

11.8.2	REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023
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Collaborator No: 758941
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 & 29 November 2023

1. SUBJECT: REQUEST TO UNDERTAKE THE PUBLIC PARTICIPATION PROCESS (“PPP”) IN RESPECT OF THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023

2. PURPOSE

To provide Council with the pertinent facts in order to approve that the draft Stellenbosch Municipality Events By-Law, 2023 be advertised for a period of thirty (30) days to obtain public comment in respect of the subject draft By-law.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The draft Events By-Law aims to replace the Stellenbosch Municipality Events By-Law and is aimed at updating the current By-Law, which was adopted during 2016.

A number of concerns were raised by Local Tourism Organisations and stakeholders within the tourism fraternity regarding the outdated By-Law, as well as the tedious land use application processes which deemed it necessary for the By-Law to be updated.

5. RECOMMENDATIONS

- (a) that Council take note of the draft Stellenbosch Municipality Events By-Law, 2023, attached as **APPENDIX 1** to this report, and
- (b) that Council approve that the draft Stellenbosch Municipality Events By-Law, 2023, be advertised for public comment for a period of thirty (30) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No.32 of 2000.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality is known for hosting of major local, national and international events. Currently events are regulated by the Safety at Sports and Recreational Events Act of 2010 and the Stellenbosch Municipality Events By-Law, 2016. The updated Events By-Law will assist and guide the municipality in regulating and managing event related activities in an efficient and effective manner by providing clarity to all role players and stakeholders.

Stellenbosch Municipality strives to become a town which attracts remarkable events with the potential to promote partnerships and enhance the impact of events on the local economy. The Municipality plays an important role in the regulating of events, events organisation and the facilitation and the provision of services at events. The By-law clearly defines processes and systems that support events which will contribute towards ensuring that event related activities take place safely, securely and in a coordinated manner.

6.2 Discussion

Events are established occurrences within the Cape Winelands and contributes significantly to the appeal of the Cape Winelands as a tourist destination and the resulting contribution that these events make to the local economy.

As noted above, the current By-Law was promulgated during 2016 and therefore a request has been received from the events fraternity to review and update the By-Law.

The draft Events Permitting By-Law was approved by Council on 17 May 2023 for public comment, however during the internal consultation processes concerns were raised regarding the document and the implementation thereof. The Department has incorporated the comments and amended the document accordingly. Due to the major modification of the document, the By-Law must be resubmitted to Council for consideration.

6.3 Financial Implications

None. The By-Law has been drafted using the resources within the Municipality.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

The risks are addressed through the content of the report.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2023-11-16: ITEM 7.8.2

- (a) that Council take note of the draft Stellenbosch Municipality Events By-Law, 2023, attached as **APPENDIX 1** to this report, and
- (b) that Council approve that the draft Stellenbosch Municipality Events By-Law, 2023, be advertised for public comment for a period of thirty (30) days, whereafter same be resubmitted to Council for final consideration and subsequent approval in terms of the Local Government Municipal Systems Act No.32 of 2000.

APPENDICES

Appendix 1: Draft Stellenbosch Municipality Events By-Law, 2023.

APPENDIX 1

DRAFT STELLENBOSCH
MUNICIPALITY

EVENTS BY-LAW, 2023

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STELLENBOSCH MUNICIPALITY: EVENTS BY-LAW

PURPOSE AND OBJECTIVES

To provide for the management and regulation of events within the jurisdiction of the Stellenbosch Municipality; to provide for the enforcement of this By-Law; and to provide for matter incidental thereto.

PREAMBLE

WHEREAS the Stellenbosch Municipality recognizes that the hosting of events is a significant part of its competitive strategy and acknowledges that events have an important role to enhance cultural and social cohesion in communities, support urban rejuvenation and economic growth.

WHEREAS the Stellenbosch Municipality aims to regulate holding of events in a manner that ensures proper management thereof;

WHEREAS the Stellenbosch Municipality wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the impact of events in the municipality;

AND WHEREAS the Stellenbosch Municipality wants to ensure that events happen safely and securely in a coordinated manner in its jurisdiction;

AND WHEREAS the Stellenbosch Municipality wants to ensure that events take place safely and securely in a coordinated manner through a clear collaboration between Law Enforcement, Fire Services, the South African Police Services, Disaster Management, District Municipality, Traffic Services and other related emergency and safety organisations;

AND NOW THEREFORE, BE IT ENACTED by the Stellenbosch Municipality, as follows:—

CHAPTER 1

DEFINITIONS AND APPLICATIONS

1. Definitions

In this By-Law, unless the context otherwise indicates-

“authorised municipal official” means the Municipal Event Officer, a member of the Municipal Event Committee, a municipal law enforcement officer, and any other person who is delegated as contemplated in section 41 of the Constitution to execute a power, function or duty related to the provisions of this By-Law

“Council” means the council of the Stellenbosch Municipality or any political structure, political office, councillor or any staff member acting under the council’s delegated or sub-delegated authority

“Municipal Manager” means the person appointed as Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

“event” means-

- (a) any sporting, recreational, entertainment, including live entertainment or event acts;
- (b) any educational, cultural or religious event;
- (c) any business event including marketing, public relations and promotional events, or exhibition events;
- (d) any charitable event, including any conference, organizational event or community event;
- (e) any filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds;
- (f) any similar event or activity hosted at a stadium, public place, venue or along a route or within its precinct.

