CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SYSTEM OF DELEGATIONS

APPROVED BY COUNCIL:

20 June 2023 item SPC03/06/23, and as amended on

30 July 2025 item C26/07/25

TABLE OF CONTENTS

- **System of Delegation adopted on 20 June 2023, resolution SPC03/06/23, and as amended from time to time:**
  - **26 October 2023, item C34/10/23**
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- **Appendix A: Executive Mayor**
-
  - Executive Mayor's delegations to Mayco members **– there are no delegations / sub-delegations by the Mayor**
  - Executive Mayor: Designated statutory powers, duties and rights

- **Appendix B: City Manager sub-delegations**

  - City Manager's sub-delegations in terms of Council's delegations
  - City Manager's sub-delegations in terms of his statutory powers
  - MFMA delegations
  - Office of the City Manager: Functional delegations

- **Appendix C: Executive Directors sub-delegations**

  - Community Services and Health
  - Corporate Services
  - Economic Growth
  - Energy
  - Chief Financial Officer: Finance
  - Future Planning and Resilience
  - Human Settlements
  - Safety and Security
  - Spatial Planning and Environment
  - Urban Mobility
  - Urban Waste Management
  - Water and Sanitation

- **Appendix D: Terms of Reference**

- Immovable Property Adjudication Committee
- Disciplinary Committee
- Municipal Public Accounts Committee
- Rules and Ethics Committee
- Section 62 General Appeals Committee
- Financial Misconduct Board
- Community Services and Health Committee
- Corporate Services Committee
- Economic Growth Committee
- Energy Committee
- Finance Committee
- Innovation and Ease of Doing Business Committee
- Future Planning and Resilience Committee
- Human Settlements Committee
- Safety and Security Committee
- Spatial Planning and Environment Committee
- Urban Mobility Committee
- Urban Waste Management Committee
- Water and Sanitation Committee

❖ **Appendix E: Guide and Rules of Order for BAC**

INDEX

TABLE OF CONTENTS 2

INDEX 4

DEFINITIONS 7

INTRODUCTION 9

DELEGATION OF POWERS TO POLITICAL OFFICE BEARERS 13

PART 1: EXECUTIVE MAYOR 14

DELEGATED POWERS 14

PART 2: EXECUTIVE DEPUTY MAYOR 32

PART 3: SPEAKER 33

PART 4: CHIEF WHIP 38

PART 5: CHAIRPERSONS OF SECTION 79 COMMITTEES 40

PART 6: CHAIRPERSONS OF SUB-COUNCILS 41

TERMS OF REFERENCE AND DELEGATIONS TO POLITICAL STRUCTURES OF COUNCIL 42

PART 7: SECTION 79 "PORTFOLIO" COMMITTEES 44

PART 8: COMMUNITY SERVICES AND HEALTH PORTFOLIO COMMITTEE 48

PART 9: CORPORATE SERVICES PORTFOLIO COMMITTEE 50

PART 10: ECONOMIC GROWTH PORTFOLIO COMMITTEE 51

PART 11: ENERGY PORTFOLIO COMMITTEE 52

PART 12: FINANCE PORTFOLIO COMMITTEE 53

PART 13: FUTURE PLANNING AND RESILIENCE PORTFOLIO COMMITTEE 54

PART 14: HUMAN SETTLEMENTS PORTFOLIO COMMITTEE 56

PART 15: INNOVATION AND EASE OF DOING BUSINESS PORTFOLIO COMMITTEE 57

PART 16: SAFETY AND SECURITY PORTFOLIO COMMITTEE 58

PART 17: SPATIAL PLANNING AND ENVIRONMENT PORTFOLIO COMMITTEE 59
PART 18: URBAN MOBILITY PORTFOLIO COMMITTEE 60
PART 19: URBAN WASTE MANAGEMENT PORTFOLIO COMMITTEE 61
PART 20: WATER AND SANITATION PORTFOLIO COMMITTEE 62
PART 21: RULES AND ETHICS COMMITTEE 63
PART 22: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) 65
PART 23: DISCIPLINARY COMMITTEE 66
PART 24: GENERAL APPEALS COMMITTEE 67
PART 25: SUB-COUNCILS 68
PART 26: WARD COMMITTEES 77
PART 27: COMMITTEES ESTABLISHED TO ASSIST THE EXECUTIVE MAYOR IN TERMS OF SECTION 80 OF THE STRUCTURES ACT 78
PART 28: (A) CITY MANAGER'S STATUTORY POWERS 79
PART 28: (B) CITY MANAGER 80
(C) DIRECTOR: LEGAL SERVICES 97
PART 29: DELEGATIONS APPLICABLE TO ALL EXECUTIVE DIRECTORS 101
PART 30: COMMUNITY SERVICES AND HEALTH – (A) EXECUTIVE DIRECTOR 105
PART 30: COMMUNITY SERVICES AND HEALTH – (B) DIRECTOR 106
PART 31: CORPORATE SERVICES – (A) EXECUTIVE DIRECTOR 110
CORPORATE SERVICES - (B) DIRECTORS 111
CORPORATE SERVICES - (C) MANAGERS 114
PART 32: ECONOMIC GROWTH – (A) EXECUTIVE DIRECTOR 115
ECONOMIC GROWTH - (B) DIRECTORS 117
ECONOMIC GROWTH – (C) MANAGERS 120
PART 33: (A) EXECUTIVE DIRECTOR: ENERGY 122

ENERGY – (B) DIRECTORS 123
PART 34: (A) CHIEF FINANCIAL OFFICER 124
FINANCE – (B) DIRECTORS 127
PART 35: FUTURE PLANNING & RESILIENCE – (A) EXECUTIVE DIRECTOR.. 128
FUTURE PLANNING & RESILIENCE – (B) DIRECTORS 129
PART 36: HUMAN SETTLEMENTS – (A) EXECUTIVE DIRECTOR 131
HUMAN SETTLEMENTS – (B) DIRECTORS 132
PART 37: SAFETY AND SECURITY – (A) EXECUTIVE DIRECTOR 134
SAFETY AND SECURITY – (B) CHIEFS 136
SAFETY AND SECURITY – (C) MANAGERS 141
SAFETY AND SECURITY – (D) HEADS 143
PART 38: SPATIAL PLANNING AND ENVIRONMENT – (A) EXECUTIVE DIRECTOR 144
SPATIAL PLANNING AND ENVIRONMENT – (B) DIRECTORS 155
PART 39: URBAN MOBILITY – (A) EXECUTIVE DIRECTOR 157
PART 40: URBAN WASTE MANAGEMENT – (A) EXECUTIVE DIRECTOR 159
URBAN WASTE MANAGEMENT – (B) DIRECTORS 160
PART 41: WATER AND SANITATION – (A) EXECUTIVE DIRECTOR 161
WATER AND SANITATION – (B) DIRECTORS 162
PART 42: BUILDING CONTROL OFFICER 166
PART 43: SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE 167
PART 44: IMMOVABLE PROPERTY ADJUDICATION COMMITTEE 168
PART 45: GENERAL DELEGATIONS (FINANCIAL MISCONDUCT BOARD) .. 170

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.

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

"Political Office Bearer" includes a Municipal Office Bearer and means the Executive Mayor, the Executive Deputy Mayor, the Speaker, and the Chief Whip.

"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 managers appointed in terms of section 56 of the Municipal Systems Act No. 32 of 2000.

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

"Unavailable or out of town" as it relates to the absence or unavailability of the Executive Mayor and/or the Executive Deputy Mayor means when the Executive Mayor and/or the Executive Deputy Mayor is/are outside the boundaries of the City or have indicated such in writing.

"Virement" is the process of transferring an approved budgetary provision from one operating cost element or capital approval object to another within a vote or tariff service during a municipal financial year.

INTRODUCTION

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

The System of Delegation 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 Delegation.

At its core, this System of Delegation, 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.

This System of Delegation has been compiled in accordance with the requirements of section 59 of the Systems Act, and delegates appropriate powers, functions and duties.

The political office bearers, political structures and officials are authorised to sub-delegate any of their delegated powers, duties and functions, including where such authority stems from instruments (policies, by-laws, frameworks etc.) unless this authority is specifically excluded in this System of Delegation. Where a power has been delegated to an individual Councillor, the power 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 Delegation:

An official to whom a power, duty or function has been delegated or sub-delegated in this System of Delegation 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 Delegation 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.

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 the City Manager, the Executive Mayor is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.

- In respect of Executive Directors, the City Manager is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.

- In respect of the Directors and Managers, the relevant Executive Director is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.

- In respect of reporting levels below that of Manager, the relevant Director is nominated to receive reports on behalf of Council in respect of a power or duty duly delegated.

It is further to be noted that:

Whilst Council has conferred delegations directly on Directors, Chiefs, Managers and Heads, EDs are still held accountable for the exercising of the delegations within their functional area.

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.

DELEGATION OF POWERS TO POLITICAL OFFICE BEARERS

- Executive Mayor
- Executive Deputy Mayor
- Speaker

NOTE: Please refer to Table of Contents, Appendix A, for the Statutory Powers of the Executive Mayor which have been designated.

PART 1: EXECUTIVE MAYOR
DELEGATED POWERS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Mayor, subject to the limitations, conditions and directions stipulated hereunder.

Acting in terms of section 60(3) of the Structures Act, Council also hereby designates the delegated 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.*

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 behalf of the City.

(4) 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;
c) public dignitaries, in commemoration of a public event of local or international importance, or
d) 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.

(5) 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

(5) To institute or defend legal proceedings, in any court, against other organs of state.

(6) To institute or defend any litigation, whether by action or application in any Court, other than a magistrate's court {excluding claims relating to recovery of debt owed to the Council}, in respect of matters referred to in paragraph (5)(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 Director: Legal Services and where applicable, the Mayoral Committee Member from whose directorate the facts in the litigation arise.

