



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-01-18

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2019-01-23 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS P Crawley (Ms)
J De Villiers
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2019-01-23 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

A G E N D A
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2019-01-23
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STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-11-09

MINUTES

MAYORAL COMMITTEE MEETING:

2018-11-09 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2018-11-09
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	NONE	26

PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Councillors: PR Crawley (Ms)
JN De Villiers
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Also Present: Councillor FJ Badenhorst
Alderman PW Biscombe
Councillor N Olayi
Councillor WF Pietersen
Alderwoman J Serdyn
Councillor LL Stander

Officials: Municipal Manager (G Mettler (Ms))
Chief Financial Officer (M Wüst)
Director: Community and Protection Services (G Esau)
Director: Planning and Economic Development (T Mfeya)
Director: Corporate Services (A de Beer (Ms))
Director: Infrastructure Services (D Louw)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (S de Visser (Ms))
Senior Administration Officer (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present and extended a warm welcome to the two new Mayco members, namely Cllr PR Crawley (Ms) and Cllr M Pietersen.

1.1	COMMUNICATION BY THE CHAIRPERSON
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NONE

1.2	DISCLOSURE OF INTERESTS
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NONE

2.	APPLICATIONS FOR LEAVE OF ABSENCE
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NONE

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2018-10-17 were **confirmed as correct.**

4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

5.	STATUTORY MATTERS
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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7.1.1	REVIEW OF SAFETY AND SECURITY STRATEGY
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Collaborator No: 595704
 IDP KPA Ref No: *Safest Valley*
 Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF SAFETY AND SECURITY STRATEGY

2. PURPOSE

To submit the reviewed Safety and Security Strategy report to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Safety and Security Strategy is a living document which is annually reviewed and adapted to meet the demands and challenges of promoting a safe and healthy environment as determined by Section 152 of the Constitution.

During 2015 the Stellenbosch Municipality has adopted a renewed Safety Plan for the WC024 area of Stellenbosch and re-affirmed the Community Safety Forum which is a key component of the Safety Plan.

The reviewed strategy sets the strategic direction of Stellenbosch Municipality in creating a safer environment for all residents, visitors and tourists.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.1.1

that the reviewed Safety and Security Strategy report, be noted.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	<i>DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
DIRECTORATE	<i>COMMUNITY & PROTECTION SERVICES</i>
CONTACT NUMBERS	<i>X8437</i>
E-MAIL ADDRESS	<i>Gerald.esau@stellenbosch.gov.za</i>
REPORT DATE	<i>24 May 2018</i>

7.1.2	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY
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Collaborator No: 599452
 IDP KPA Ref No: Safest Valley
 Meeting Date: 09 November 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

2. PURPOSE

To submit the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy to Council for approval.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This policy has been drafted to ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras.

It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of Municipal staff and Municipal obligations in regard to CCTV and LPR data storage, security and signage.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.1.2

- (a) that Council approves the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy, in principle; and
- (b) that said policy be advertised for public comments and be re-submitted to Council for final approval.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	<i>DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
DIRECTORATE	<i>COMMUNITY & PROTECTION SERVICES</i>
CONTACT NUMBERS	<i>X8437</i>
E-MAIL ADDRESS	<i>Gerald.esau@stellenbosch.gov.za</i>
REPORT DATE	<i>21 May 2018</i>

7.1.3	REVIEW OF DISASTER MANAGEMENT PLAN
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Collaborator No: 597988
 IDP KPA Ref No: Safest Valley
 Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF DISASTER MANAGEMENT PLAN

2. PURPOSE

To present a reviewed Disaster Management Plan (**ANNEXURE A**) to Council.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

The revision of the Disaster Management Plan is done annually in accordance with *Section 53 (1) of the Disaster Amendment Act, 16 of 2015* to:

g) regularly review and update its plan; and

h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan.”