“event organizer” means a person who submits an application to hold an event in terms of this By Law whether he or she submits the application for himself or herself or on behalf of another person, body or organization;

“event committee” a committee represented by officials from affected municipal department who meet on an ad hoc basis to consider event applications and make recommendations to the Event Coordinator;

“event policy” means the Events Policy of the Stellenbosch Municipality;

“Event Permit Officer” means the head of Stellenbosch Municipality events permit office or any other official delegated by him or her;

“Law Enforcement Officers” includes officials of the Municipality involved in law enforcement;

“permit” means a permit issued by the Events Coordinator for the holding of events;

“public place” means—

- (a) any public land, square, public swimming, bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by Stellenbosch Municipality and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including— nature reserves; protected natural areas; nature conservation worthy areas; natural open spaces;

“purpose-built venue” means a building, structure, or premises, specifically built, zoned and suitable for the holding of specific events;

“stakeholder” includes any person, organization, entity or body who is affected or has a role to play in the management or holding of an event;

“safety officer” means a person appointed in terms of Regulation 6 of the (Occupational Health and Safety Act 85 of 1993) to assist with the oversight of the safety and security risk management of the event.

“this By-law” includes the Schedules hereto;

“venue” means any open space, enclosed or semi-enclosed temporary structure or permanent structure, whether a private dwelling or not—

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, for the purposes of any categorization, designation and certification of an event may consist of —
 - (i) seating for spectators, attendees or an audience; or
 - (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;
 - (iii) purpose built venue correctly zoned, built and suitable for the holding of specific events;

“venue owner” means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

“ward committee” means the ward committee as established by Stellenbosch Municipality from time to time and chaired by the respective appointed ward councillors

2. Application of this By-Law

- (a) This By-Law applies to any event held within the area of jurisdiction of Stellenbosch, including events held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the Municipality and the surrounding community.
- (b) This By-Law does not apply to –
 - (i) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
 - (ii) actions falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place;
 - (iii) public participation or meetings held by ward councillor;
 - (iv) small events such as family and community events held on private property or purpose-built venues, subject to any other legislation;
 - (v) funerals and funeral processions, events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel and/or any other conference facility, athletic field, arena, auditorium or similar;
 - (v) permanent place of assembly when used for events normally held in such venue, provided that this exclusion does not apply to events or parts of

- events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
- (vi) sport fixtures and events regulated by the Safety at Sports and Recreational Events Act No.2 of 2010
 - (vii) Weddings held at wedding venues established for purposes of weddings or at a community hall or similar entertainment facility, and wedding processions, which fall outside the boundaries of an environmentally protected area;
 - (viii) Cultural rituals held by cultural groups and families in the community;
- (c) Notwithstanding subsection (2), the Events Permit Officer or a Law Enforcement Officer may —
- (i) when the Events Permit Officer or a Law Enforcement Officer finds that this By-law is, or likely to be, contravened by an event organizer ;or
 - (ii) when a stakeholder affected by the impact and risk attached to an event files a complaint with the Event Permit Officer or a Law Enforcement Officer, issue a compliance notice to the event organiser in terms of section 8 and act in terms of this By-Law
- (d) Purpose-built venues are excluded from this By-law in respect of events normally held in such venue, provided that —
- (i) this exclusion does not apply to events or parts of events held outside the venue or building or which by their nature, size or impact are considered outside the normal use parameters for the venue;
 - (ii) owners or managers of purpose-built venues must submit an application to the Events Permit Office for approval of their events programmes which shall be valid for one year.
 - (iii) The Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6.
 - (iv) In the event of a conflict between this By-law and any other By-law of the Municipality this By-law shall prevail regarding the management and holding of events.
 - (v) This by-law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).

Chapter 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

3. Submission of applications for approval to hold or stage events

- (a) A formal application to stage an event must be made by the event organizer to the Events Permit Officer and submitted –
 - (i) by a person who is at least 18 years old;
 - (ii) in a form and or manner as prescribed by the Events Permit Officer;
 - (iii) within the time frames as prescribed in Schedule 2 of this by-law;
 - (iv) by a person or on behalf of a person who possesses the necessary capacity and resources.
- (b) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.
- (c) All applications must be accompanied by proof of payment of the applicable fees and deposit payable for the event.
- (d) In the event of failure to submit the information referred to in subsection (b) and proof of payment in terms of subsection (c) an application will not be considered in terms of this By-Law.

