
ADDITIONAL ITEMS

13.3	APPROVAL OF INFORMATION STATEMENT: MOUNTAIN BREEZE CARAVAN PARK
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Collaborator No: *(To be filled in by administration)*
IDP KPA Ref No: Good Governance
Meeting Date: 25 May 2022

1. SUBJECT: APPROVAL OF INFORMATION STATEMENT: MOUNTAIN BREEZE CARAVAN PARK

2. PURPOSE

For Council to approve the information statement that must be published in terms of the Asset Transfer Regulations.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward. The public notice requested inputs on/before

3 September 2021. Due to the Elections the return item is only servicing now. Various written submissions were received. In council's deliberation the inputs can be considered.

Council resolved on 30 March 2022 to:

RESOLVED (nem con)

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

This decision is subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA. It entails a further public participation process indicating the specific intent for the land. The combined municipal valuation for the land is R16.77 Million and the current Zoning is business taking into account that it is situated in an area surrounded by agricultural use and the airfield. Council must approve the Information statement that will be published to adhere to this legislative provisions.

The draft Information statement is attached as **APPENDIX 1**.

5. RECOMMENDATIONS

that Council approves the Information Statement for publication.

6. DISCUSSION

6.1 Background

6.1.1 Lease Agreement

Stellenbosch Municipality and Stellenbosch Caravan Park cc (C.P Malan) concluded a long-term Lease Agreement on 18 May 1992 for the period 1 April 1991 to 31 March 2021.

This Lease Agreement, however, was later ceded to the Mountain Breeze Caravan Park cc (R.P. Visser) during 1995. During March 2021 Council approved the extension of the agreement on a month-to-month basis, whereafter the Lessee indicated that she would vacate the premises by 30 June 2021.

6.1 Discussion

6.2.1 Locality and context

Mountain Breeze Caravan Park is situated on Lease Portions 528 and 529C, measuring 20.3ha in size, as indicated on Fig 1 and 2 below.

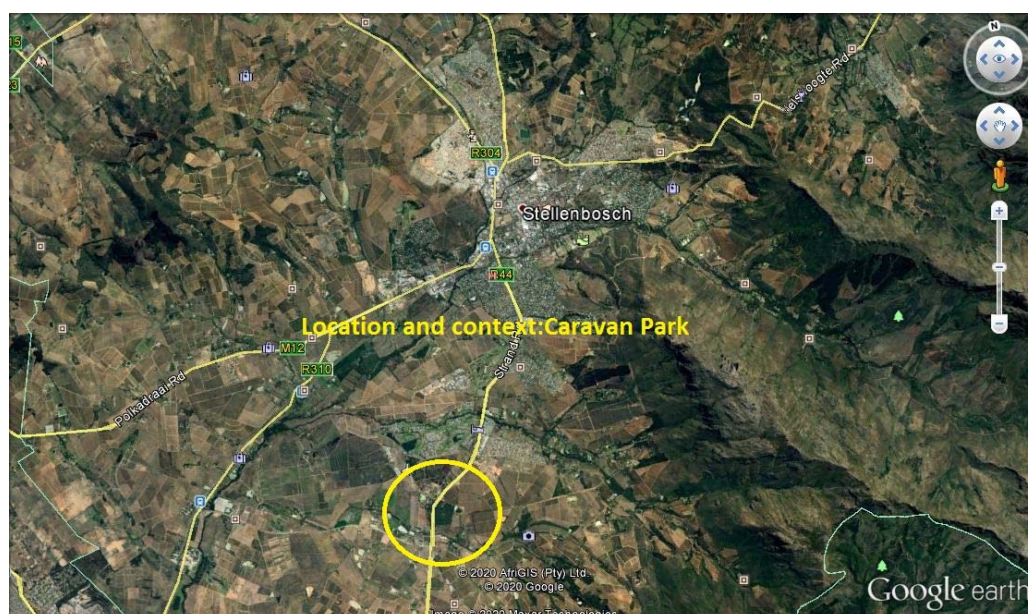


Fig 1: Location and regional context



Fig 2: Extent of property(s)

6.2.2 Ownership

The ownership of the two properties vests in Stellenbosch Municipality by virtue of Title Deeds STFH-891 and STFH6-4/1890, respectively.