Stellenbosch Municipality also endeavors to sustain a state of readiness through a continuous and integrated multi sectoral, multi-disciplinary process of planning and implementation of measures aimed at:

- Preventing or reducing the risk of disasters;
- Mitigating the severity or consequences of disasters;
- Emergency preparedness;
- A rapid and effective response to disasters; and
- Post- disaster recovery and rehabilitation.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.1.3

that the revised Disaster Management Plan be approved..

7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH

2. PURPOSE

To obtain Council's approval to conclude a Lease Agreement with Stellenbosch Animal Hospital in relation to erven 2498 and 2499, Stellenbosch.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2018-05-23 Council considered a report dealing with the possible renewal of a Lease Agreement with Stellenbosch Animal Hospital, without following a public competitive process.

Council approved the request, subject to Council's intention so to act being advertised for public comment/counter proposals. Council's intention to lease the land to the animal hospital was published only 10 Inputs from the public was received and it is listed under discussion below. Most of the inputs support the lease agreement. Council must now consider the inputs/objections received and make a final decision on a way forward.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.1

- (a) that Council takes note of the inputs/comments received;
- (b) that Council approves the conclusion of a Lease Agreement with the Stellenbosch Animal Hospital for the use of erven 2498 and 2499 for a period of 5 years at a rate of R19 720/month, with an escalation of 6% p.a, as from 1 December 2018; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect the lease.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-11-01

7.2.2	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To approve the transfer of portion 15 of Farm 292 (now known as erf 16489) to the Provincial Department of Education for educational purposes after the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

On 2018-08-22 Council approved an in principle transfer of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape, for educational purposes, subject thereto that Council's intention so transfer be advertised for public comment/inputs/objections.

The notice was published on 27 September 2018 (**attached as APPENDIX 2**).

No inputs/objections or counter proposals were received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.2

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department subject to the following conditions:
 - (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on **APPENDIX 3** as parking area, be developed as a public parking area;
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stellenbosch.gov.za</i>
REPORT DATE	<i>2018-10-31</i>

7.2.3	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)

2. PURPOSE

To obtain Council's approval for entering into a Lease Agreement with Mr C Goosen, following the conditional awarding of a tender by the BAC.

3. DELEGATED AUTHORITY

Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2017-07-26 Council authorised a public competitive process (tender) to be followed for the purpose of awarding rights for the development of an ECD Centre on a portion of the Community Hall in Wemmershoek. The call for proposals was put out for a one (1) year lease at 20% of the market related rental.

Only one proposal was received when the tender closed. The tenderer proposed a 5 year lease agreement at 10% of the market value. The bidder is proposing a minimum period of 5 years, taking into account their capital investment of between R200 000 and R300 000 and the BAC recently accepted the proposal, subject to Council's accepting the proposal. Council must now decide whether to proceed with the lease based on the proposal received or not.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.3

- (a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process;
- (b) that Council now proceed with the lease based on the proposal received;
- (c) that, should Council accept the proposal, an agreement be entered into with Mr Goosen that stipulates that the property may only be used for the purposes of an ECD centre; and
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the lease agreement.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Piet Smit
<i>POSITION</i>	<i>Manager: Property Management</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088189</i>
<i>E-MAIL ADDRESS</i>	Piet.smit@stellenbosch.gov.za
<i>REPORT DATE</i>	<i>2017-11-15</i>

7.2.4	PROPOSED SERVICE DELIVERY IN JONKERSHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Dignified Living

09 November 2018

1. SUBJECT: PROPOSED SERVICE DELIVERY IN JONKERSHOEK

2. PURPOSE

The purpose of this agenda item is two-fold:

- a) To provide Council with a progress report; and
- b) To obtain the necessary authorisation to start with service delivery in Jonkershoek.

3. DELEGATED AUTHORITY

Council's approval is required.