4. Requirements and conditions

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c).
- (b) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form as set out in the Schedule 3.
- (c) The event organiser may not advertise the planned event before an application is submitted to the Municipality and the Event Permit Officer has informed the event organiser in writing that the application has been approved in terms of section 5(a).

- (d) The event organiser is required to apply separately and within the required timeframe to the National Commissioner of the South Africa Police Services for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010)
- (e) Payment of an administration fee and or applicable tariffs determined by the Municipality may be required from the event organiser ahead of approval of an application for an event.
- (f) The Events Permit Officer must, ensure that consultation with relevant stakeholders identified by the Municipality is undertaken by the event organizer.
- (g) The Event Permit Officer must, in terms of the Event Policy and depending on the nature of the event, ensure that consultation takes place with the Events Committee, which will include an official form the municipality's environmental services department; and with any other relevant stakeholder, including the relevant ward councillor.
- (h) The Events Permit Officer must satisfy him/ herself by written documentation that the relevant land use zoning regulations, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover, and that appropriate indemnity cover is obtained for an event by the Event Organiser. Similarly, where an activity which may put the public at risk will be triggered, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Permit Officer by the Event Organiser.
- (i) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposits payable for events.
- (j) The Municipality shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this by-law, be held liable for any-
 - (i) damage to or loss of any property of the Event Organizer; or
 - (ii) costs incurred by an Event Organizer or any third party;
- (k) The event organizer, or the venue owner shall be liable for the cost of any service provided by the municipality for or in respect of an event.

Safety Officer

The event organiser must appoint a safety officer for the event.

- (a) The responsibility for the safety of all present at the event lies primarily with the event organiser;
- (b) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event, including the set-up and breakdown of stages of the event;
- (c) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management;
- (d) The safety officer maintains the right to halt any event should he/she identify a significant risk threatening the safety of any individual present at the event;
- (e) The mandate of the safety officer includes the event venue as well as all associated facilities;
- (f) The safety officer is required to be on-site for the entire duration of the event, including the set-up and breakdown stages of an event;
- (g) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the event organiser;
- (h) The safety officer is responsible for ensuring that the event- specific written safety and security plan is adhered to.

5. Decisions on events

- (a) The Events Permit Officer must approve or decline an application for an event within a reasonable time in terms of this By-Law.
- (b) Once a decision has been taken in terms of subsection (a) the applicant must be informed thereof in writing.
- (c) Where an application for an event has been approved, the Events Permit Officer must issue a permit specifying the conditions applicable to the event.

- (d) The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event, and that any additional licences, including liquor licences can be clearly displayed in public.
- (e) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant must be informed of his/her right to appeal the decision in terms of section 62 of the Municipal Systems Act.

The event permit officer may decline an application for an event permit where—

- (i) an event application is received outside of the prescribed timeframes;
- (ii) the event clashes with another event;
- (iii) the event safety and security plan is deemed insufficient by the Municipality's services;
- (iv) the event is not approved by the South African Police Services;
- (v) the event is non-compliant with applicable legislation; or
- (vi) any other factor which, in the opinion of the Event Permit Officer, may negatively impact on the –
 - safe conclusion of an event; or
 - human or other resources of Stellenbosch Municipality
- (f) Notwithstanding the timeframes set out in Schedule 2 the Event Permit Officer may, after consultation with the Municipal Manager, approve a late application for an event, where the holding of the event will be beneficial to the municipality

6. Evaluation Criteria

- (a) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:
 - (i) the type and size of an event;
 - (ii) the impact of the event in terms of the strategic fit to the Events policy;
 - (iii) the impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event logistical aspects, as well as marketing, economic, social and environmental objectives;

- (iv) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
 - (v) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event. The risk assessment will include, but not limited to, obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open space;
 - (vi) return on investment of the event;
 - (vii) that the event complies with all applicable legislation; and
 - (viii) the impact of the event on environmental protected areas.
- (b) The criteria referred to in subsection (a) must be considered in respect of-
- (i) the review and assessment of events;
 - (ii) the decision processes for event applications;
 - (iii) prioritisation of events;
 - (iv) the type and level of support to be provided by the Municipality for events; and
 - (v) the services to be provided by the Municipality to events.
- (c) The Events Permit Officer may impose reasonable conditions to the permit to protect the environment and the health, safety and welfare of the public pertaining to:
- (i) Location and hours during which the event may be held;
 - (ii) Sanitation, ablution facilities and availability of water;
 - (iii) Security and crowd management;
 - (iv) Parking and traffic issues;
 - (v) Emergency and medical services;
 - (vi) Clean-up of premises and surrounding area and waste disposal;
 - (vii) Insurance;
 - (viii) Lighting;
 - (ix) Fire services and safety;
 - (x) Temporary construction, barricades and fencing;
 - (xi) Removal of advertising and promotional materials after the event;
 - (xii) Noise levels.
 - (xiii) Any other conditions pertaining to the Event
 - (xiv) The environmental impact.

