actions on previous matters of a similar nature indicated preventative measures to be implemented, and has not served as lessons learnt or been implemented as they should have been:
    - The emergency process was not adhered to.
    - Non-adherence continued, despite workshops being held with the responsible staff to ensure that they were aware of the terms of the contract and the procedures to be followed.
    - Lack of proper supervision of service providers and signing-off of work as City officials accept bills of quantities and invoices at face value.
    - Line management failed to exercise proper budgetary control and monitoring of high volume/ value payments to certain service providers. Non-adherence to instructions, guidelines and good governance practises.

**ACTION OWNER: M WEBSTER**

- (c) It be NOTED that:
- (i) The following corrective and improvement actions have been implemented to prevent a recurrence:
    - (aa) Other transversal tender options were explored but the nature of the work did not match other contracts in existence in the City.

- (bb) MFMA section 33 and 116(3) guidelines will be applied in future.
  - (cc) Contract clean-up is underway and the process is being addressed in terms of:
    - Contract management
    - Project management
    - Unauthorised, Irregular and Fruitless & Wasteful expenditure register management
  - (dd) The contract/tender replacement process was delayed by four months and the Contract Manager admitted fault in her efforts.
  - (ee) The Project Manager confirmed management's role and assistance.
  - (ff) The Consequence Management policy was applied and a poor performance counselling session was held with the Contract Manager.
  - (gg) A formal disciplinary process is being undertaken at the request of the City Manager and is in progress.
  - (hh) Irregular expenditure will be avoided in future, e.g. timeous replacement tenders.
  - (ii) Demand planning is being improved, including the monitoring of management exception reports, i.e. slippage report.
  - (jj) Previous service providers were appointed based on experience and past service performance at the same rates and conditions of the expired tender.
  - (kk) The community service delivery is a priority and due processes were followed.
- (d) The Task Team commends the Water and Waste directorate on their commitment to service delivery, but emphasised that due process must be followed to ensure full compliance to the legislative framework.

**ACTION: M WEBSTER**

**C 38/04/22**

**HIRE OF REFUSE COMPACTORS WITH BINLIFTING ATTACHMENTS (IRREGULAR EXPENDITURE: R4.7 MILLION)**

**RESOLVED** that:

- (a) The irregular expenditure of R4.7 m (2020/21: R1 .5 m and 021/22: R3.2 m) at the time of concluding the matter (28 September 2021), related to poor planning where there was a contravention of the demand planning and risk management requirements of the City's SCM Policy and related SCM legislative frameworks and which resulted in a deviation that did not fully meet the SCM deviation criteria, be certified as irrecoverable and the claim be written-off as the City received the service in the form of hiring of the trucks.

**NO ACTION OWNER**

- (b) The matter be referred to the Financial Misconduct Board, in terms of the negligent approach applied in terms of tardy turn-around on SCM demand planning and tenders being secured in this critical basic municipal service requirement. The SCM deviation, for the provision of various refuse compactors with high-level bin lifting attachments to the waste management collections branch, is of concern especially related to poor SCM demand planning, additional cost, duplicate costs, opportunity costs, etc.

**ACTION OWNER: Z HOOSAIN**

- (c) The Executive Director: Urban Waste Management is to ensure the successful operation of Solid Waste Management (SWM), and in this regard, hold the Director: SWM responsible for:
- (i) Presenting a detailed functional and operational plan and business model for this critical basic service, including scenario planning for every risk exposure, as well as mitigating and business continuity measures.
  - (ii) Assess the lessons learnt from this case, i.e. poor planning and mitigation resulting in an SCM deviation that could have been avoided, and take additional consequence management action, where applicable.
  - (iii) Ensuring the delivery of this mandatory basic service, namely refuse collection and disposal, as this is a national key performance indicator.
  - (iv) Providing finite dates for the tenders in progress to be secured and applied, i.e. contract required by dates to be achieved.