4. EXECUTIVE SUMMARY

During 2006 the National Department of Public Works requested Stellenbosch Municipality to take over the responsibility of service delivery to the Op-die-Bult settlement in Jonkershoek, until such time as township establishment would occur, where after it would become the Stellenbosch municipality's responsibility in law.

In considering this request the Municipality (Mayoral Committee meeting 2007-11-21) made it clear that they would only take over this responsibility if the various role players, i. e Stellenbosch Municipality, MTO, Cape Nature and National and Provincial Departments of Public Works conclude a Memorandum of Understanding (MOU), setting out the roles and responsibilities on the medium to long term future of the mixed-use area in Jonkershoek.

Since the above decision was taken, all the parties, except the National Department of Public Works, have indicated their willingness to conclude the M.O.U.

During 2017 the process was put back on the agenda, when we received a letter from the National Department of Public Works, urging us to complete the process.

Notwithstanding their indicated during a public meeting scheduled by the Municipal Manager during August 2017 that they are now ready to sign the M.O.U, they have not signed it to date.

Following various service delivery protests over the past 6 months and following a request (as an interim arrangement until the MOU is signed) by Stellenbosch Municipality to the NDPW to give us a Power of Attorney, they have now issued a Power of Attorney authorising Stellenbosch Municipality to provide municipal services to the area.

Council must now decide on a way forward.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.4

- (a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;
- (b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;
- (c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;
- (d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);
- (e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;
- (f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;
- (g) that the Director: Infrastructure Services be requested to compile a *status quo* report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;
- (h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;
- (i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;
- (j) that a progress report be tabled to Council within 6 months, indicating progress that has been made regarding the provision of services; and
- (k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-10-30

7.2.5	PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER

2. PURPOSE

To request Council to approve the payment of a car allowance to permanent employees from Task Level 15 and higher.

3. DELEGATED AUTHORITY

FOR DECISION BY THE COUNCIL

4. EXECUTIVE SUMMARY

Council currently pays some permanent employees a (perk) car allowances. This applies to employees who used to be in the post levels 1 to 4 under the old Van der Merwe job gradings. Since 1 July 2013 Council has accepted the SALGA approved TASK Job evaluation system and although no official comparison was done the Task Levels of 16 and higher potentially equates to the old post levels of 1 to 4.

The posts of people who received the allowances have however graded on TASK levels from as low as T14. They retained the allowances. With the acceptance of the new organogram on 25th October 2017 and the implementation of the structure is has become necessary to also adjust the policies dealing with the car allowance.

In order to attract skilled and qualified employees in the more senior positions the administration needs to use additional benefits, such as a car allowances to attract the best possible candidates. Investigations at nearby and comparative municipalities have revealed that a car allowance is one of the benefits offered to employees on TASK levels T15 and above.

A new policy was drafted with the intention to replace the existing policy. The policy was tabled at the LLF and the policy was consulted in the LLF and Human resources Sub-committee of the LLF. Parties could not reach consensus on all the provisions of the new policy mainly due to conflicting interests that the unions have to protect.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.5

- (a) that Council notes the criteria for qualification for the car allowance as indicated in the policy;

- (b) that the following allowances be approved for T grade T15 and above as per the provisions of the policy:

TASK LEVEL	AMOUNT
T15	R 11000
T16	R 12000
T17	R 14000
T18	R 15000
T19 and higher	R 16000

- (c) that the new Motor Vehicle Allowance Scheme be approved for implementation.

FOR FURTHER DETAILS CONTACT:

NAME	GERALDINE METTLER
POSITION	MUNICIPAL MANAGER
DIRECTORATE	MUNICIPAL MANAGER'S OFFICE
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	6 November 2018

7.2.6	NEW OVERTIME POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW OVERTIME POLICY**2. PURPOSE**

To obtain approval for the New Overtime Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council

4. EXECUTIVE SUMMARY

The new Overtime Policy was tabled at the Local Labour Meeting on 26 February 2018 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through all the provisions of the policy during the consultation process.