6.2.3 Access

Access to the property is *via* a **registered servitude** access off the R44, over a portion of Farm 1166, Stellenbosch as shown on Fig 3, below.

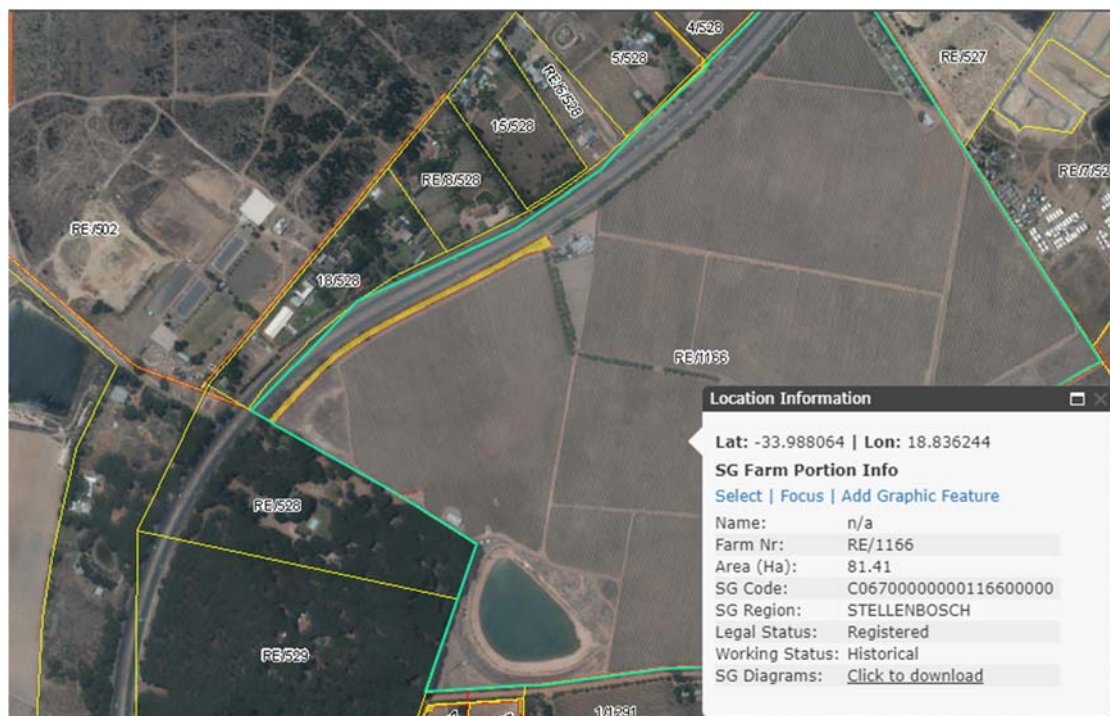


Fig 3: Access road

The servitude was registered at the Surveyor General in 1985, LG Diagram 8786/83.

6.2.4 Access to services

The property has access to irrigation water (Theewaterskloof) and is getting drinking water from a borehole situated on the neighbouring farm 1166.

Electricity is supplied by Eskom.

6.2.5 Improvements

There are various building and amenities on the site including some chalets, a swimming pool and a hall with a kitchen.

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward. The public notice requested inputs on/before 3 September 2021. Due to the Elections the return item is only servicing now. Various written submissions were received. In council's deliberation the inputs can be considered.

Council resolved on 30 March 2022 to:

RESOLVED (nem con)

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure centre for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

6.2 Financial Implications

The combined municipal valuation for the land is R16.77 Million and the current Zoning is business taking into account that it is situated in an area surrounded by agricultural use and the airfield. The rental income can only be determined when the call for proposals are finalised and that cannot take place before this public participation process is not completed.

6.3 Legal Implications

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- "1) a) *The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and*

-
- b) *The municipal Council has approved in principle that the right may be granted.*
- 2) *Sub-regulation (1)(a) must be complied with only if:*
- a) *the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and*
 - b) *a long-term right is proposed”.*
- “3) a) *Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)*
- b) *a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement*, stating:*
 - (i) *the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;*
 - (ii) *any expected benefit to the municipality that may result from the granting of the right;*
 - (iii) *any expected proceeds to be received by the municipality from the granting of the right; and*
 - (iv) *any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right”.*

6.4 Staff Implications

There are currently four staff members employed on short term contracts until July 2022. They ensure maintenance including cleaning of the ablution facilities and access control. Their contracts will be extended until December 2022 to allow the current process to complete.