7. Holding of an event

- (a) An event organizer whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —
 - (i) the event is held in compliance with the provisions of this By-law, the conditions imposed by the Events Permit Officer and does not contravene any other law;
 - (ii) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities and the environment during such an event;
 - (iii) any compliance notice issued by the Events Permit Officer in terms of section 8 is complied with.

8. Compliance notice

- (a) When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-law is being or has been contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law or any other law, he or she —
 - (i) may issue a compliance notice to the event organizer; or
 - (ii) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the event organiser.
- (b) A notice issued in terms of subsection (a) must state —
 - (i) the provision of the By-law and/or the provisions of any other legislation and/or the condition of the permit that is being contravened or will be contravened if the condition is allowed to continue;
 - (ii) the measures that must be taken to rectify the condition; and
 - (iii) the time period in which the notice must be complied with.
- (c) If an events organiser on whom notice was served in terms of subsection (a), fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.
- (d) A person who fails to comply with a compliance notice issued in terms of subsection (a) commits an offence.

- (e) The municipality shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events –
 - (i) keep a record of non-compliance and consider any appropriate action as may be required; and
 - (ii) require an increased deposit from the person for future events to be held or staged by such person; and
 - (iii) require proof of measures in place to ensure compliance of this bylaw where the party defaulted at a former event.

9. Inspections and right of access

- (a) The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application as well as during and after the staging or holding of an event to determine compliance with this Bylaw and the conditions made;
- (b) The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of —
 - (i) performing all necessary acts or required to be done by the municipality under this By-law,
 - (ii) ascertaining whether there is or has been a contravention of the provisions of this By-law; and the conditions made subject to the approval of the event application
 - (iii) enforcing compliance with the provisions of this By-law.
- (c) An Events Permit Officer, an authorized official, or a law enforcement officer may require such owner or occupier to provide, at any reasonable date and time access to such property to a person and for a purpose referred to in subsection (b).

10. Suspension and revocation of permit

- (a) The Event Permit Officer, may, where the event organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser —
 - (i) suspend the permit immediately until the event organiser has complied with the compliance notice;
 - (ii) revoke the permit and take such steps as may be necessary in terms of this By-law, for which costs incurred by the Municipality the event organiser shall be liable; or

- (iii) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.
- (b) The Municipality may, where the Events Permit Officer has acted in terms of subsection (a), withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

CHAPTER 3

GENERAL PROVISIONS

11. Agreements and Partnerships

- (a) The Municipality may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.
- (b) The Municipality may, under an agreement or partnership contemplated in subsection (a), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the Municipality.
- (c) The agreements and partnerships contemplated in subsections (a) must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (d) Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an event organizer shall be liable in the event of non-compliance therewith.

12. Delegations

- (a) The Events Permit Officer may delegate any of the powers conferred on him or her either in whole or in part under this By-law to any other competent official of the Municipality.
- (b) The Municipal Manager may appoint competent officials in the employment of the Municipality as authorised officials to enforce the provisions of this By-law.

13. Right of Appeal

- (a) Parties to a dispute arising from a conflict in terms of this By Law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (b) through consultation with each other.
- (b) The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- (c) An appeal may be lodged in writing with the Municipal Manager within a period as indicated in Schedule 2 in relation to the type of event concerned.
- (d) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable timeframes set out in Schedule 2.
- (e) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 2 in relation to the type of event concerned.
- (f) The Municipal Manager may delegate any official of the Municipality to consider and decide on appeals referred to in subsection (b).

14. Indemnity

- (a) The Event Organiser must provide –
 - (i) evidence, to the satisfaction of the Event Permit Officer, of appropriate indemnity cover; and
 - (ii) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Events Permit Officer of appropriate specialised risk insurance, public liability insurance or work cover must be provided.
- (b) The Municipality shall not be liable for any costs, including any damage or loss incurred or suffered as a result of an event held without an approval in terms of his by-law.
- (c) Event owners shall be held liable to any damages to the municipality's property resulting from the holding of an event.

15. Offences and Penalties

- (a) Any person who-
- (i) holds an event without a permit in contravention of section 4(a);
 - (ii) is an Event Organiser and whose application to hold an event has been approved, fails to comply with any provision of this by-law, any condition made subject to the approval of the event application; or contravenes a provision of any other law for which the municipality is responsible for implementation and enforcement, in contravention of section 7(a)(i);
 - (iii) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community, residents, or the environment in contravention of section 7(a)(i);
 - (iv) fails to comply with the compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of section 8(a)(i) or (ii), in contravention of section 7(a)(iii), shall be guilty of an offence.
- (b) A person who commits an offence in terms of this By-Law shall, on conviction, be liable –
- (i) in the case of an offence referred to in subsection 15(a)(i) or (ii). To a fine as the court may deem fit to impose or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
 - (ii) in the case of an offence referred to in subsection 15(a)(iii), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
 - (iii) in the case of an offence referred to in subsection 15(a)(iv), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

16. Short title

This By-Law is called Stellenbosch Municipality: Events By-Law,2023.