(7) To institute or defend arbitration proceedings in matters where it otherwise would have been dealt with in any Court, other than a magistrate's court in respect of matters referred to in paragraph (5)(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 Director: Legal Services and where applicable, the Mayoral Committee Member from whose directorate the facts in the litigation arise.

(8) To settle after considering a recommendation from the Director: Legal Services:

- any action instituted in any Court excluding magistrates' court.
- arbitration referred to in (3) above;
- any other arbitration where the value of the settlement exceeds R500 000;
- any litigation for the recovery of debt in any Court in excess of R10 000 000.

(9) 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 City.

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

(11) 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:

- 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
- 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.

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

(13) To authorise the submission of appeals in terms of any legislation where such legislation makes provision for appeals, except where otherwise indicated in this System of Delegation after considering a

recommendation by the Mayoral Committee Member, if any, from whose directorate the facts in the appeal arise.

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 the City Manager to attend any official engagements abroad.

(5) To grant travel approval for non-officials attending to official City business abroad, on behalf or at the request of, the City.

(6) 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.

(7) 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.

(8) To approve the City Manager's annual leave and sick leave.

(9) To appoint an Acting City Manager when the position is vacant, as and when required, until the position is permanently filled.

(10) To approve the appointment 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.

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

(12) To approve the total staff establishment for the City subject to Council approved policies.

(13) 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.

(14) To appoint any Mayoral Committee Member to act as Executive Mayor, in the absence or unavailability of both the Executive Mayor and Executive Deputy Mayor.

(15) To waive the qualifications or experience requirements, or both, for all political appointees, as has been determined in the job description provided it complies with the relevant legislation and that the request to do so has been expressly motivated in writing.

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 virement of operational and capital expenditure within a single budget vote.

(4) To authorise the virement 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:

- an individual bad debt to be written off shall not exceed R10 million, and
- 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 determine the purpose for which, and any conditions that may apply, with respect to a relief, charitable trust, or other fund established in terms of Section 12 of the MFMA and the conditions under which money may be withdrawn by the Accounting Officer from a separate bank account of the City established for relief, charitable, trusts or other funds.

(7) To establish relief, charitable, trusts or other funds in the City'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.

(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 consider 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 Management Regulations for amounts of R750 000 and below.

Amended – 12 June 2024 Council (C44A_06_24)

6. The Financial Misconduct Procedures and Criminal Proceedings Regulations, 2014.

Please refer to Table of Contents, Appendix D Terms of Reference for the Financial Misconduct Board

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

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

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

7. Purchase, Lease and Expropriation of Immovable Property

(1)	To authorise the purchase of immovable property or rights in or to immovable property, 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.

8. Integrated Development Planning (IDP)

(1)	To consult affected organs of state and to advise Council on the method of aligning the City'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 City's performance measurement, as required in terms of section 34 of the Systems Act.

9. Performance Management of Municipality

(1)	To adopt a strategy for the promotion of a culture of performance management among the City'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 City'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 City's performance management system, as required in terms of section 42 of the Systems Act.

(5)	To present to Council on 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.

10. 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).

11. General

(1) To consult with the national and provincial spheres of government, the local and other district municipalities and organized 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 South Africa.

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

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

(6) To exercise during recess any power of the Council and/or its political structures, after consultation with the City Manager, provided that:

a) the failure to exercise such power as a matter of urgency would have a substantial detrimental impact on the City, its services, and/or any person located within the municipal boundaries; **NOTE:** in instances where Council is unable to convene for an extended period, due to unforeseen circumstances, condition (a) will not apply.
b) The delegation excludes the exercise of all powers reserved for Council in terms of the law; and
c) this delegation excludes the recess powers delegated to Sub-councils.

(7) To determine and approve the terms of reference of any committee of the Mayor.

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

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

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

(11) To issue a reward, exceeding R100 000, but not more than R250 000 to anyone who provides information to the City regarding any act, or omission, where it results in a successful criminal or civil prosecution, or where the provision of such information would, in his or her opinion, have a substantial and material impact on the City or its residents.
This may not be sub-delegated.

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

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

(14) 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.

(15) 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.

(16) To approve the City's annual membership to the South African Local Government Association, subject to budget availability.

12. Policy and by-laws

(1) To be alerted to any proposal for new policies, bylaws or revisions thereof, prior to the formal development and submission thereof (via a concept note or otherwise) or submission thereof to the Mayoral Committee or Council.

(2) To determine appropriate policies and any revisions thereof, to take steps for the development thereof and to recommend such policies to Council.

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

(4) 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 City.

(5) To propose appropriate by-laws and any revisions thereof, to take steps for the development thereof and to recommend such by-laws to Council.

(6) To consider recommendations in regard to the setting / revision of tariffs, taxes, levies, and duties for submission to Council.

(7) To consider reports on the implementation of Council's IDP, Budget, business plans, strategic objectives, policies and programmes for submission to Council.

13. Planning and Environment

Local Government: Municipal Systems Act, No 32 of 2000

(1) 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

(2) After considering the recommendation of the relevant sub-council as well as any timeous comments, to 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).

(3)	After considering the recommendation of the relevant sub-council, 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).

(4)	After considering the recommendation of the relevant sub-council, to declare an application for the establishment of housing to be an urgent housing application, in terms of section 69(1).

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

14. Film and events

(1) To refuse or approve events recommended by the Special Events Committee 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 further 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

the relevant Sub-council(s) being informed once an event has been approved.

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

(3) To refuse or or approve recommendations from the Film Fund Committee made in terms of Paragraphs 11 and 12 of the Cape Town Film Policy, within available budget and subject to the following conditions:

a) film-related activities, projects or initiatives that have already occurred or that are in-progress for which backdated ratification is sought, are excluded;

b) the SCM processes being adhered to where applicable;

c) the Executive Mayor may not consider any application for Film Fund support or discounts unless such application is supported by detailed plans and within the limits of funding approved for this purpose on the City's Events and Film Department's, or any other City Department's budget;

d) the approval of any application for Film Fund support or discounts by the Executive Mayor does not negate or substitute the need to comply with all other statutory requirements pertaining thereto, as may be required;

e) any SCM procurement process that may be required for approved Film Fund projects may not be initiated without the prior written approval of the Executive Mayor in terms of this delegation.

(4)	To waive or reduce the rental/usage charges of facilities where film-related activities, projects or initiatives approved in terms of the Film Fund are hosted.

(5) To approve the use of "Filmed in the City of Cape Town", or any derivative thereof, and/or the city logo or any other City of Cape Town brand mark in promotional material and/or Thanks and Ends Credits in Film projects, film-related activities or initiatives supported by the Film Fund.

15. Personal Security Measures

(1) To approve personal security measures for the City Manager, including security upgrades, as deemed appropriate by the Executive Mayor, subject to this only being done in exceptional circumstances and:

a) Only for as long as there remains credible evidence of a material threat and risk to the City Manager;

b) Only once the South African Police Services have conducted a security threat assessment, which recommends such personal security measures; and

c) Subject to supply chain management processes and procedures (where relevant).

16. Safe Space Accommodation

(1) On recommendation from the Executive Director: Safety and Security, to approve safe space accommodation for the City Manager as deemed appropriate by the Executive Mayor, where there is a material threat and risk to his/her person, pending the finalisation of a security threat assessment by the South African Police Services.

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

(1) To make media statements on all matters on behalf of the Council, in consultation with the Executive Mayor.

2. Financial Misconduct Regulations

Please refer to table of contents, Appendix D
The Terms of Reference for the Financial Misconduct Board

(1) The Deputy Mayor (as alternate designated person), to receive reports of allegations of financial offence(s) against councillors in terms of Regulation 9(1)(a), should the designated person have a conflict of interest.

PART 3: SPEAKER

1. Legal

(1) To obtain a legal opinion, excluding those matters reserved for the Executive Mayor, by delegation 3(6), in relation to his or her powers, duties and functions.

(2) To provide a councillor, including the Executive Mayor, with legal representation, in terms of section 109A of the Systems Act and in accordance with the City's Policy on the Provision of Legal Representation for City Employees and 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.

(3) To obtain professional legal assistance including that of senior counsel on any matter pertaining to his or her powers, duties or functions.

2. Political Oversight

(1) To monitor and report to Council on the performance of all committees of Council.

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

(3) To make recommendations to Council in respect of the dissolution of Ward Committees which fail to fulfil their objectives.

3. Finance

(1) 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 Manager/(s) 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.

4. General

(1) To exercise all rights and duties conferred on the Speaker by the Constitution, statute, bylaws, regulations and the common law, either by statute, delegation or designation, as well as the powers and duties incidental thereto.

(2) 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 11 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.

(3) 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.

(4) To obtain the services of an investigator to undertake an investigation of an alleged contravention of the Code of Conduct for Councillors and of an initiator to present a case against a councillor at a disciplinary hearing.

(5) When undertaking any investigation in matters where there are allegations of a breach in the Code of Conduct for Councillors, or when reasonably necessary with regard to any of the Speaker's powers, duties or functions, to have access to 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, after consultation with the City Manager.

(6) 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.

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

(8) 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 City.

(9) 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.*

(10) 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.

(11) To attend congresses, workshops and meetings which relate to the Speaker's statutory and delegated powers, outside the City of Cape Town but within the Republic of South Africa and subject to an approved budget to incur expenditure in this regard, and to submit a feedback report to Council in regard to the outcomes thereof.

(12) To determine where and when Council meets.

(13) To oversee the process of implementing the determination of upper limits of salaries, allowances and benefits of Councillors (Act No. 20 of 1998).

(14) To obtain the services of specialist and/or professional advisors to assist the Speaker with the discharging of his or her powers, duties or functions, subject to the availability of budget.

5. Financial Misconduct Regulations

Please refer to Table of Contents, Appendix D
the Terms of Reference for the Financial Misconduct Board.