6.5 Previous / Relevant Council Resolutions

3RD COUNCIL MEETING: 2022-03-30: ITEM 11.2.2

RESOLVED (nem con)

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure center for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enter into a rental agreement with the municipality and be responsible for the security, maintenance and the payment of all services of the facility.

6.6 Risk Implications

The risks are addressed through the item.

6.7 Comments from Senior Management

The item was not circulated for comments at this stage.

ANNEXURES

Annexure 1: Information statement

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene de Beer
<i>POSITION</i>	Director
<i>DIRECTORATE</i>	Corporate Services
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<i>REPORT DATE</i>	2022-05-23

ANNEXURE 1



INFORMATION STATEMENT IN RELATION TO LEASE OF PORTIONS OF 528 AND 529c CURRENTLY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK, STELLENBOSCH

1. PURPOSE

The purpose of this statement is to provide the prescribed information in terms of regulation 34 and 35 of the Asset Transfer Regulations, published in terms of Section 168 of the Local Government: Municipal Finance Act (R878, 22 August 2008), to the public to provide input on during the public participation process.

2. BACKGROUND

2.1 Existing Contractual arrangements

Stellenbosch Municipality and **Stellenbosch Caravan Park cc** (Malan) concluded a long term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021)

This Lease Agreement was later ceded to the **Mountain Breeze Caravan Park cc** (Visser). The lease Agreement expired on 31 March 2021 but was extended on a month to month basis until council was in a position to make an informed decision on the future use of the property. The lessee terminated the extension from 30 June 2021. Council then took over the day -to-day upkeep of the property, but closed it to the public.

3. DISCUSSION

3.1 Public Participation Process

Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward.

At the Council meeting of 30 March 2022 Council resolved that they intend to call for proposals to use the existing facilities for Cycling, hiking groups, eco- education and adventure centre for school groups with overnight facilities. In terms of the Asset Transfer Regulations, before Council can make a decision on whether to make rights on Municipal property available to a third party for 5 years, the Municipal Manager must first conduct a public participation process in terms of the provisions of the MFMA.

The item that served before Council on 30 March 2022 is available on the website or can be obtained from out offices.

3.2 Information Statement

In terms of regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available the Information Statement referred to in regulation 34.

In terms of regulation 34 an Information Statement must consist of the following:

- i) the reason for the proposal to grant a long-term right to use, control or manage the relevant capital asset;
- ii) any expected benefit to the municipality that may result from the granting of the right;
- iii) Any expected proceeds to be received by the municipality from the granting of right; and
- iv) Any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

3.2.1 Reason(s) for proposal to grant a long term right to use, control or manage the relevant capital asset

The Stellenbosch Council solicited the views of the public on what uses the property can serve the public, Council does not intend to run the Caravan Park any longer as it is not a core function of Council and if Council make it available for a third party Council wanted to be sure what kind of activities should the area serve. From the public participation process Council selected the activities of Cycling, hiking, eco education and adventure and also specifically targeting the youth. There will be overnight facilities as the park currently have such facilities available as well as ablution facilities. As this is not a core function of Council, Council want to make it available at a fee to a third party to provide these facilities on the site.

3.2.2 Expected benefits to the municipality that may result from the granting of the right

The facilities will provide much needed space for the education of children and groups as well as providing facilities for tourist who come to the area for cycling and hiking in the nearby mountains.

The residents can also benefit from using the facilities and our own schools can make use of the facility for the eco -education.