Then consulted Overtime Policy was re-submitted to the Local Labour Forum on 29 October 2018 where the parties confirmed that the policy was consulted and can be referred to MAYCO and COUNCIL for approval.

The new overtime Policy is attached as **APPENDIX 1**.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.6

that the New Overtime Policy be approved.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

7.2.7	NEW ACTING POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW ACTING POLICY

2. PURPOSE

To obtain approval for the New Acting Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

Acting and the payment of acting allowance is regulated in terms of the Basic Conditions of Employment Act read with the Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC. Acting provisions for Section 56 managers and the Municipal Manager is dealt with in the Municipal Systems Act (section 54 A and Section 56).

The appointment of an employee in an acting capacity is subject to very strict control measures and therefore, an employee will only be considered to act in a position if he or she has been appointed by his or her Director or authorised representative to act in a higher position. In the case of acting as Municipal Manager and Section 56 Manager Council must approve the acting arrangements. It is normally done through a roster that Council approves.

The New Acting Policy was submitted to the Local Labour Forum on in August 2018 who in turned referred same to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee worked through all the provisions in the consultation process and referred the policy back to the Local Labour Forum for adoption. The policy is attached as Appendix A.

The Local Labour Forum meeting confirmed that the New Acting Policy was properly consulted and supported the policy. It was resolved to be forwarded to MAYCO and COUNCIL for approval.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.7

that the New Acting Policy be approved.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

7.2.8	REVISED FIREARM POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: REVISED FIREARM POLICY

2. PURPOSE

To obtain approval for the Revised Firearm Policy applicable to employees to whom firearms are issued as part of their functions.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

A request was made to revise the firearms Policy. A revised policy was tabled at the Local Labour Meeting of 8th of June 2017 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through the policy during the consultation. The Fire Arms Policy was re-submitted to the Local Labour Forum for adoption on the 29th of October 2018.

The Local Labour Forum confirmed that the policy was consulted and recommended that it be referred to MAYCO and COUNCIL for approval.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.8

that the Firearm Policy (as revised in 2018) be approved.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

7.2.9	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY: WITH HELDERVALLEY FARMING ASSOCIATION
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY: WITH HELDERVALLEY FARMING ASSOCIATION

2. PURPOSE

To obtain Council approval for the cancelation of the lease agreements with HC Myburgh Boerdery and the in principle approval of a lease agreement for the identified properties be concluded with Heldervalley Farming Association.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded three (3) long-term Lease Agreements with HC Myburgh Boerdery on 1 April 1991.

During 2013 Mr Myburgh approached the Municipality with a written request to cede the lease agreements to the Heldervalley Farming Association. Before a formal agreement in this regard could be reached, Mr Myburgh passed away. Although the ceding was never formalised, the Heldervalley Farming Association used the land for farming purposes as from 2008. The lease agreements with HC Myburgh Boerdery have not been formally terminated nor has the estate chosen to take over the rights and responsibilities in terms of the agreements.

The Heldervalley Farming Association, through the Heldervalley Community Forum, has now requested that the matter be finalised. The Heldervalley Farming Association is not an established entity and will have to establish a legal entity (NGO) or alike before any lease agreement(s) can be entered into. In the mean time they remain on the farm using it and not paying rent.

Council determined in 2016 that upcoming farmers may rent land a 20% of the market value and established the market value at R2194.23 ph/per annum. A determination in this regard is made every 5 years.

The matter served before the Executive Mayoral Committee on 18 July 2018 and was referred to Council. The item was withdrawn from the Council agenda and referred back to the department for refinement. The matter served before Mayco in September 2018, but questions were raised on a piece of land that is regarded as environmentally sensitive as well as the specific identity parties with whom the agreement is to be entered into. Farm 502 BC is the area that is regarded as environmentally sensitive and it is recommended that that piece of land not be leased. It is not currently used for agricultural purposes. The matter is now resubmitted to Council.