(1) To investigate allegations of financial offences referred to in section 173(4) and (5) of the MFMA after receiving a report referred to in Regulation 11(1).

(2) The speaker (as designated person) to receive reports of alleged financial offences against councillors in terms of regulation 9(2).

6. 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 in consultation with the Chief Whip.

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, after consultation with the Speaker.

(8) To mediate complaints by councillors about fellow councillors.

(9) To approve the Council seating plan.

PART 5: CHAIRPERSONS OF SECTION 79 COMMITTEES

1. General

(1) To make media statements on behalf of the Section 79 Committee on all matters over which the Section 79 Committee has authority in compliance with the City's media policies.

PART 6: CHAIRPERSONS OF SUB-COUNCILS

1. General

(1) To make media statements on behalf of the Sub-Council on all matters over which the Sub-Council has authority in compliance with the City's media policies.

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

  Community Services and Health
  Corporate Services
  Economic Growth
  Energy
  Finance
  Future Planning and Resilience
  Human Settlements
  Innovation and Ease of Doing Business
  Safety and Security
  Spatial Planning and Environment
  Urban Mobility
  Urban Waste Management
  Water and Sanitation

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

  Rules and Ethics
  Municipal Public Accounts (MPAC)

- *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 aim 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 within their functional areas:

- Community Services and Health
- Corporate Services
- Economic Growth
- Energy
- Finance
- Future Planning and Resilience
- Human Settlements
- Innovation and Ease of Doing Business
- Safety and Security
- Spatial Planning and Environment
- Urban Mobility
- Urban Waste Management
- Water and Sanitation

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1. General

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

(2) To make recommendations for the development or review of by-laws to the Executive Mayor together with the Mayoral Committee for submission to Council.

(3) To make recommendations for the development and review of policy to the Executive Mayor together with the Mayoral Committee, for submission to Council.

(4) To review and recommend business plans and SDBIPs to the Executive Mayor together with the Mayoral Committee.

(5) To make recommendations to the Executive Mayor together with the Mayoral Committee for submission to Council 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 together with the Mayoral Committee for submission to Council.

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

(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 together with the Mayoral Committee for submission to Council.

(9) To assist the Executive Mayor to determine the best way, including partnership 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 together with the Mayoral Committee for submission to Council.

(10) To assist the Executive Mayor to identify the needs of the City as far as it relates to the functional area of the committee and to recommend same to the Executive Mayor together with the Mayoral Committee for submission to Council, in terms of section 56 (2)(a) of the Structures Act.

(11) To review and evaluate the needs of the City in order of priority, in terms of section 56 (2)(b) of the Structures Act and recommend same to the Executive Mayor together with the Mayoral Committee for submission to Council.

(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 have oversight with respect to public participation in the development of policies, by-laws, legislation and the budget.

(16) To recommend appropriate comments on National and Provincial draft legislation, regulations, policy frameworks etc. that affects the Portfolio.

(17) 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 8: COMMUNITY SERVICES AND HEALTH PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- City Health
- Library and Information Services
- Recreation and Parks (including Sea Point Precinct)
- Community, Arts and Culture Development
- Planning, Development and Project Management Office

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1. 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.

2. Community, Arts and Culture Development

(1) The Committee must monitor the implementation Protocol concluded by and between the Provincial Government of the Western Cape via its Departments of Social Development and Department of Cultural Affairs and Sport and the City of Cape Town for the implementation of projects

and initiatives in support of Community, Arts and Culture development programmes and report thereon to the Executive Mayor.

Amended – 30 July 2025 Council (C26_07_25)

(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. Specific Delegations

(1) To exercise oversight on the implementation of the Social Development Protocol Agreement entered into between the City and Western Cape Provincial Administration.

(2) To monitor delivery on projects and coordination in relation to the challenge of homelessness and street people.

(3) To engage NGO's and co-ordination structures working with street people, including co-opting representatives of relevant NGO's and co-ordinating of umbrella bodies onto the portfolio committee.

(4) To receive and comment on and make recommendations pertaining to reports relating to enforcement actions and social interventions relating to street people or homeless persons.

(5) To explore new interventions or review current interventions or projects pertaining to homeless or street persons.

(6) To comment on tariffs and rebates affecting organisations working with homeless persons.

PART 9: CORPORATE SERVICES PORTFOLIO COMMITTEE

The committee exercises political oversight in respect of the following functional areas:

- Customer Relations
- Executive and Councillor Support Operations
- Facilities Management
- Fleet Management
- Human Resources
- Information and Knowledge Management
- Information Systems and Technology
- Public Participation
- Sub-Councils

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1. Specific Delegations

None.

PART 10: ECONOMIC GROWTH PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Property management
- Enterprise and Investment
- Strategic Assets (Green Point and Sea Point Precincts)

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1. Specific Delegations

None.

PART 11: ENERGY PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Electricity Generation and Distribution
- Sustainable Energy Markets

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1. Specific Delegations

(1) To monitor and recommend to the Executive Mayor on the implementation and regular reviews of the Energy 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.

(2) To advise and recommend to Council 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 sales.

PART 12: FINANCE PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

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

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1. Specific Delegations

None.

PART 13: FUTURE PLANNING AND RESILIENCE PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Communications
- Corporate Project Programme and Portfolio Management (C3PM)
- Organisational Effectiveness & Innovation
- Organisational Performance Management
- Policy and Strategy
- Resilience
- Climate Change Integration
- International Relations

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1. Specific Delegations

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

(2) To monitor and recommend to the Executive Mayor on the implementation and regular reviews of the 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

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

PART 14: HUMAN SETTLEMENTS PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Informal Settlements and Backyarders
- Public Housing
- Housing Development
- Human Settlement Implementation
- Home Ownership Transfers, Tenancy Management, and Staff Housing (HOTTS)
- Integrated Urban Management
- Human Settlements Planning

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1. Specific Delegations

None.

PART 15: INNOVATION AND EASE OF DOING BUSINESS PORTFOLIO COMMITTEE

The committee exercises its General Delegations, including oversight and monitoring, with respect to matters related to innovation and ease of doing business across all directorates and functional areas of the City, ie:

- Community Services and Health
- Corporate Services
- Economic Growth
- Energy
- Finance
- Future Planning and Resilience
- Human Settlements
- Safety and Security
- Spatial Planning and Environment
- Urban Mobility
- Urban Waste Management
- Water and Sanitation
- Innovation and Ease of Doing Business

1. General

No specific delegations.

PART 16: SAFETY AND SECURITY PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Disaster Management Centre
- Emergency Policing Incident Control (EPIC)
- Events
- Fire and Rescue Services
- Metropolitan Police Services
- Law Enforcement
- Operational Coordination
- Safety and Security Investigation Unit (SSIU)
- Safety and Security Information Management Service (SSIMS)
- VIP Unit
- Public Emergency Communication Centre (107)

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1. Safety

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

PART 17: SPATIAL PLANNING AND ENVIRONMENT PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Development Management
- Environmental Management
- Coastal Management
- Urban Regeneration (Including MURP and CIDS)
- Urban Planning & Design
- Built Environment Management
- Urban Catalytic Investment

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1. Specific Delegations

Cape Town Municipal Planning By-Law, 2015

(1) 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).

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

PART 18: URBAN MOBILITY PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Public Transport
- Roads Infrastructure Management
- Transport Infrastructure Implementation
- Transport Planning & Network Management
- Transport Shared Services

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1. Specific Delegations

None.

PART 19: URBAN WASTE MANAGEMENT PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Cleansing
- Collections
- Disposal
- Expanded Public Works Programme (EPWP) and Community Work Programme (CPW)
- Planning
- Solid Waste Management
- Technical Services
- Finance & Commercial
- Support Services

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1. Specific Delegations

(1) To exercise oversight on the implementation of the EPWP Protocol Agreement concluded between the National Department of Public Works and Infrastructure and the City of Cape Town and the Protocol Agreement concluded between the Western Cape Government and the City of Cape Town in respect of the Community Work Programme.

PART 20: WATER AND SANITATION PORTFOLIO COMMITTEE

The committee exercises oversight in respect of the following functional areas:

- Bulk Services
- Commercial Services
- Distribution Services
- Technical Services

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1. Specific Delegations

(1) To advise and recommend to Council 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 entirely dependent on future water sales.

PART 21: RULES AND ETHICS COMMITTEE

1. Rules of Order

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

1) Ethics

(1) To develop a Code of Ethics for councillors, and any amendments thereto, and recommend same to Council.

(2) To develop guidelines and frameworks for councillors on ethics matters.

(3) To consider private work applications for full-time councillors and make recommendations thereon to Council.

2) Conferment of Civic Honours

(1) To consider nominations and make recommendations for the conferment of civic honours; and

(2) To investigate and make recommendations for the removal of the title of Alderman or Alderwoman, on good cause shown,
In accordance with the Council's Policy in respect of the Conferment of Civic Honours {Policy No 12806}, as amended from time to time.

3) General

(1) To make recommendations to the Speaker regarding training for councillors with respect to councillor ethics and Code of Ethics (if any) and to prepare any guidelines or framework for this purpose.

PART 22: 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 the recoverability of 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 23: 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 16(1)(b) of the Code of Conduct for Councillors set out in schedule 7 of the Municipal Structures Amendment Act dated June 2021.

(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 16(4)(c) of the Code of Conduct for Councillors.

PART 24: GENERAL APPEALS COMMITTEE

1. Specific Delegations

(4) 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 25: 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 for submission to Council, the needs of the City in any functional matter affecting the Sub-council area.

(3) To review and evaluate the needs of the City in order of priority, in terms section 54 (2)(b) of the Structures Act and recommend same to the Executive Mayor for submission to Council.

(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
d) 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 line functionaries on activities planned to be executed within the Sub-council area.

(6) To recommend appropriate comments on National and Provincial draft legislation, regulations, policy frameworks etc. that affects the Subcouncil.