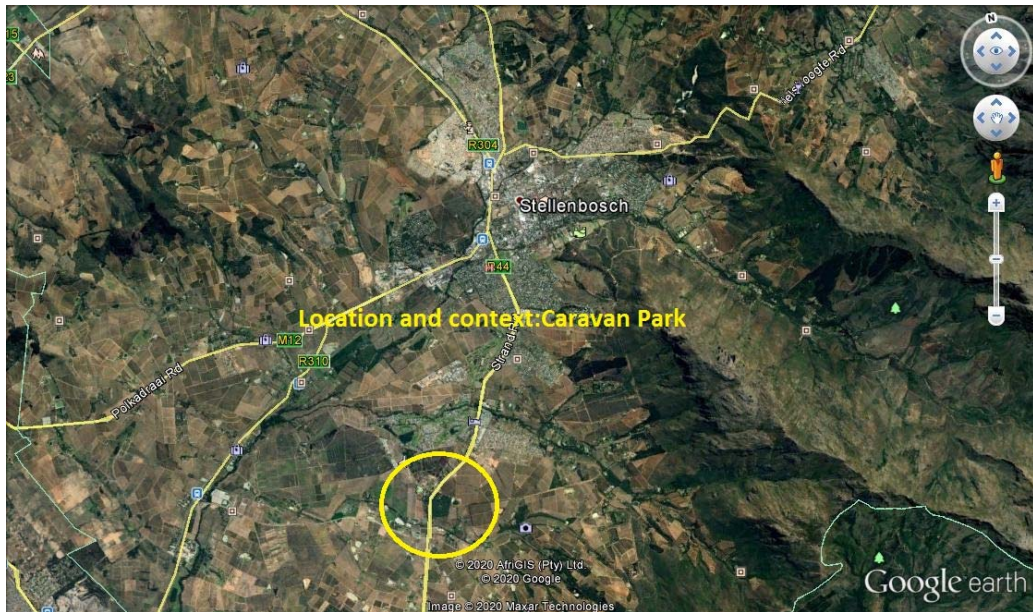
3.2.3 Expected proceeds to be received by the Municipality form the granting of the right

The direct proceeds will be the rental payable to the municipality. As this will be an open bidding process the highest price providing the functions indicated will be considered for the lease. The lease will be for a period of 5 (five) years after which Council will decide on whether this functions on the facility continues or whether it should be used for some other use.

3.2.4 Expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

The aim of the proposed long-term lease is to use the facilities that was established. The third party will be responsible for all the upkeep of the area and facilities as well as security around the area.

3.3 Location and context



3.4 Public Comment invited:

The public are herewith invited to provide input/comment/alternative proposals to the municipality on the proposal to enter into a lease agreement with a to be determined third party to use the current facilities for cycling, hiking, eco-education and overnight facilities linked to these activities. Comment must reach the offices of the Municipality on or before And must be addressed to the Municipal Manager via email at Municipal.Manager@stellenbosch.gov.za or 3rd Floor, Main Office Building, 17 Plein street, Stellenbosch. Any queries can be directed to Me A de Beer @ (021) 808 8018 or Annalene.deBeer@stellenbosch.gov.za

13.4	PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

25 May 2022

1. SUBJECT: PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the proposed renewal of the Memorandum of Understanding for the Municipal Court (as *Additional Court*) in the jurisdictional area of Stellenbosch. (The Renewal of the Memorandum of Agreement with the Department of Justice).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The priority setting for Local Government is to strive and achieve an acceptable quality of life for all the residents and visitors in its jurisdictional area. Local Government must monitor the role of law and sound order. In pursuing this primary goal, Local Government is also attempting to ensure safety, security and well-being of its residents. At the same time a climate for sustainable development and prosperity is created.

In terms of Section 152 of the Constitution, a Municipality has an obligation to promote a safe and healthy environment, and a Municipality must strive within its financial and administrative capacity to achieve this objective.

Based on this premise and the fact that the Stellenbosch courts could not deal with the case load Council, at its meeting on 2014-06-25 (Item 7.11), resolved that a Municipal Court for the Stellenbosch District be established, in order that through effective and efficient prosecuting of transgressors Municipal related offences like Traffic offences, By-Laws, national building regulations and others.

A 3-year contract was entered into with the Department of Justice. This agreement was renewed in 2019 and comes to an end on 30 June 2022.

The Department of Justice has not raised any issues with the performance of the additional court and we believe they will be willing to extending the memorandum of agreement (**attached as APPENDIX 1**) to continue the *Additional* (Municipal) Court dedicated to municipal transgressions in Stellenbosch area.

5. RECOMMENDATIONS

- (a) that the Memorandum of Agreement with the Department of Justice for the Municipal Court for the Stellenbosch District, be renewed for a 3-year term from 1 July 2022; and

- (b) that the Municipal Manager be delegated to sign all relevant documentation for the extension of the afore-said agreement.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of Section 165(3) of the Constitution of the Republic of South Africa, 1996 (The Constitution), judicial authority is vested in Courts. Organs of State, including the Municipality, must through legislative and other measures assist and protect Courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the Courts.