MAYORAL COMMITTEE MEETING: 2018-11-09: ITEM 7.2.9**RESOLVED**

that this item be referred back for refinement after Cllr S Peters and Cllr P Crawley have done an inspection *in loco* to ascertain the prevailing situation on the farm.

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8106
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	2018-09-06

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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7.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2018
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Collaborator No:

File No:

8/1

BUDGET KPA Ref No:

Good Governance and Compliance

Meeting Date:

09 November 2018

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.

3. DELEGATED AUTHORITY

Noted by Municipal Council

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.3.1

that Council notes the deviations as listed below for the month of October 2018.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 23/19	15/10/18	Transmission Gear Services, MAN Engineering Services and Gorman Rupp	Urgent repairs of inlet screen and floating aerator at Pniel Wastewater Treatment Plant	<ul style="list-style-type: none"> Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due to the impact of pollution caused by the sub-standard effluent quality the equipment had to be repaired as an emergency. The extent of repairs was unknown and therefore not possible to request more than one service provider for a quotation	R 198 055.30
D/SM 26/19	16/10/2018	Kings Catering	Women's Event - High Tea- Catering	<ul style="list-style-type: none"> Exceptional case and it is impractical or impossible to follow the official procurement processes 	SCM requested quotations from service providers, but the lowest quotation was above R30 000.00. In terms of the SCM regulations, quotations above R30 000.00 must be placed on the website. In order to be compliant	R 97 300.00

					with the SCM Regulations SCM therefore requested that this item be reported as a deviation so that the deviation amount be recorded to ensure compliance.	
D/SM 17/119	09/10/2018	Livewire Engineering and Consulting (Pty) Ltd	Appointment of a service provider to read meters remotely, via automated meter reading (AMR) system and manage metering services for large power users and small scale embedded generation consumers	<ul style="list-style-type: none"> • Emergency 	The procurement process to appoint a new service provider to render the service of reading meters remotely and management of large power users has not yet been concluded. The Department is concerned that the tender process will not be concluded in time to have a service provider operational by 01 October 2018; hence the department requested this deviation to be approved.	R 33 131.00 (Remote meter readings per month) R 4 600 (Meter audits per month)
D/SM 10/19	09/10/2018	Telkom SA SOC	Appointment Of Telkom SaSoc For The Provision Of Pure Pri & Sip Voice Services For A Period Starting 1 January 2019 – 30 June 2021	<ul style="list-style-type: none"> • Goods or services are produced or available from a single provider. • Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due to the non-responsiveness of bidders on tender BSM 40/18, the Stellenbosch Municipality decided to follow a preferred bidder process. Telkom SA SOC is the sole provider that can offer vendor owned copper based PRI services directly to the Stellenbosch Municipality. Other vendors (MTN, Vodacom, Liquid Telecom, and Private Telkom business partners) can offer a similar service, but via microwave/fibre. This is not what the Stellenbosch Municipality requires in terms of access speed, reliability and guaranteed uptime.	R 2 700 000.00

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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7.4.1	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS
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Collaborator No: 614819
 IDP KPA Ref No:
 Meeting Date: 09 November 2018

1. SUBJECT: PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT DEPARTMENT OF HUMAN SETTLEMENTS

2. PURPOSE

The purpose is two – fold:-

- a) To inform council about the proposed devolution of certain rental stock to Stellenbosch Municipality; and
- b) To obtain approval for the proposed devolution of the said rental stock.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Head of Department for the Provincial Department of Human Settlements approached the Municipality requesting the devolution of immovable asset in favour of Stellenbosch Municipality in terms of the housing legislation and minmec directives. The properties are attached as **ANNEXURE A**.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.4.1

- (a) that the Municipal Manager be mandated to negotiate a contribution with Provincial Government to assist the Municipality with the cost for the repair/restoration of the rental stock;
- (b) that the request from the Western Cape Government's Department of Human Settlements to transfer the properties listed in par. 6.1.2.4 to the Municipality, be approved; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect transfer of the said properties.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Director: Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8491</i>
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	<i>5 October 2018</i>