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 together with the Mayoral Committee for submission to Council 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.

(4) To approve Sub-council business plans for their functional resources.

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

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 City 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.

(4) To make recommendations to the Liquor Board for the cancellation of any liquor licence or the imposition of more/less restrictive conditions.

(5) To report contraventions of the Western Cape Liquor Act to the responsible Officer of the South African Police.

5. Public Participation

(1) To comment on by-laws and policies of Council within the timeframes advertised and submit comments and objections to the relevant Portfolio Committee considering such by-law or policy.

(2) To establish and maintain a database of organisations within the area of the Sub-council as a vehicle for public participation and to facilitate the liaison between civic organisations, ratepayers associations and related, within Sub-council's areas of jurisdiction.

(3) To undertake public participation on any matter initiated by the Sub-council, within their jurisdiction and in consultation with the Public Participation Unit.

(4) To facilitate the liaison between the civic organisations, ratepayers associations and similar fora within the Sub-council area to ensure service delivery and enhance and uplift the community's environment.

(5) To initiate and organise the celebration of important local, national and international celebrations and events e.g. Youth Day, Human Rights Day etc.

6. Policies, By-laws and applicable legislation

(1) Monitoring the implementation of Council's policies and by-laws and applicable legislation affecting the Sub-council's area of jurisdiction and report thereon to the Speaker.

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 line functionary to report thereon.

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

(3) To designate, in terms of Section 10 of the City of Cape Town: Animal Keeping By-law, 2021, 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.

(5) To comment on the development, regulation, usage and maintenance of all public open spaces and parks subject to policies, by-laws and available budget.

(6) To comment on all processes relating to the identification, development, planning and establishment of public open spaces and parks in the Sub-council's area of jurisdiction and make proposals to the Executive Mayor

with regards to the establishment of any new community facilities within the sub-council's area of jurisdiction.

8. Planning and Environment

In terms of the Cape Town Municipal Planning By-Law, 2015

(1) 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) and Part III section 14, 15, 16 and 17 of the City of Cape Town Zoning scheme Regulations.

(2) 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.

(3) 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).

(4) 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).

(5) 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).

(6) To make recommendations to the Executive Mayor regarding the following:

a) any decision being contemplated to 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).

b) Regarding any request 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);

c) Any decision being contemplated for the establishment of housing to be an urgent housing application, in terms of section 69(1);

d) Regarding an exemption in writing of an application from compliance with the provisions of the By-Law to reduce the financial burden of

i. the provision of housing with the assistance of a state subsidy; or

ii. the incremental upgrading of an existing settlement in terms of section 140;

9. Urban Mobility

(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 Urban Mobility Directorate.

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

(3) To submit timeous comment on 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 after receiving a recommendation from the Executive Director: Urban Mobility.

10. Letting of Property and Property Matters

(1) To comment to the competent authority on the granting of significant and non-significant {limited to commercial use} rights to use, manage or control City immovable assets such as land, property and buildings and to recommend conditions of approval where deemed necessary.

(2) To grant Sub-council managers, in consultation with the Sub-council Chairperson and the affected ward Councillor, the authority to comment to the competent authority at public participation stage on the granting of non-significant (excluding commercial use) rights to use, manage or control City immovable assets such as land, property and buildings, to recommend conditions of approval and to request a report to be submitted to Sub-council where deemed necessary.

(3) To comment to the relevant authority on the reservation of property for municipal purposes, within the Sub-council's area of jurisdiction.

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.

12. Street Naming

(1) To name streets after consultation with the public and developers where applicable and subject to Council's policies.

13. Council Recess

(1) To grant Sub-council managers, in consultation with the Sub-council Chairperson and the affected ward Councillor, the authority to exercise all the powers of Sub-councils during periods of Council's recess or in any other case of urgency.

14. Intergovernmental Relations

(1) To make recommendations to Executive Mayor regarding the need for engagement by the City with other organs of state in relation to matters of common interest affecting the Sub-Council and another organ or state.

PART 26: 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 27: COMMITTEES ESTABLISHED TO ASSIST THE EXECUTIVE MAYOR IN TERMS OF SECTION 80 OF THE STRUCTURES ACT

A. : WATER QUALITY IN WETLANDS AND WATERWAYS ADVISORY COMMITTEE

1. General delegations

None.

B. NAMING COMMITTEE

1. General delegations

None.

PART 28: (A) CITY MANAGER'S STATUTORY POWERS

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, Appendix B for the City Manager's Statutory Powers.

PART 28: (B) CITY MANAGER

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

1. Staff Reporting Lines and Designation of Scarce Positions

a) To realign the micro organisational structure to the Council approved staff establishment and approve reporting lines of positions below that of Executive Director.

b) To deviate from the Policy Framework for Organisational Structure and Design when necessary to give effect to the realignments mentioned in (a) above.

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

2. 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 and notice of early retirement.

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

(4) To approve the extension of the retirement age of a staff member for not longer than 3 years in the case where it is in the interest of the City to retain the skills or experience of the staff member.

(5) To approve entering into or extending a post retirement contract of a staff member for not longer than 3 years in the case where it is in the interest of the City to retain the skills or experience of the staff member.

(6) To approve the appointment of a person beyond the retirement age for a period not exceeding three years, where it is deemed essential for service delivery and the operational needs of the City. This may include the appointment of a former staff member whose expertise and experience are considered essential to the City.

Amended 28 May 2025 - C60A/05/25

3. Leave and Time Off

(1) To approve the encashment of leave.

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

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

(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.

4. Overtime

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

5. Training and Study

(1) To approve and administer:

- external scholarships,
- bursaries for internal staff, and
- studying overseas

on recommendation from the Training and Development Manager.

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

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

6. Re-imbursements

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

7. Performance Evaluations

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

8. Disputes, Grievances and Labour Issues

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

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

9. 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.

(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.

10. Employee Debt

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

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

(1) To authorise the provision of official telephones, cellphone allowances and internet connectivity for staff members.

(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.

12. 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.

13. Contracts, Agreements and Securities

(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 contracts and other documents, with or without financial consequences, which contracts are necessary for the functioning of the City.

(3) When the interest of the City so demands, to terminate, any contract, works order, purchase order or the like, to which the City is a party.

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

(5) To provide reasonable security and or undertaking in accordance with the provisions of section 48(1)(c) of the MFMA.

Amended – 12 June 2024 Council (C44A_06_24)

14. Uniforms and Protective Clothing

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

15. 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.

16. Appointments in terms of legislation

(1) To appoint a 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 City's fire service.

(3) To appoint officials to represent Council on outside bodies, after obtaining a mandate from Council.

(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.

17. Legal

(1) To settle any legal action in any competent court or forum recognised by law, in respect of the recovery of debt to the City should it be in the interest of the City 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) Other than against Councillors, 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 the City. Any alleged crimes by Councillors must be reported to the Speaker.

(4) 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:

- an employee;
- an agent;
- a contractor; and/or
- supplier or service provider

where such act impacts on the interests of the City.

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

18. 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, or the relevant threshold prescribed by the relevant legislation in respect of competitive bids. Where the acceptance of the most financially beneficial offer to the City is not accepted, the reasons therefore must be motivated and recorded in writing.

(2) To consider and approve condonations upon the recommendation from the Bid Adjudication Committee in respect of non-compliance of the City's Supply Chain Management Policy.

(3) To make urgent final secondary award or to refuse to make an urgent final secondary award in respect of the procurement of goods and services where such award exceeds R2 million (including VAT), after considering a recommendation from the Director: Supply Chain Management.

Leasing and Disposal

(4) 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 million, longer than 3 years (<R10 m and >3 yrs)
ii. capital assets more than R10 million, not longer than 3 years

(>R10m and <3 yrs)

iii. capital assets less than R10 million, not longer than 3 years (<R10m and <3 yrs)

(5) To approve the granting or rights to use, manage or control capital assets of a value less than R10 million and for a period of no longer than 3 years, after considering the comment, if any, from the Sub Council in whose jurisdiction the asset is situated; provided further that such comment is received by the City Manager within 60 (sixty) calendar days from notification to the Sub Council by the competent authority.

(6) 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.

(7) 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;

After considering the comment, if any, from the Sub Council Chair, Sub Council Manager and Ward Councillor in whose area of jurisdiction the capital asset is situated.

(8) 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.

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

19. Finance

(1) To authorise the virement of funds.

(2) 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.

(3) To write off and dispose of movable capital asset below a value of R5 million subject to section 14(2)(a) and (b) of the MFMA.

Guidance Note: This value applies to the individual asset and not the cumulative book value of all assets submitted at any given time for write off and disposal.

Amended – 12 June 2024 Council (C44A_06_24)

(4) To recover unauthorised, irregular or fruitless or wasteful expenditure from staff or former staff, other than Executive Directors.

(5) To receive any grant, donation or gift to a value not exceeding R1 million 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.

(6) 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) of the MFMA, in order to maximise the benefits to the City.

20. Emergency Decision-making

(1) To decide on and act in matters 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 unavailable, then only in exceptional cases the City 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 City and/or its residents, without detracting from the principle of accountability.
b) This power cannot be sub-delegated and whenever it is exercised, a report must be submitted to Council as soon as possible.

21. Appointment of Acting City Manager and Acting Managers accountable to the City Manager

(1) To appoint acting managers directly accountable to the City Manager.

(2) To appoint, after consultation with the Executive Mayor, 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 sub-delegated.**

(3) To appoint an Acting City Manager when the City Manager is on leave or in the absence or unavailability of the City Manager if the period of leave or unavailability of the City Manager is longer than 3 weeks, the appointment of the Acting City Manager must be made after consultation with the Mayor.

22. Rewards

(1) To issue a reward, exceeding R50 000, but not more than R100 000 to anyone who provides information to the City regarding any act, or omission, where it results in a successful criminal or civil prosecution, or where the provision of such information would, in his or her opinion, have a substantial and material impact on the City or its residents.
This may not be sub-delegated.