SCHEDULE 1
AMENDMENT OF LAW
(Section 45)

No. and Year of Bylaw or Repeal	Short Title	Extent of Amendment

SCHEDULE 2 Schedule of Events Application Timeframe
Subject to Application Criteria, the following Timeframes Below will apply:

Size	Crowd Size/ No of Participants	Minimum time for submission of an application to the Municipality by the event organiser before the date of an event [all required information relating to the application must be submitted in terms of section 3 (2)]	Minimum time for the Municipality to respond to an application for staging an event	Appeals to be lodged by applicant with the Municipality within	Appeal to be decided by Municipality within
Small	50 to 2000	20 working days (4 weeks)	10 working days(2 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	48 hours of receipt of written notice of appeal
Medium	2001 to 5000	25 working days (5 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 48 hours of receipt of written notice
Large	5001 to 10 000	30 working days (6 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 3 working days
Very Large	10 001 and above	90 working days (minimum 4 months , 6 months ideal)	40 working days (2 months)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 5 working days

Note:

1. The timeframes do not include events applications where a land use planning approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply.
2. If a small event includes food vendors, a minimum of 15 days will be required if food vendors need to apply for licences and certificates of acceptability.
3. Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeals process as outlined in the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985).

SCHEDULE 3 EVENTS APPLICATION REQUIREMENTS GUIDELINE

The following information and documentation are required from ALL organisers of events wishing to host events in the Stellenbosch Municipality.

The timeous provision of the complete information will support and assist with the processing of the application, the approval processes by the range of Municipality Departments and compliance with legislative requirements.

SIZE	CATEGORY ATTENDEE / PARTICIPATION SIZE	MINIMUM TIME BEFORE AN EVENT TO SUBMIT A COMPLETE APPLICATION TO THE MUNICIPALITY
Small	50 – 2000	A minimum 10 working days (2 weeks)
Medium	2001 – 5000	A minimum of 20 working days (4 weeks)
Large	5001 – 10 000	A minimum of 25 working days (5 weeks)
Very large	10 001-above	60 working days (3 months minimum – preferably 6 months)

NOTE:

1. Events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the Municipality may determine whether the impact and risk attached to an event of fewer than 50 persons would require the submission of an application.
2. Note this excludes any specific or special application directives which the Municipality may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other Municipality activity.
3. These timeframes do not include events applications where a land use application approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply.

REQUIREMENTS:

- A formal Application detailing the name and contact numbers of the organizer, date/s, venue, nature of event and as much information as possible, and
- An Event Plan including at least the following information:

- 1. Description of Event:**

Type of event: International, National, Local, Linear or Place-bound

 - Date/s
 - Duration (daily)
 - Locality/Area
 - Venue
 - Anticipated number of participants and spectators
 - Details of VIPS attending event (including artist/s)
 - Details of nearby Key Point/s or Restricted Areas
- 2. Event Programme** (full details and times, plus contact details for person responsible for each aspect of event)
- 3. Layout Plan** for event, indicating:
 - Stages, Marquees & Other Temporary Structures
 - Access and Evacuation Flows
 - Fencing and Crowd Barriers
 - Catering Facilities and Vendor Areas
 - Restricted/VIP Areas
 - VOC Location
 - Ticket Selling Booths
- 4. Event Safety Plan:**
 - Medical Plan – including details of private medical service provider/s
 - Security Plan – including details of private security service provider/s
 - Departmental Emergency Response Plan
 - Emergency Procedure/Evacuation Plan
 - LP Gas Plan (if applicable)
 - Accreditation Plan
 - Crowd Management Plan
 - Facility Emergency Plan (if applicable)
 - Civil Aviation Application/Approval (if applicable)
- 5. Transport Management Plan**
 - Detailed Transportation Plan, incl. transportation modes, routes for event
 - Details of Road Closures (and times)
 - Emergency Vehicle Access Routes
 - Optimal Public Transport Utilisation
 - Detailed Parking Plan, incl. secured/identified Parking Areas
 - Detailed Event Signage/Communication Plan (warning signage, alternative routes, parking, etc.)
- 6. Integrated Waste Management Plan** (including immediate precinct)
- 7. Traffic Management Plan**
 - Detailed plan of event venue/location and surrounds;
 - Details of event specific Road Signage (if applicable)
 - Marshalling Plan (if applicable)