**ACTION OWNER: R KERAAN**

- (d) The Urban Waste Management directorate implements the following additional control measures:
- (i) Business continuity must be ensured for essential services, as it is unacceptable to have 57% of the fleet inactive as basic service requirements should be afforded the necessary attention.
  - (ii) Plans for maintenance, workshops and in-house skills must be explored, secured and applied with urgency.
  - (iii) Balance of fleet workshop efforts, externally and internally, are to be addressed, including the most viable financial options for the City.
  - (iv) The demand of SWM services required must be projected, priority must be given to the budget and SCM demand planning as the dependency on deviations is unacceptable.
  - (v) Under-capacity issues are unacceptable in a capacity-dependent service and therefore business models are critical.
  - (vi) Asset lifecycle management processes are to be addressed, i.e. lifespan, safeguarding (loss, insurance, damage, mechanical use and maintenance) and risk mitigation.

**ACTION OWNER: R KERAAN**

- (e) It be NOTED that:
- (i) An outsourced forensic review is underway regarding possible fleet serviceprovider collusion and possible fraudulent behaviour, as referred by SCM as part of their self-review system and external due diligence independently completed. The forensic investigation is still underway and the forensic report recommendations will be addressed by the administration.
  - (ii) The following corrective and improvement actions have been implemented by theSWM department:
    - (aa) The solution to the resources are defined via a 10-point plan with daily monitoring to mitigate a recurrence, e.g. in-house fleet with repairs and maintenance solutions, in-source contractors or the hire of equipment and vehicles.
    - (bb) Controls are delaying repairs and are in the process of being investigated.
    - (cc) The SWM Bid Evaluation Committee members have been made aware of the department's needs and expectations.
    - (dd) Additional resources were assigned to assist with the tender processes.
    - (ee) Relations with SCM have been secured and escalation to senior SCM management where necessary to ensure business continuity.
    - (ff) Lessons learnt have been documented for future application.
    - (gg) Asset registers are maintained and includes:
      - Age analysis – average of population and sub categories
      - Lifespan records – 12 year lifespan for rotopresses
      - Age maintenance – rotopress fleet is younger than 11 years and 32 of the 130 paddle rear-end loaders are older than their lifespan.
    - (hh) Panel tenders are being secured.
    - (ii) For the panel tenders the following improvements were made:
      - Weekly progress monitoring meetings are held.
      - Transversal demand assessments.
      - Monthly progress on the tender to the Executive Director.
      - Three panel tenders will be secured in the 2021/2022 financial year to ease the demand on hiring equipment and fleet.
    - (jj) Consequence management:
      - One official was dismissed.



- Responsibility was assigned but one official took early retirement.
- (kk) Management reduced the cost of hiring compactors, over and above the in-house activities.
- (ll) An internal workshop exists, but capacity is limited and significant maintenance work is completed externally.
- (mm) External service providers are appointed by the SCM Buyers who allocate the repair work in terms of a risk mitigation response.
- (nn) In January 2021 an action plan was formalised to ensure that 130 trucks are active on the road at any time to ensure service delivery. This includes tender panels and short-term solutions by developing resources, i.e. staff, tyre tenders, strip & quote bottleneck easing, new fleet acceleration, external workshop improvements in terms of turn-around, etc.
- (oo) Challenges are to be considered:
  - Three-year maintenance is applied on new vehicles and thereafter maintenance and servicing are completed both externally and internally. Warrantees were not forfeited for cab and engine and chassis and back hydraulic parts.
  - Breakdowns on these vehicles are high due to the demand, usage and diverse load capacity.
- (pp) Other interventions include, training operators, full maintenance leases are being explored, but the financial implications are high and changes to in-house workshops and the operational efficiencies.
- (qq) Capex is secured for current and future years – 2020/21 was an anomaly year with low capex spend. Urban Settlement Development Grant funds are being secured from Human Settlements via the adjustment budget.
- (rr) The rental of the six vehicles on hire ended on 30 September 2021 and the interim arrangement is to rely on the eight new vehicles and the panel tenders once appointed. The service is currently stable.

**ACTION: R KERAAN**

**THE MEETING CONCLUDED AT 16H05.**

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**ALD F PURCHASE  
 SPEAKER**

.....  
**DATE**