23. Financial Misconduct Regulations

Please refer to Table of Contents, Appendix D Terms of Reference for the Financial Misconduct Board.

(1) To receive as the "designated official" reports of allegations of financial misconduct against officials and/or members of the board of directors of municipal entities.

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

24. Employment Equity

(1) To implement the provisions of section 20 of the Employment Equity Act, 1998.

(2) To carry out the functions as contained in section 24 of the Employment Equity Act, 1998.

25. General

(1) To grant authority for officials to travel inside and outside the boundaries of South Africa for City related activities.

(2) To grant travel authority for non-officials including expert or specialist contributors attending to Council related activities on behalf of, or at the invitation of, the City within South Africa and to authorise the payment of related accommodation and travel expenses.

(3) To attend conferences, congresses, seminars, workshops, symposia, lectures, courses, court and related legal engagements, and meetings within South Africa.

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

(6) 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.

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

(8) 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.

(9) 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.

(10) In the performance of any of his/her functions:

a) To have timely and unrestricted 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.

26. Personal Security Measures

(1) To approve personal security measures, including security upgrades as deemed appropriate by the City Manager, for officials in the City, subject to this only being done in exceptional circumstances and:

a) Only for as long as there remains credible evidence of a material threat and risk to the official(s);

b) Only once the South African Police Services have conducted a security threat assessment, which recommends such personal security measures; and

c) Subject to supply chain management processes and procedures (where relevant).

(2) To allocate internal resources for personal security measures, as deemed appropriate by the City Manager, for officials in the City, subject to there being credible evidence and/or intel of a material threat and risk to the official(s).

Amended – 12 June 2024 Council (C44A_06_24)

27. Safe Space Accommodation

(1) On recommendation from the Executive Director: Safety and Security, to approve safe space accommodation as deemed appropriate by the City Manager, for officials where there is a material threat and risk to their person, pending the finalisation of security threat assessment by the South African Police Services.

(2) In the instance of the Executive Director: Safety and Security, the City Manager shall approve safe space accommodation as deemed appropriate by him/her based on the information available at such time, evidencing that there is a material threat and risk to the Executive

Director: Safety and Security, pending the finalisation of a security threat assessment by the South African Police Services.

28. Demolitions

Amended – 12 June 2024 Council (C44A_06_24)

(1) Demolition of City-owned buildings or infrastructure where section 14(2) of the MFMA and regulation 5(1) of the Municipal Asset Transfer Regulations are not of application.

(2) To approve, on the recommendation from the Demolition Committee (to be established by the City Manager hereunder), the demolition of any City-owned building which has been declared a Problem Property in terms of the City's Problem Property By-law, provided that:

a) A cost/benefit analysis has been prepared, which indicates that the building has ceased to be an asset of the municipality; and
b) The buildings or infrastructure in question are determined to be obsolete; and
c) There is no overriding public benefit to be had by the City in the retention of the buildings or infrastructure in question, notwithstanding they can no longer be regarded as an asset of the City.

Notes:

(1) Where a building or infrastructure has no value to the City and is hence not an asset, a decision to demolish can be taken without having to comply with the MATR or section 14 of the MFMA.

(2) In order to give effect to the abovementioned delegation, the City Manager must establish a Demolition Committee consisting of at least three (3) senior management officials, one of which must include the Executive Director: Economic Growth.

(3) Any User Department requesting approval by the City Manager for the demolition of a building in terms of this delegation must adhere to any approved process for demolitions under this delegation, as may be determined from time to time.

(C) DIRECTOR: LEGAL SERVICES

1. Director: Legal Services

(1) To appoint attorneys in respect of any:

i. Litigation;

ii. Legal opinion and assistance on any matter excluding those matters reserved for the Executive Mayor, by delegation 3(6) in Part 1.

(2) To advise the Executive Mayor whether to

institute;
defend;
review;
appeal; and / or
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.

(3) 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 to the Executive Mayor for information as soon as possible thereafter.

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

(5) 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 to the Executive Mayor for information as soon as possible thereafter.

(6) To institute, 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 to the Executive Mayor for information as soon as possible thereafter.

(7) To instruct attorneys to enter notice of appearance on behalf of the City 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 Executive Mayor advising as to how the matter should be proceeded with.

(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, as well as any action related to costs, including the settlement thereof, 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 Magistrate's Court or a court of equal stature or any arbitration and mediation which would otherwise be heard in a Magistrate's 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, with the exception of insurance related matters.

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

(14) 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.

(15) 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.

(16) 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.

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

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

(19) 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.

(20) To appoint alternative dispute resolution practitioners including mediators, arbitrators and adjudicators.

(21) 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.

(22) 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 29: DELEGATIONS APPLICABLE TO ALL EXECUTIVE DIRECTORS

GENERAL DELEGATIONS

1. GENERAL

(1) To determine the standard operating 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 travel within the boundaries of South Africa, for City related activities.

(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 and managers reporting directly to the Executive 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.

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

2. 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 and notice of early retirement.

3. Training and Study

(1) To authorise the training of officials, in person, or via electronic means (locally, nationally or internationally), provided that the officials remain within the jurisdiction of Cape Town.

4. Leave and Time Off

(1) To approve the encashment of leave.

(2) 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 City's cost.

5. Overtime

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

6. Re-imbursements

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

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

(1) To authorise the provision of official telephones, cellphone allowances and internet connectivity for staff members.

(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.

8. Private Work

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

9. 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 from National and Provincial Government relating to the functions of the Executive Director's directorate to,

a) sign documentation on behalf of the City with the transferring Officer to give effect to provisions within the relevant framework;
b) report to the relevant Provincial and National departments on the prescribed bases;
c) enter into internal Memoranda of Agreement relating to conditional grant funding conditions and allocations, where applicable.

10. Laying of Criminal Charges

(1) Other than against Councillors, 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 the City. Any alleged crimes by Councillors must be reported to the Speaker.

(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:

- an employee,
- an agent,
- a contractor, and/or
- supplier or service provider

where such act impacts on the interests of the City.

PART 30: COMMUNITY SERVICES AND HEALTH – (A) EXECUTIVE DIRECTOR

The Executive Director: Community Services and Health 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
- Community, Arts and Culture Development
    - Social Development
    - Community Development
    - Early Childhood Development
    - Arts and Culture Development
- Planning, Development and Project Management Office

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None.

Amended – 30 July 2025 Council (C26_07_25)

PART 30: COMMUNITY SERVICES AND HEALTH – (B) DIRECTOR

Amended – 30 July 2025 Council (C26_07_25)

1. Director: City Health

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 City in terms of section 2(4) to 2(10).

Health Services

In terms of National Health Act 61 of 2003 as amended

(3) To exercise the powers, duties and functions which vest in the City, 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 as amended

(4) To exercise the powers, duties and functions which vest in the City, in terms of regulations 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

(5) To exercise the powers, duties and functions which vest in the City, in terms of regulations 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 R638 of 22 June 2018

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

(6) To exercise the powers, duties and functions which vest in the City, in terms of regulations 3(5)(a)(ii), 3(5)(d), 4(2), 4(6), 14(2)(a), 14(3)(a), 14(3)(b) and 14(4)(a).

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.

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

Noise Control Regulations replaced
by Provincial Notice 200, June 2013

(8) To exercise and enforce powers which vest in the City 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

(9) 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

(10) To exercise the powers, duties and functions which vest in the City, 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 Keeping Bylaw promulgated on the 8 December 2021
Chapter 2 sections 24 through to 36

(11) To exercise the powers, duties and functions in terms of the By-law, Chapter 2, sections 24(3), 24(5) and 24(6), section 25, sections 29 to 32, and section 36.

In terms of the City of Cape Town
Air Quality Management Bylaw, 2016, as amended by the City of Cape Town Air Quality Management Amendment Bylaw, 2021
AQA Bylaw 2021 8508-Gaz-22-October-2021

(12) To exercise the powers, duties and functions which vest in the City, in terms of Sections 4(1) – (5), 11(1) and (3) and (4); 12(2) and (3); 15(1), 16(b), 17(1) – (3) read with sections 31, 19(1) – (4), 20 and 31.

2. Director: Recreation and Parks

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

Streets, Public Places and the Prevention of Noise Nuisances, 2007

(2) To, after consultation with the Executive Director: Urban Mobility, grant or refuse permission to plant a tree or shrub in a public road, or public open space, 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.

3. Director: Community, Arts and Culture Development

(1) 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.

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

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

PART 31: CORPORATE SERVICES –
(A) EXECUTIVE DIRECTOR

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

- Customer Relations
- Executive and Councillor Support Operations
- Human Resources
- Information and Knowledge Management
- Information Systems and Technology
- Facilities Management
- Fleet Management
- Sub-Councils
- Offices of the Deputy Mayor, Chief Whip and Speaker
- Public Participation

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1. Human Resources

(1) To adjust the running costs of the essential user's scheme in accordance with the Automobile Association (AA) tables on a quarterly basis and/or approve implementation of the tariffs provided by the Bargaining Council.

CORPORATE SERVICES -
(B) DIRECTORS

1. Director: Human Resources

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

2. Director: 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 of 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).

In terms of Land Survey Act 8 of 1997
Town Survey Mark Reference System

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

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

3. Director: Fleet Management

(1) To conclude, cancel, amend, sign and exercise all rights and duties in terms of vehicle lease and/or rental agreements entered into where the City is the Lessee.

4. Director: Citizen Interface

(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 authorise street collections.

CORPORATE SERVICES -
(C) MANAGERS

1. Subcouncil Managers

(1) 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.

(2) To provide comment, or recommend conditions of approval, after consultation with Sub-council Chairpersons and ward councillors, to the competent authority at public participation stage on any consideration being given to the granting of non-significant (excluding commercial use) rights to use, manager or control City immovable assets such as land, property and buildings falling within the sub council area, and to request a report be submitted to the Sub-council where deemed necessary.