- 8. Health Requirements:**
 - Ablution Facilities and/or Mobile Toilets
 - Details of Vendors / Caterers, including licences
 - Certificate/s of Acceptability – food vendors
- 9. Zoning confirmation of the permitted land use or land use planning**
(approval where necessary)
- 10. Community Participation/Consultation Plan, including:**
 - Communication with Councillor/s
 - Consultation with Community/Residents Organisations/Associations
 - Communication with Affected Residents/Businesses/Business Associations or other stakeholders.
- 11. Application Forms /Approvals, incl.**
 - Noise Exemption (including public participation/consultation)
 - Erection of Stages/Marquees/Temporary Structures
 - Confirmation of Venue: Written approval from venue owner/venue manager to authorise the event organiser to use the facility/ venue to host the event.
 - Liquor Licence/s/ Fireworks/ Civil Aviation (if applicable)
- 12. Municipal Services Requirements:**
 - Waste Management Plan, incl.
 - Details of Service Provider/s
 - Arrangements for venue cleansing (prior to and post event)
 - Receipt slip from landfill site (post event)
 - Electricity – including wayleaves
 - Water
 - Transport
 - Roads and storm water
- 13. Event Communications Plan**
 - Ticket Selling Strategy & Accreditation
 - Emergency Communications Plan
 - Approval or application for Municipal Outdoor Advertising and Signage
 - Any specific requirements
- 14. Environmental Management Plan** (if applicable)
 - A rehabilitation plan
 - Financial guarantee
 - Any other applicable environmental or heritage permission.
- 15. Indemnity Forms, incl.**
 - Completed Indemnity Form
 - Confirmation of Public Liability insurance as well as the prescribed insurance confirmation letter.
- 16. Confirmation of Appointment of Safety Officer/s**

MATRIX OF EVENT PLANS/ APPROVALS REQUIRED:

Event Type	Event Size		Emergency Plan			Layout Plan	Transport Management Plan	Traffic Management Plan	Waste Management Plan	Environmental Health Plan			Temporary Structures & Fire Safety				Communications Plan	Environmental Protection Plan	SAPS Event Safety Grading Certificate	Appointment of Safety Officer
			Medical Plan	Security Plan	Evacuation Plan					Ablutions	Vending Plan	Certificate of Acceptability	BDM (Temp Structures)	Registered Person Appt	Population Certificate	LP Gas Plan				
ALL Event Types	Small	50 - 2000	√	√	W/A	W/A	W/A	W/A	√	√	W/A	W/A	W/A	W/A	W/A	W/A	W/A	W/A	√	√
	Medium	2001 - 5000	√	√	√	√	W/A	W/A	√	√	W/A	W/A	W/A	W/A	W/A	W/A	W/A	W/A	√	√
	Large	5001 – 10 000	√	√	√	√	√	√	√	√	√	√	W/A	W/A	W/A	W/A	√	W/A	√	√
	Very Large	10 001+	√	√	√	√	√	√	√	√	√	√	W/A	W/A	W/A	W/A	√	W/A	√	√

√ = Mandatory Submission

W/A = Mandatory submission where applicable (e.g. if temporary structures are erected/ fireworks are planned)

Tbc = May be required depending on nature, size, impact and risk associated with an event

7.8.3	APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICER
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Collaborator No: 759197
 IDP KPA Ref No: Valley of Opportunity
 Meeting Date: 16 November 2023

1. SUBJECT: APPOINTMENT OF ADDITIONAL BUILDING CONTROL OFFICER

2. PURPOSE

Is to request to Council to appoint additional official, currently in the employ of the Municipality, as Building Control Officers (BCO's) to complement the existing appointed BCO to enhance service delivery.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

A Local Authority is required to appoint a Building Control Officer (BCO) to perform the prescribed duties in terms of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), hereafter referred to as "the Act". The designation and appointment of a BCO in accordance with the Act is a requirement of the Act, which qualified person is permitted to make recommendation to the authorized decision maker to decide on a building plan application. The purpose of this Item is to request the Council to appoint an additional official in the employ of the Municipality as BCO in terms of the Act to consider the existing appointed BCO to enhance service delivery.

5. RECOMMENDATIONS

(a) that the appointment of the following suitably qualified official in the employment of Stellenbosch Municipality as Building Control Officer in terms of such designation in Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), **BE APPROVED:**

(b) Mr. Monray Lourens

6. DISCUSSION / CONTENTS

6.1 Background

A Local Authority is required to appoint a Building Control Officer (BCO) to perform the prescribed duties in terms of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977), hereafter referred to as "the Act".

The Act stipulates in Section 5 (Appointment of Building Control Officer by local Authority) as follows:

"(1) Subject to the provisions of subsection (3) a local authority shall appoint a person as building control officer to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under this Act.