Traffic offences make up a huge amount of cases on the court roles on a monthly basis. Construction of illegal buildings and other related offences in terms of the National Building regulations- and Building Standards Act, No. 103 of 1977, as well as the conflict with the Municipal Scheme Regulations and the Land Use Planning Ordinance, No. 15 of 1985 (Western Cape) can cause unsafe and unhealthy environments, if not effectively enforced and prosecuted.

Proper law enforcement pertaining to the contravention of all Municipal By-Laws is required on a daily basis to contribute to the safety to the community should such offences be effectively enforced and prosecuted.

National- and Provincial Government have an obligation in terms of the Constitution to support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

Council, at its meeting on 2014-06-25 (Item 7.11), resolved that a Municipal Court for the Stellenbosch District be established, in order that through effective and efficient prosecuting of transgressors of Traffic offences, By-Laws, national building regulations and others, the Municipal Court can assist with the goal of empowering the greater Stellenbosch Community to prosper in a safe and healthy environment.

A further 3-year contract was entered into with the Department of Justice from 1 July 2019 that expires on 30 June 2022.

6.2 Discussion

The Court has been used over the past 6 years for municipal-related offences such as transgression of the National Road Traffic Act, No. 93 of 1996, National Building Regulations Standard Act, No. 103 of 1977, the Land Use Planning Ordinance and its Scheme Regulations, No. 15 of 1985, the Business Act, No 71. of 1991 and the Due to the promulgation of new Municipal By-Laws there is more legislation to be enforced. This also increases the number of cases to appear in Court.

Where a traffic offender fails to appear in Court, an admin mark is put against the identification number of that person with the net result that, that person will not be able to renew his car or driver license, until the fine is paid. It must be noted this can only be done if a warrant of arrest was issued against that person. These places an even bigger demands on the current Court capacity.

BENEFITS OF A COURT DEDICATED TO MUNICIPAL MATTERS:

- Improved and effective action against offenders
- Legal costs saved as offenders are now criminally prosecuted

- Improved enforcement (of the code) of municipal By-Laws
- A more law-abiding society if they know that action is taken on offences
- More warrants of arrest, combined with the implementation of the NATIS BLOCK, will ensure more compliance on the roads with a change in driving behaviour, and therefore a safer roads.
- The extension of the agreement for the operation of the Additional (Municipal) Court will be in the interest of the Stellenbosch Municipality.

OPERATIONAL MATTERS

The Stellenbosch Municipality is in a position to provide the necessary accommodation, equipment and infrastructure for an *Additional* Court dedicated to municipal affairs in Stellenbosch. The court operates from a Municipal Building. Court Cells have to be build there, but a rezoning process must be completed before it can be done.

The following personnel are currently employed at the court:

- 1 Magistrate (on Department of Justice payroll but funded by the Municipality)
- 1 Prosecutor (a four year contract is offered to candidates in the process of appointment)
- 1 Court Manager/Prosecutor (vacant)
- 3 Clerks of the Court
- 1 Clerk of Court/*Interpreter*

The staff is temporary employees linked to the term of the current agreement and those posts will be dealt with as soon as Council approves the extension of the MOU.

COMMENTS FROM RELEVANT AUTHORITIES

The Department of Justice and Constitutional Development; the Director Public prosecutions; Senior Magistrate M.Pragg of Stellenbosch Magistrates' Court; Senior Prosecutor Juanita Williams of Stellenbosch Magistrates' Court as well as the Chief Magistrate Cape Town are all in support of the continuation of the Municipal Court.

6.3 Financial Implications

The operational costs for the court is budgeted on the operational budget.

6.4 Legal Implications

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

6.5 Staff Implications

Dealt with under 6.2 above.

6.6 Previous / Relevant Council Resolutions

Council Resolution: 2014-06-25, Item 7.11

26TH COUNCIL MEETING: 2019-04-24: ITEM 8.2.7**RESOLVED** (majority vote with abstentions)

- (a) that the Memorandum of Agreement with the Department of Justice for the Municipal Court for the Stellenbosch District, be renewed for a 3-year term from 1 July 2019; and
- (b) that the Municipal Manager be delegated to sign all relevant documentation for the extension of the afore-said agreement.