2. Manager: Public Participation

(1) To exercise the powers, duties and functions vested in the City in terms of sections 16, 17(1), 17(2) 18, 21 and 21A of the Local Government: Municipal Systems Act.

PART 32: ECONOMIC GROWTH –
(A) EXECUTIVE DIRECTOR

The Executive Director: Economic Growth is responsible for the following functional areas:

- Property Transactions
- Economic Development and Investment
- Strategic Assets
- Property Development

Amended – 30 July 2025 Council (C26_07_25)

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1. General

Leasing

(1) To cancel all lease and/or rental agreement(s) within the functional area of the Directorate.

2. Property Transactions

Property Matters

(1) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease, agreements of sale, servitudes and other legal instruments related to his/her functional area of responsibility.

3. Property Development

(1) To exercise all the rights and obligations of the City as lesser or Principal in respect of agreements of sale, servitudes and other legal instruments related to his/her functional area of responsibility.

Amended – 30 July 2025 Council (C26_07_25)

ECONOMIC GROWTH -
(B) DIRECTORS

1. Director: Property Transactions

Amended – 30 July 2025 Council (C26_07_25)

Leasing

(1) To lease immovable property from private and public bodies or any person where the value of the rental does not exceed R200 000 per annum and does not impose financial obligations on the City beyond three financial years.

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

Property Matters

(3) To recommend, administer and manage acquisition, enhancement, alienation, transfer, granting of rights in property and utilisation of City owned immovable property.

(4) To exercise all the rights and obligations of the City as lessor or Principal in respect of agreements of lease, servitudes, sale agreements and other legal instruments related to the functional area of responsibility.

(5) To authorise all property transactions relating to enhancement, land use beneficiation, new builds, the transfer of and granting of rights to use, manage and control City owned immovable property.

(6) To approve, refuse and cancel the reservation of immovable city owned property for municipal purposes.

(7) To cancel transfer agreements.

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

(9) To renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for an option to renew.

(10) To approve the removal of restrictive conditions imposed by the Director: Property Transactions.

Amended – 30 July 2025 Council (C26_07_25)

(11) To approve the granting of rights to use, control or manage City owned capital assets insofar as it relates to immovable property limited to a short term use of less than 30 days.

In terms of Deeds Registries Act, No 47 of 1937

(12) To sign any document necessary to give effect to section 31.

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

(13) To initiate, at the request of a service department, the acquisition of land or a right in land for any approved budget and reporting thereon to the relevant authority.

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

(15) To consider and approve rental reductions to a maximum of 40% of the determined market rental for non-significant rights.

(16) To consider and approve the refund of application fees.

(17) To waive the payment of occupational rental for lease outs (i.e. where the City is the lessor) and acquisitions where such is in the interest of the City.

(18) To authorise projections and encroachments projection structures over City Council's land, to frame and conclude relevant agreements and to impose the levying of a fee/ tariff.

2. Director: Property Development

Amended – 30 July 2025 Council (C26_07_25)

Property Matters

(1) To recommend, administer and manage, enhancement, alienation, transfer and granting of rights in property related to his/her functional area of responsibility.

Amended – 30 July 2025 Council (C26_07_25)

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

Amended – 30 July 2025 Council (C26_07_25)

(3) To authorise all property transactions relating to enhancement, land use beneficiation, new builds, the transfer of and granting of rights to use, manage and control City owned immovable property.

Amended – 30 July 2025 Council (C26_07_25)

ECONOMIC GROWTH –
(C) MANAGERS

1. Property Transaction Managers

Amended – 30 July 2025 Council (C26_07_25)

Property Matters

(1) To exercise all the operational rights and obligations of the City as lessor or Principal in respect of agreements of lease, servitudes and other legal instruments related to the Manager's functional area of responsibility.

(2) To grant prior occupation of City land by a purchases prior to conclusion of the formal lease agreement provided that the lessee has indemnified the City in respect of such prior occupation.

(3) To grant prior occupation of City land by purchases prior to registration in accordance with the conditions of sale, provided that such purchaser deposits with City the purchase price or issues an irrevocable bank guarantee and pays an occupational rental and complies with any other condition that may be relevant in the circumstances.

2. Property Development Managers

Amended – 30 July 2025 Council (C26_07_25)

(1) To exercise all the operational rights and obligations of the City as lessor or Principal in respect of agreements of lease, servitudes and other legal instruments related to the Manager's functional area of responsibility.

Amended – 30 July 2025 Council (C26_07_25)

(2) To grant prior occupation of City land by purchasers prior to conclusion of the formal lease agreement provided that the lessee has indemnified the City in respect of such prior occupation.

Amended – 30 July 2025 Council (C26_07_25)

(3) To grant prior occupation of City land by purchasers prior to registration in accordance with the conditions of sale, provided that such purchaser deposits with City the purchase price or issues an irrevocable ban guarantee and pays an occupational rental and complies with any other condition that may be relevant in the circumstances.

Amended – 30 July 2025 Council (C26_07_25)

PART 33:

(A) EXECUTIVE DIRECTOR: ENERGY

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

- Electricity Generation and Distribution
- Sustainable Energy Markets

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ENERGY – (B) DIRECTORS

1. General

(1) The Director: Electricity Generation and Distribution to implement the provisions of the City of Cape Town Electricity By-Law (2010).

PART 34: (A) CHIEF FINANCIAL OFFICER

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

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

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1. General

(1) To write off 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.

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

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

(4) To make investments on behalf of the City 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.

(2) To attest and authorise any person to attest to an affidavit on behalf of the City or in respect of debt collection and or recovery in the functional area of responsibility of Revenue.

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

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

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

In terms of the Systems Act

(6) To sign and issue section 118 clearance certificates.

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

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

(8) To exercise the powers, duties and functions which vest in the City, in terms of sections 24, 25, 26, 27, 28(4), 29, and 55(2) of the Local Government Municipal Property Rates Act.

3. Valuations

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

(1) To exercise the powers, duties and functions which vest in the City in terms of sections 14(2), 17, 23, 33(1), 33(3), 33(4), 35(1), 35(4), 35(5), 36(1), 36(4), 36(5), 40, 41(2), 49(1)(a)(b)(c), 49(2), 50(1)(c), 50(3), 50(4), 50(5), 52(1)(a), 52(1)(b), 54(1)(c), 54(3), 66(1), 78(1), 78(2), 78(5)(b), 78(6) 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. Budgets

(1) To exercise the powers, duties and functions which vest in the City, in terms of sections 14(3)(a)(ii), and 14(3)(b) of the Local Government: Municipal Property Rates Act.

FINANCE – (B) DIRECTORS

1. Director: Supply Chain Management

(1) To make a final award or to refuse to make a final award in respect of the procurement of goods, construction works and services where such award does not exceed R200 000,00 (including VAT) or the relevant threshold prescribed by the relevant legislation in respect of competitive bids.

(2) To make an urgent final secondary award or to refuse to make an urgent final secondary award in respect of the procurement of goods and services where such award exceeds R200 000,00, or the relevant threshold prescribed by the relevant legislation in respect of competitive bids, but not more than R2 million (including VAT). The exercise of such authority is to be reported monthly to the City Manager.

PART 35: FUTURE PLANNING & RESILIENCE –
(A) EXECUTIVE DIRECTOR

The Executive Director: Future Planning & Resilience is responsible for the following functional areas:

- Communications
- Corporate Project Programme and Portfolio Management (C3PM)
- Resilience
- Policy & Strategy
- Organisational Effectiveness & Innovation
- Organisational Performance Management
- International Relations

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1. General

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

FUTURE PLANNING & RESILIENCE – (B) DIRECTORS

1. Director: Communications

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

2. Director: Policy & Strategy

Integrated Development Plan

(1) To initiate together with appropriate internal structures the establishment of appropriate mechanisms, processes and procedures 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 of the Municipal Systems Act and Regulation 15 of the Municipal Planning and Performance Management Regulations.

Research

(2) To consider any request for the commissioning of an organisational wide (excluding directorate specific) research report in the City and to approve or refuse such a request.

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

(4) In consultation with the relevant Executive Director, to grant permission to employees of the City to conduct research, surveys etc related to their studies, within the relevant directorate.

3. Director: Organisational Performance Management

In terms of Municipal Systems Act

(1) To ensure the establishment and implementation of the OPMS for the City of Cape Town and its municipal entities in terms of sections 38, 40, 41(1)(c) and regulation 7,9(1)(b) and (2), 10, 11, 12 and 13 of the Municipal Planning and Performance Management Regulations, and best practice requirements.

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

PART 36: HUMAN SETTLEMENTS –
(A) EXECUTIVE DIRECTOR

The Executive Director: Human Settlements is responsible for the following functional areas:

- Informal Settlements
- Housing Development
- Human Settlements Planning
- Public Housing

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HUMAN SETTLEMENTS – (B) DIRECTORS

1. Director: Informal Settlements

(1) To provide temporary housing relief measures in emergencies/disasters (where appropriate, within available resources and policy).

(2) To authorise and arrange for the voluntary relocation of families from formal and informal settlements, social housing, road reserves, servitudes, nature reserves, public open spaces, etc within City boundaries.

2. Director: Public Housing

(1) 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 Director: Public Housing's functional area of responsibility.

(2) To cancel leases, within the functional area of responsibility of the Director: Public Housing where the terms and conditions thereof have been breached.

(3) To frame the conditions of lease agreements, to execute all documents (including the signing of Powers of Attorney), and exercise the rights and obligations in connection with the letting of City dwellings, (financed from National or Provincial housing funds and City funds).

(4) To grant prior occupation, give possession and pass risks in City dwellings, financed from national or provincial housing funds and City funds, prior to conclusion of the formal lease agreements provided that the relevant

authorities have been obtained and the tenant has indemnified the City in respect of such prior occupation.