(2) *Any person not having the qualifications prescribed by national building regulation in respect of a building control officer shall not without the approval in writing of the Minister be appointed as building control officer in terms of subsection (1)."*

The Act, in Section 6, stipulates the functions of a Building Control Officer as follows:

"(1) A building control officer shall-

- (a) Make recommendations to the local authority in question, regarding any plans, specifications, documents, and information submitted to such local authority in accordance with section 4(3).*
- (b) Ensure that any instruction given in terms of this Act by the local authority in question be carried out.*
- (c) Inspect the erection of a building, and any activities or matters connected therewith, in respect of which approval referred to in section 4(1) was granted.*
- (d) Report to the local authority in question, regarding non-compliance with any condition on which approval referred to in section 4(1) was granted."*

6.2 Discussion

The designation and appointment of a BCO in accordance with the Act is not the same and should not be confused with the even-named designation on the organogram for such functionary, even though the appointed functionary in such post designation will be the primary official to perform the prescribed duties of the BCO.

The main purpose of an appointed BCO in terms of the Act, is to perform the duty of making a recommendation on a building plan application to the authorised decision maker to decide on the subject application. Such a BCO, as designated in the Act, must be a suitably qualified person to perform such duties.

Even though the Municipality did appoint a functionary in a post with the designation of a BCO in accordance with the approved organogram, and which performs the duties of a BCO, this person also needed to be appointed by Council as a BCO as designated in the Act.

It does however happen that this official (in the position of the BCO post) will not be on duty from time to time due to leave of absence, and in which case a person needs to be appointed in the acting position to fulfil the duties of a BCO. Such person must then also be appointed by Council as a BCO in accordance with the Act.

Due to the high workload from time to time, the intervention is made that the additional Building Control Officer(s) assist the BCO by fulfilling such duties together with BCO and make recommendations on building plan applications directly to the Manager Building Development Management, as Councils Decision Maker in terms of Section 6 of the NBR Act, to decide on building plan applications.

It is accordingly prudent that, for the purpose of effective service delivery, to appoint, in terms of such designation in the Act, several BCO's if so required. There is also no limitation on the number of appointed BCO's in terms of the Act, so long as they meet the qualifications requirements as stipulated in the Act.

Mr Monray Lourens was appointed as Plans Examiner on 1 August 2023. Mr Lourens holds a National Diploma Architectural Technologist (2016). He is accordingly suitably

qualified in terms of the requirements of the Act to be appointed as a BCO. His qualification is attached as **APPENDIX “1”**.

It is accordingly proposed that Mr Monray Lourens be appointed as alternative Building Control Officer for Stellenbosch Municipality to act in such role and perform such duties of a BCO if so, required in terms of absence of staff or service delivery requirements.

6.3 Financial Implications

There will be no financial implications for the appointment of additional Building Control Officer as contemplated in terms of Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977).

6.4 Legal Implications

The appointment of a Building Control Officer in terms of Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) is a statutory requirement to fulfil the prescribed duties of such official and will ensure that the Municipality can fulfil its statutory duties.

6.5 Staff implication

There will be no implication on any staff with the appointment of additional Building Control Officers as contemplated in terms of Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977).

6.6 Previous / Relevant Council Resolutions:

Previous similar Council resolutions to appoint official in the capacity to serve as a Building Control Officer as designated in terms of Section 5 of the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977).

6.7 Risk Implications

The appointment of additional officials to fulfil the functions of a Building Control Officer will avert the risk and ensure that the municipality fulfil its duties in accordance with the provisions of the Act as well as ensure that there are no undue delays for effective service delivery.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

Non solicited.

6.8.2 Director: Planning and Economic Development

Item drafted in consultation with the Director.

6.8.3 Director: Community and Protection Services

Non solicited.

6.8.4 Director: Corporate Services

Non solicited.

6.8.5 Chief Financial Officer

Non solicited.

6.8.6 Municipal Manager

Item supported.

ANNEXURES

APPENDIX 1: Mr Monray Lourens – National Diploma Architectural Technologist (2016)

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.Carstens@ Stellenbosch.gov.za
REPORT DATE	06 November 2023

APPENDIX 1



Cape Peninsula
University of Technology

THE
NATIONAL DIPLOMA

ARCHITECTURAL TECHNOLOGY

is awarded to

MONRAY LORENZO LOURENS

student number

211042765

with effect from

01 DECEMBER 2016

A handwritten signature in black ink, likely belonging to the Registrar.

Registrar

A handwritten signature in black ink, likely belonging to the Vice-Chancellor.