6.7 Risk Implications

If the MOU is not renewed Stellenbosch Municipality will go back to a situation where we have to compete with the other normal cases on the criminal court roll and prosecutors that are not dedicated to municipal cases.

6.8 Comments from Senior Management**6.8.1 Director: Community and Protection Services:**

Supports the continuation of a Municipal Court.

6.8.2 Municipal Manager:

Supports the recommendations

ANNEXURES

Appendix 1: MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF JUSTICE AND STELLENBOSCH MUNICIPALITY

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
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REPORT DATE	23 May 2022

APPENDIX 1

STELLENBOSCH MUNICIPAL COURT (ADDITIONAL COURT)

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: WESTERN CAPE .

(Herein represented by the Regional Head, Adv. H Mohamed)

&

THE STELLENBOSCH MUNICIPALITY

(Herein represented by the Municipal Manager, Ms G Mettler)

&

THE NATIONAL PROSECUTING AUTHORITY

(Herein represented by the Director of Public Prosecutions (DPP). Adv. R de Kock)

&

THE LOWER COURT JUDICIARY

(Herein represented by the Chief Magistrate Cape Town, Magistrate, D Thulare)

COLLECTIVELY REFERRED TO AS "STAKEHOLDERS"

PREAMBLE

WHEREAS the current infrastructure is either insufficient or overburdened to cope with all the matters on the Stellenbosch court roll, Additional Courts are established in order to improve access to Justice and compliance.

AND WHEREAS a Local Efficiency Enhancement Committee was established to oversee, manage and monitor the effective Implementation of case flow and where this Additional Court slots in;

AND WHEREAS the Chief Magistrate and the Stellenbosch Municipality have identified the need for the establishment of an Additional Court in their area of jurisdiction due to insufficient time allocation on the existing court roll for envisaged hearings in 2022 for a period of 3 years.

AND WHEREAS the period of 3 years ends on 30 June 2025

AND WHEREAS the need still exists for the additional court

NOW THEREFORE the stakeholders involved wishes to extend the period of the Municipal Court as an additional court and wish to record the provisions of the Memorandum of Understanding as follows:

1. OBLIGATIONS OF STAKEHOLDERS:1.1 Department of Justice (DOJ) and Constitutional Development (CD)

The Department of Justice and Constitutional Development (DOJ & CD) undertakes to:

- 1.1.1 Appoint a suitably qualified magistrate for the intended court as based on the prescribed legislative framework and regulations relating to accommodation and remuneration and benefits of magistrates;
- 1.1.2 Liaise with the Chief Magistrate, if necessary, to ensure that the appointment of an additional magistrate is routed to the delegated Executive Authority;
- 1.1.3 Participate in the appointment of suitably qualified administrative support staff for the intended court as prescribed by legislation relating to specific functions and duties if and when required;
- 1.1.4 Facilitate training and development of appointed court officials for the Additional Court;
- 1.1.5 Contribute towards the lay-out of the floor plan if and when required;
- 1.1.6 Liaise with the National Prosecuting Authority (NPA) and Municipality to ensure the availability and appointment of the prosecutor or additional prosecutor as and when required;
- 1.1.7 Provide a secretariat function for the Local Efficiency Enhancement Committee; and
- 1.1.8 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

1.2 National Prosecuting Authority (NPA)

The National Prosecuting Authority (NPA) undertakes to:

- 1.2.1 Participate in the appointment of a suitably qualified prosecutor or prosecutors for the intended Additional Court as prescribed by legislation relating to specific functions and duties as and when required;
- 1.2.2 Effectively prosecute matters on the additional court roll;
- 1.2.3 Ensure that the prosecutor is trained to prosecute matters on the court roll;
- 1.2.4 Ensure that the prosecutor is subjected to the directions and standards set by the Director of Public Prosecutions and answerable to the said Director or his/her representative;
- 1.2.5 Facilitate that the appointed prosecutors are issued with all the authorisations in terms of relevant legislation to perform the functions and execute their duties of a prosecutor;
- 1.2.6 Maintain accurate records (statistics) on the numbers of case prosecuted; and
- 1.2.7 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

1.3 Stellenbosch Municipality

The Stellenbosch Municipality undertakes to:

- 1.3.1 Appoint, manage and remunerate the prosecutors and support staff in consultation with the Director of Public Prosecutions or his delegate and the DOJ & CO if and when required;
- 1.3.2 Pay the transfer payment of Magistrate's salary to National Treasury on submission of an invoice to that effect;
- 1.3.3 Be responsible for costs relating to infrastructural, financial and human resources requirement based on the prescribed legislative frameworks and regulations relating to accommodation and remuneration of prosecutors, interpreters and other administrative court officials;
- 1.3.4 Arrange proper and fit Court Orderlies to render service at the additional court room;
- 1.3.5 Keep proper and separate record of fines collected on behalf of the Municipality and fines collected for failure to appear in court on behalf of the State. A detailed reconciliation of the payments made shall be send to the Clerk of Court at Stellenbosch Magistrates Court by the 10th of the month. This process will be subject to audit processes as prescribed legislative frameworks and regulations;
- 1.3.6 The Municipality shall provide all necessary support service to the court in the form of electronic and vocal communication, stationary, security infrastructure and resources, municipal levies (Rates and taxes, water and electricity supply);
- 1.3.7 Serve on the Local Efficiency Enhancement Committee and provide feedback with regard to the impact of this court on crime in the specific jurisdictional area; and
- 1.3.8 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch,

1.4 Lower Court Judiciary

The Lower Court Judiciary undertakes to:

- 1.4.1 Avail a presiding officer to preside over matters appearing on the Additional Court roll, provided that funding is made available for the appointment of an acting magistrate additional to the establishment of magistrates for the district and provided that such acting magistrate is appointed by the Deputy Minister of the Department of Justice and Constitutional Development;
- 1.4.2 Make an application to the Deputy Minister of the Department of Justice and Constitutional Development for the appointment of a suitable qualified, fit and proper person as acting magistrate to preside over matters appearing in the Additional Court;
- 1.4.3 Effectively manage the court roll of the Additional Court to ensure speedy resolution of cases;
- 1.4.4 Convene, if necessary, any meeting regarding the operations and or running of the Additional Court; and
- 1.4.5 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

2. LOCAL EFFICIENCY ENHANCEMENT COMMITTEE

The signatories agree that the Local Efficiency Enhancement Committee (Stellenbosch Magistrate Courts) will oversee and monitor the Additional Court once established.

3. SPECIAL CONDITIONS

- 3.1 Since the Stellenbosch Municipality with its main seat located in Stellenbosch currently straddles two (2) magisterial districts namely Stellenbosch and a portion of Paarl it might necessitate that the Additional Court with its seat in Stellenbosch has to convene sittings on a circuit basis at the Periodical Court Franschoek (Periodical Court of Paarl Magistrate Court).
- 3.2 The Municipality must consult the heads of the judiciary, prosecution and administration of the Paarl Magistrate Court to facilitate the additional Sittings of the Additional Court at the Franschoek Periodical Court, if possible, and on condition that the sitting of the Additional Court does not impact on the operational functioning of the Franschoek Periodical Court.
- 3.3 The operation of the Additional Court on a circuit basis will be subject to the Stellenbosch Municipality providing the required resources to man the circuit courts and the provision of funding of all expenses relating to the operation of the Circuit Court.

4. GOVERNANCE STRUCTURE

A Task Team will be established to oversee the implementation of agreements that may be concluded between the parties within the framework provided for by this Memorandum of Understanding.

5. STRATEGIC COMMITMENTS

If necessary, strategic platforms will be convened and be represented by ail stakeholders. Monthly, quarterly and annual meeting will be facilitated to track the performance of the intervention as determined by stakeholders.

6. DURATION OF THE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding shall be binding on the stakeholders from date of signature hereof and remain valid for a period of three (3) years and may be thereafter be renewed on a tri-annual basis subject to the acceptance of funding received from the Stellenbosch Municipality by the Accounting Officer of the Department of Justice and Constitutional Development.

All stakeholders to this Memorandum of Understanding will support the Task Team to give effect to this Memorandum of Understanding, Programs of Action and pursuant agreements that may be concluded between the stakeholders from time to time.

SIGNED AT ON THE DAY OF 2022

.....
Regional Head: DOJCD

.....
Ms G Mettler
Municipal Manager Stellenbosch

.....
DPP Western Cape

.....
Chief Magistrate Cape Town