(5) To authorise and approve the relocation of dwellings on residential sites within housing schemes, necessitated by adverse subsoil conditions or by other unforeseen circumstances, subject to applicable legislation, policies and procedures.

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

(7) To serve notices on tenants to vacate City 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.

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

(9) To apply for amendments to plans and specifications of rental dwellings, financed from National or Provincial housing funds and City funds.

(10) To consider and comment on the application of abutting owners to City 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.

(11) To consider and approve the transfer of tenancy in respect of City owned rental housing properties.

Amended – 12 June 2024 Council (C44A_06_24)

PART 37: SAFETY AND SECURITY –
(A) EXECUTIVE DIRECTOR

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

- Disaster Risk Management Service
- Emergency Policing Incident Control (EPIC)
- Film and Events
- Fire and Rescue Services
- Metropolitan Police Services
- Operational Coordination
  - Traffic Services
  - Law Enforcement
- Public Emergency Communication Centre (107)
- Safety and Security Investigation Unit (SSIU)
- Safety and Security Information Management Service (SSIMS)

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1. General

(1) To authorise peace officers in the City's employ, in terms of section 15(2)(a) of the Magistrates Court Act, 1944.

(2) 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 a major incident and report thereon to the City Manager on a weekly basis.

2. Payment of Rewards

(1) To issue a reward, not exceeding R50 000 to anyone who provides information to the City regarding any act, or omission, where it results in a successful criminal or civil prosecution, or where the provision of such information would, in his or her opinion, have a substantial and material impact on the City or its residents.
This may not be sub-delegated.

SAFETY AND SECURITY – (B) CHIEFS

1. Chief Fire Officer

Fire and Rescue Services
In terms of Fire Brigade Services Act 1987

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

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

(3) 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).

(4) 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).

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

(6) 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.

(7) To, after consultation with the Executive Director, grant authority for the utilisation of the fire services outside the area of jurisdiction of the City, as provided for in section 12.

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

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

2. Chief 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; and
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 section 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 where such notice has been ignored, for it to be removed.

Races and sport on public roads
In terms of Regulation 317/2000 act 93 of 1996

(5) To grant exemption from complying with road traffic signs on a public road where approval was granted for the organising 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

3. Chief Metro 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 authorisation 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 its 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 section 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.

Part 101 of the Civil Aviation Regulations, 2011 published in the Government Notice R.425 of 1 June 2012

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

SAFETY AND SECURITY – (C) MANAGERS

1. Manager: Film and Events

The following delegations where 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 14 Events.

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

(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 (14)(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.

(7) As regards films: To negotiate rights packages, including the promotion of the City's brand through film credits, marketing opportunities, media opportunities, film hospitality event tickets, and other 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.

(8) As regards films: To negotiate and conclude all agreements related to city services and event services related to the holding of individual film shoots within assets (whether city owned or private) subject to the provisions of delegation (14)(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.

SAFETY AND SECURITY – (D) HEADS

1. Head: Disaster Management Centre

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.

PART 38: SPATIAL PLANNING AND ENVIRONMENT – (A) EXECUTIVE DIRECTOR

The Executive Director: Spatial Planning and Environment is responsible for the following functional areas:

- Development Management
- Environmental Management
- Urban Planning & Design
- Urban Regeneration
- Urban Catalytic Investment

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1. Land Use Management

Title deeds

(1) To grant or refuse consent to amend or cancel a notarial tie within the functional area of responsibility.

Sectional Titles Act, No 95 of 1986

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

Land Survey Act, No 8 of 1997

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

(4) To exercise the powers, duties and functions vested in the City, in terms of sections 30(3), (4) and (6), 37(8) and (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.

(5) 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 relevant Executive Directors.

(6) To perform all other administrative functions set out in the by-law, including signing documentation, the execution of recordals, the updating of 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.

(7) 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.

(8) After considering the recommendation of the relevant sub-council, 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 the Act, in terms of section 68(6).

(9) 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).

(10) After considering the recommendation of the relevant sub-council and 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.

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

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

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

(13) To issue and 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.

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

(15) 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.

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

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

(18) To exempt a specific activity or schedule of activities in a geographic area protected as a heritage protection overlay zone from the requirements of item 162.

(19) In respect of land above Boyes Drive and subject to the Boyes Drive Local Area Overlay Zoning determine that the City is satisfied:

- That a building proposed 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.

(20) To, where provided for in the DMS 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: Economic Growth.

2. Building Control

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

(1) To exercise the powers, duties and functions vested in the City, in terms of sections 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).

National Building Regulations
GNR 2378 of 12 October 1990

To apply the National Building Regulations GNR 2378 of 12 October 1990 (as amended).

(2) 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).

3. Environmental Management

Environment Conservation Act, No 73 of 1989

(1) To exercise the powers, duties and functions vested in the City, in terms of sections 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.

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, and where it occurs:

- To instruct the relevant department 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 City in terms of sections 30(6),(7),(8),(9) and (10), 35(1), 39 and 43(1), (1A) and (2).

(5) To recommend to the City Manager 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 offence, in terms of section 33.

(6) To recommend to the Executive Mayor that the City enter into agreements with: the Minister, 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 and in respect of agreements with the Director-General to make the recommendation to the City Manager in terms of section 42.

(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 Acts.

NEMA Regulations
on Environmental Management Frameworks

(9) To initiate, prepare, undertake public participation 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 City, in terms of sections 8(4), 8(6)(b), 26(1)(g), 27(3), 27(8), 27(18), 27(21), 28(6), 29(2)(a), 29(2)(b), 29(6)(a), 29(10), 30(5), 30(7), 30(9), 30(10), 30(11), 30(12), 30(13), 31, 34(1), 34(3), 38(1), 38(8), 38(9), 42(1), 42(2), 42(4), 42(5), 42(8), 43(2), 44, 45(3), 48, 49(2), 50(1), 54(1) of the Act.

(11) To submit comments to the relevant Heritage Authority on behalf of the City on applications in terms of sections 27, 29, 34, 35, 36 and 38 of the Act.

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

(12) 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).

(13) 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).

(14) 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).

(15) 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.

(16) 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 regulations 4(1), 5, 6, 7 and 15 to 50.

(17) 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 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 regulations 10 to 14.

National Environmental Management:
Biodiversity Act, No 10 of 2004

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

(19) 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

(20) To exercise the powers, duties and functions vested in the City in terms of sections 18(1) and (5), 25(3) and 48(1),(3) and (4), and where designated thereto in terms of section 31C of the NEMA, also those in terms of sections 59(1) and (5) and 60(1).

(21) 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.

(22) 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 sections 48(1), (3) and (4).

(23) To, where a contravening party fails to comply with a notice issued in terms of sections 59(1) or (5), or section 60(1), instruct an 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

(24) 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).

(25) To prepare or ensure the preparation of applications to Cape Nature on behalf of the City in terms of sections 27, 29, 31, 33, 44(1) and 47A of the ordinance and to exercise the powers and duties vested in the City in terms of any permits issued thereto.

Outdoor Advertising By-law, 2024

(26) To exercise the powers, duties and functions vested in the City, in terms of sections 5(2)(d), 5(2)(f), 5(2)(g), 5(2)(i), 5(2)(l), 5(3), 5(4), 5(5), 5(6), 5(10)(a), 5(10)(b)(iv), 6(1), 6(2), 6(4), 6(5), 7(1), 7(2), 7(5), 7(6), 8(2)(e), 8(4)(f), 8(4)(g), 8(4)(h), 8(4)(j)(i)and (ii), 8(4)(n), 8(4)(o), 8(5)(k), 8(5)(s)(i) and (ii), 10(1), 10(3), 10(4), 10(5), 10(6), 10(7), 11, 12, 13(1), 15, 17(3), 17(4), 19, Schedules 2,3,4 and 5, Schedule 8(2),(2.1),(g), (2.2),(c), (2.3)(h), (3)(3.2), Schedule 9(3), and (13), Schedule 10(3) and (6), Schedule 10(5)(b), Schedule 11(16) and (19), Schedule 12(18)(5) and Schedule 17(2)(g).

Amended – 25 July 2024 Council (C08/07/24)

(27) In addition to the above, to also:

(a) determine that the specified standards and criteria set out in the schedules for a specified sign, have been met.

Amended – 25 July 2024 Council (C08/07/24)

Coastal Bylaw, 2020

(28) To exercise powers, duties and functions vested in the City in terms of sections 7, 9, 10, 11, 14, 15, 18, 23, 24 and 25.

(29) To perform all administrative functions set out in the by-law, including the signing of written authorisations.

(30) To exercise powers, duties and functions vested in the City in terms of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 42 and 44.

(31) To perform all administrative functions set out in the by-law, including the signing of written authorisations.

Recreational Water Use Bylaw, 2018

(32) To exercise powers, duties and functions vested in the City in terms of sections 3(2), 3(3), 4(3), 4(4), 5(1), 5(2), 5(4), 6(1), 7(4), 8(4), 9(1), 9(2), 9(3), 9(5), 9(6), 9(7), 10(1), 12(3), 12(5), 13(1), 14, 15(1), 15(2), 16, 17(1), 17(3), 17(4), 19, 21, 22(1), 22(2), 22(3), 22(5), 25(6), 23(4), 24(2), 24(4), 24(9), 25(1), 25(2), 25(3), 26, 27, 28, 29, 30(e), 31(2), 31(3) and 33.

SPATIAL PLANNING AND ENVIRONMENT – (B) DIRECTORS

1. Director: Urban Planning and Design

(1) Within his or her functional area, to publish documentation on the City's website or by Provincial Gazette or notice, when required to do so, in terms of the Municipal Planning By-law.

(2) 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 of schedule 3 of the Municipal Planning By-law.