Vice-Chancellor

Wyk
COMMISSIONER OF OATHS (RSA)

Malissa van Wyk / LLB (UWC)

07-11-2023



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7.8.4	APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION
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Collaborator No: 759199
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 November 2023

1. SUBJECT: APPROVAL OF THE CORE FESTIVE PERIOD AND ARRANGEMENTS FOR THE PROCESSING OF LAND USE AND BUILDING PLAN APPLICATIONS AND ASSOCIATED PUBLIC PARTICIPATION

2. PURPOSE

To seek approval for arrangements for the processing and associated public participation pertaining to land use planning and building plan applications over the festive period.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Land use and building development applications are subject to prescribed legislative timeframes and associated public participation processes. During the festive season most families undertake extended holiday breaks away from home, which presents a challenge when most staff is also on holiday breaks and during which notices are not received by potential interested and affected parties on land use applications. For this purpose, it has become a practice to determine a core festive period during which public participation is not permitted or, alternatively, that such periods are disregarded with the extension of notice periods, and that such core festive period is also not taken into account in the prescribed timeframes for the processing for such applications. It is consequently proposed to adopt these arrangements to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

5. RECOMMENDATION

that the core festive period determined as 14 December 2023 to 12 January 2024 **BE APPROVED** for the purpose:

- (a) That no serving or publishing of land use and land development application notices be undertaken during the determined core festive period.
- (b) That the determined core festive period not be taken into account for purposes of calculating the number of days for public participation and/ or the processing of land use and building development applications, and that any such periods affected be accordingly extended.
- (c) That any new land use and building plan applications submitted during the determined core festive period will not be administratively processed and that this period will also not be taken into account for the purpose of calculating any

of the legislative prescribed timeframes for the processing of land use and building plan applications.

- (d) That no appeal period can commence which will be affected by the core festive period and that no notifications of decisions on land use applications will be communicated after 1 December 2023, and only be communicated from 12 January 2024.

6. DISCUSSION / CONTENTS

6.1 Background

Sections 45 and 46 of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 regulates the manner in which public notices must be given and served. In terms of Section 47(h) the period which must be allowed for the submission of comments on an application may not be less than 30 days for interested and affected parties, and in terms of Section 51(2) an organ of state must submit its comments within 30 days of receipt of the notice.

Most families break for the festive season, and many depart on extensive out of town holidays during the festive period. It is consequently probable that an interested and affected party to a land use planning application may not be in a position to either receive such notice or deal with same and provide inputs timeously if the advertisement period falls within the core festive period.

For the purpose of fair administrative action, it is deemed reasonable and justifiable in the circumstances for a directive by the Department of Development Management that the core period during the festive holiday period must not be taken into account for the purpose of calculating the number of days for the public consultation processes.

6.2 Discussion

It is thus proposed that no serving or publishing of notices be undertaken in the core festive season to be determined as 14 December 2023 to 12 January 2024. Alternatively, any notices which are published or served prior to this core period, and will consequently run into this period, must be extended accordingly to disregard the stated festive period from the required minimum number of days for the submission of such comments.

Due to the new electronic means to submit land use and building plan applications, such submissions can also continue during the festive season and during which most staff will also be on extended vacation breaks. There will consequently not be adequate staff capacity, and during some periods, no staff, to deal with these applications and the processing of invoices and payment receipts. Due to the prescribed legislative timeframes, it will have a detrimental effect on compliance to these timeframes and performance standards.

Although the TPAMS and BPAMS portal will remain open for the loading of land use and building plan applications, these submissions will not be processed with the issuing of invoices to effect payment during the core festive season. Any submission of applications during the core festive season will consequently only be regarded as being submitted on 15 January 2024.

For this purpose, a notice will be placed on the electronic systems to submit land use and building plan applications (TPAMS & BPAMS) to notify the applicant that no administrative processing of the applications will take place during the core festive period.

The core festive period between 14 December 2023 and 12 January 2024 will also not be taken into account for the purpose of calculating any of the legislative prescribed timeframes for the processing of land use and building plan applications.

A person whose rights are affected by a decision of an authorised employee or the Tribunal in terms of Section 79 of Stellenbosch Municipal Land Use Planning Bylaw, 2023 may appeal within 21 days of notification of the decision. Accordingly, no appeal period can commence which will be affected by the core festive period of 14 December 2023 to 12 January 2024. No notifications of decision will therefore be communicated after 1 December 2023 and will only be communicated from 15 January 2024.

The above arrangements will be published on the Planning Portal of the Municipal Website and communicated to listed consultants.

6.3 Financial Implications

No financial implications

6.4 Legal Implications

Recommendation to ensure ongoing compliance with legislative prescripts on timeframes as well as fair administrative processes regarding public participation for any potential interested and affected parties.

6.5 Staff Implications

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Recommendation to avert any possible claim for unfair administrative action and judicial review with time delays on development applications.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

No comments solicited.

6.8.2 Director: Planning and Economic Development

No comments solicited.

6.8.3 Director: Community and Protection Services

No comments solicited.

6.8.4 Director: Strategic and Corporate Services

No comments solicited.

6.8.5 Director Human Settlements and Property Management

No comments solicited.

6.8.6 Chief Financial Officer

No comments solicited.

6.8.7 Municipal Manager

Recommendation supported.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	6 November 2023