2. Director: Development 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.

Cape Town Municipal Planning By-law, 2015

(2) Within his or her functional area, 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.

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

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

PART 39: URBAN MOBILITY –
(A) EXECUTIVE DIRECTOR

The Executive Director: Urban Mobility is responsible for the following functional areas:

- Public Transport
- Roads Infrastructure Management
- Transport Infrastructure Implementation
- Transport Planning & Network Management
- Transport Shared Services

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1. Urban Mobility

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

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

Urban Transport Act, No 78 of 1977

(2) To exercise the powers duties and functions vested in the City, 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 City 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 City, in terms of sections 11, 14 to 19, 27, 33, 36 to 43, 55, 56, 65, 86 and 87.

Roads Ordinance, No 19 of 1976

(5) To exercise the powers, duties and functions vested in the City, in terms of sections 7(2), 8(1), 10 to 20, 26, 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 City, in terms of section 5(2), 7, 8, 10, 11, 15, 16, 17, 18, 20(1), (2), (3) and (4), 21 and 22, including granting of wayleaves, or authorizing a person as envisaged in section 12(1).

Amended – 30 July 2025 Council (C26_07_25)

By-law relating to Stormwater Management, 2005

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

PART 40: URBAN WASTE MANAGEMENT – (A) EXECUTIVE DIRECTOR

The Executive Director: Urban Waste Management is responsible for the following functional areas:

- Waste Services
- Integrated Planning and Waste Strategy
- Public Empowerment and Development
- Support Services

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URBAN WASTE MANAGEMENT – (B) DIRECTORS

1. Director: Waste Services

In terms of Solid Waste Management Tariffs (Tariff Policy)

(1) To exercise the powers, duties and functions which vest in the City, in terms of Clause 14, 17, and 21 of the Solid Waste Management Tariffs (Tariff Policy). Clause 14 may not be sub-delegated. Clause 27 must be exercised within the parameters of Chapter 6 of the Credit Control & Debt Collection Policy.

(2) To authorise the issuing of free unsifted compost on request with the provisio 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 2016

(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 City, in terms of sections 7(2), 8(5), 10(6), 13(1), 13(2), 15(3),(4),(7), and 17(1) of the Integrated Waste Management By-law.

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 City, in terms of sections 58 and 61 of the National Environmental Management: Waste Act.

PART 41: WATER AND SANITATION –
(A) EXECUTIVE DIRECTOR

The Executive Director: Water and Sanitation is responsible for the following functional areas:

- Bulk Services
- Commercial Services
- Distribution Services
- Technical Services

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WATER AND SANITATION – (B) DIRECTORS

1. Director: Bulk Services

In terms of National Water Act: Act 36 of 1998

(1) To exercise all powers, duties and functions which vest in the City, in terms of sections 19(1), 20(3) and (4), 22(1), (2) and (6), 33(1), 35, 40(1) and (2), 48(2), 51(2), 52(1) and (2), 55(1), 59, 118(1), 120, 127 to 129, 132 to 136 and 148 to 151.

In terms of Water Services Act: Act 108 of 1997

(2) To exercise the powers, duties and functions which vest in the City, and within the functional area of the Director: Bulk Services, in terms of sections 3(1) and (2), 4, 5, 6, 9, 11, 22, 77 to 79.

In terms of the Water by-law 2010 PG 6847; LA 22920 and Water Amendment by-law, 2018 Provincial Gazette Extraordinary 7962

(3) To exercise all powers, duties and functions within the functional area of the Director: Bulk Services, in terms of section 15.

2. Director: Commercial Services

In terms of the Water Services Act: Act 108 of 1997

(1) To exercise all powers, duties and functions within the functional area of the Director: Commercial Services, in terms of sections 3(1) and (2), 4, 7, 9, 11 and 20.

In terms of the Stormwater Management By-Law PG6300; LA 31420

(2) To exercise all powers, duties and functions within the functional area of the Director: Commercial Services in terms of section 10(3).

In terms of the Treated Effluent by-law, 2009 PG6772; LA 22158
& Treated Effluent Amendment by-law, 2015 PG 7478; PN. 299/2015

(3) To exercise all powers, duties and functions within the functional area of the Director: Commercial Services in terms of sections 8, 24 and 26.

In terms of the Water by-law 2010 PG 6847; LA 22920 and Water Amendment by-law, 2018
Provincial Gazette Extraordinary 7962

(4) To exercise all powers, duties and functions within the functional area of the Director: Commercial Services in terms of sections 9, 13, 17, 18, 28, 29, 32, 33, 34, 35, 36(1)(d), (3) and (4).

In terms of the Wastewater & Industrial Effluent by-law, 2013

(5) To exercise all powers, duties and functions within the functional area of the Director: Commercial Services in terms of section 10.

3. Director: Distribution Services

In terms of the National Water Act: Act 36 of 1998

(1) To exercise all powers, duties and functions within the functional area of the Director: Distribution Services, in terms of sections 19(1), 20(3) and (4).

In terms of the Water Services Act: Act 108 of 1997

(2) To exercise all powers, duties and functions within the functional area of the Director: Distribution Services in terms of sections 3(1) and (2), 4, 5, 6, 7, 11, and 77.

In terms of the Treated Effluent by-law, 2009 PG 6772; LA 22158

& Treated Effluent Amendment by-law, 2015 PG 7478; PN. 299/2015

(3) To exercise all powers, duties and functions within the functional area of the Director: Distribution Services in terms of section 22.

In terms of the Water by-law 2010 PG 6847; LA 22920 and Water Amendment by-law, 2018 Provincial Gazette Extraordinary 7962

(4) To exercise all powers, duties and functions within the functional area of the Director: Distribution Services in terms of sections 16, 21, 23, 24 to 27.

In terms of the Wastewater & Industrial Effluent by-law, 2013

(5) To exercise all powers, duties and functions within the functional area of the Director: Distribution Services in terms of sections 4(4) and 5.

4. Director: Technical Services

In terms of the National Water Act: Act 36 of 1998

(1) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 19(1), 20(3) and (4).

In terms of the Water Services Act: Act 108 of 1997

(2) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 3(3), 7, 9, 12 to 19, 21, 23, 24, 26 and 27.

In terms of the by-law relating to Stormwater Management, 2005 (PG 6300; LA 31420)

(3) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 1, 2, 3, 4, 5, 7, 8(1), 9(1)(b) and (c), 10(1), (2) and (3) and 11.

In terms of the Treated Effluent by-law, 2009 PG 6772; LA 22158
& Treated Effluent Amendment by-law, 2015 PG 7478; PN. 299/2015

(4) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 6, 9, 11 to 21, 23, 25, 27, 29 to 32, 35, 37 and 39.

In terms of the Water by-law 2010 PG 6847; LA 22920 and Water Amendment by-law, 2018
Provincial Gazette Extraordinary 7962

(5) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 10, 12, 14, 19, 20, 22, 31, 37, 59, 61, 62 and 64.

In terms of the Wastewater & Industrial Effluent by-law, 2013, PG 7227; LA 56448

(6) To exercise all powers, duties and functions within the functional area of the Director: Technical Services in terms of sections 3, 4, 6 to 9, 11, and 12.

PART 42: BUILDING CONTROL OFFICER

(1) 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 43: 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 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 or the relevant threshold prescribed by relevant legislation in respect of competitive bids.

(2) To cancel any competitive bidding process and/or any item contained in such a tender after consideration of a written report from 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 the appointment of panel and framework tenders and related secondary competitive processes where such award exceeds R200 000,00 or the relevant threshold as prescribed by relevant legislation in respect of competitive bids.

PART 44: 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 sub-delegated.

1. Function Specific Delegations

(1) To make recommendations to Council on the exercise of its powers in terms of Municipal Asset Transfer Regulations in so far as it relates to:

a) The granting of significant rights (greater than 3 years, greater than R10m), and
b) High value transfers or disposals (greater than R50m) of immovable property; and
c) Any granting of rights in, or transfers of, commercial immovable property.

(2) To approve or not approve transfer of ownership or granting of rights to use, control or manage non-exempted immovable capital assets, excluding the granting of significant rights, transfers of high value assets and rights in or transfer of immovable property for commercial use, partially or wholly, 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 has been granted;

Subject to any such approval by IPAC not being materially or significantly different from the in principle approval previously granted by the relevant decision-making authority.

Note: in respect of (1) and (2) above, if the property has both a commercial and a non-commercial component, it will be deemed commercial property.

(3) To make a final award in respect of a tender or an auction relating to the transfer of ownership or granting of rights in immovable property provided that:

a) Public participation process has been conducted (where necessary);and
b) S14 MFMA determinations have been made (where applicable); and
c) Approval in principle has been granted in terms of the Municipal Asset Transfer Regulations,

Subject to any approval by IPAC not being materially or significantly different from the in principle approval previously granted by the relevant decision-making authority.

(4) To cancel any competitive bidding process and/or any item contained in such a tender after consideration of a written report in respect thereof by a Bid Evaluation Committee and containing a recommendation to cancel same, provided that such report has also been signed by the relevant Executive Director and the content of the report justifies such action.

PART 45: GENERAL DELEGATIONS (FINANCIAL MISCONDUCT BOARD)

A. Financial Misconduct Regulations

Please refer to Table of Contents, Appendix D, the Terms of Reference for the Financial Misconduct Board.

(1) The designated officials/persons or alternate designated officials/persons are authorised to develop terms of reference for an investigation as is required by Regulations 6(1).

(2) The designated officials/persons or alternate designated officials/persons be authorised 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.

(3) The designated officials/persons or alternate designated officials/persons be authorised to receive tabled reports of alleged financial misconduct on behalf of council as required in terms of Regulation 3(2).

(4) The designated officials/persons or alternate designated officials/persons are authorised to refer any report received in terms of Regulation 3(1) to the Financial Misconduct Board for a preliminary investigation, except those matters reserved for the Executive Mayor.