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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NONE

7.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC: CLLR E GROENEWALD (MS))
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NONE

7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
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NONE

7.9	YOUTH, SPORTS AND CULTURE: (PC: M PIETERSEN)
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NONE

8.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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8.1	ADOPTION OF THE REVISED RISK MANAGEMENT POLICY
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Collaborator No: 615972
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 09 November 2018

1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT POLICY

2. PURPOSE

To adopt the Revised Risk Management Policy of 2018.

3. DELEGATED AUTHORITY

Municipal Council.

4. LEGISLATIVE BACKGROUND

Section 60 of the MFMA

Municipal Managers to be accounting officers

“The Municipal Manager of a municipality is the accounting officer of the municipality for the purposes of this Act, and, as accounting officer, must –

- (a) Exercise the functions and powers assigned to an accounting officer in terms of this Act; and
- (b) Provide guidance and advice on compliance with this Act to –
 - (i) The political structures, political office-bearers and officials of the municipality;

Section 62 of the MFMA

General Financial Management Functions

- (1) The accounting officer of a municipality is responsible for the managing of financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –
 - (c) that the municipality has and maintains effective, efficient and transparent systems–
 - (i) of financial and **risk management** and internal control; and
 - (ii) of internal audit operating in accordance with any prescribed norms and standards;
 - (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
 - (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 8.1

that the Revised Risk Management Policy of 2018, be adopted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>SHIREEN DE VISSER</i>
POSITION	<i>SENIOR MANAGER: GOVERNANCE</i>
DIRECTORATE	<i>OFFICE OF THE MUNICIPAL MANAGER</i>
CONTACT NUMBERS	<i>X8035</i>
E-MAIL ADDRESS	<i>shireen.devisser@ Stellenbosch.gov.za</i>
REPORT DATE	<i>3 November 2018</i>

9.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

10.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

12.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11:15.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

5.	STATUTORY MATTERS
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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7.1.1	SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest Valley

23 January 2019

1. SUBJECT: SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES

2. PURPOSE

To obtain a shared service agreement with surrounding municipalities to lend support to each other in respect of certain service delivery areas.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The shared service agreement has been drafted to render support and assistance to surrounding municipalities in need of assistance in respect of certain service delivery areas. Stellenbosch Municipality can benefit from such an agreement in the sense that we will be able to rely on surrounding municipalities to assist us in service delivery areas, when needed.

5. RECOMMENDATIONS

- (a) that the proposed draft agreement be considered and approved by Council;
- (b) that the Municipal Manager be authorized to sign the agreement on behalf of Council; and
- (c) that the Director: Community and Protection Services be represented on the Committee as per clause 9 of the agreement.

6. DISCUSSION/ CONTENTS

6.1 Background

At times municipalities need to rely on the support of surrounding municipalities due to a lack of capacity, equipment, fleet, staff and knowledge. A few months ago Overstrand Municipality had to request assistance from Stellenbosch Municipality to help fight fires in the Overstrand area because the fires were so extensive that Overstrand was unable to extinguish the fires on its own. Most recently, Stellenbosch Municipality was approached by Swartland Municipality for assistance to deal with unrest in Riebeeck Kasteel. Due to this need that arose, the surrounding municipalities got together and decided to lend support to each other on a formal basis within the framework of an approved shared service agreement. A draft agreement was prepared between the participating municipalities and is attached as **Annexure A** to the report. It should be noted that Theewaterskloof Municipality had already obtained Council approval to enter into a shared services agreement with surrounding municipalities. Therefore, Stellenbosch Municipality would want to obtain Council approval for same.

6.2 Discussion

In drafting the agreement, it was important that the rights of each municipality, whether the municipality gives or receives assistance, be protected within the framework of all relevant legislation. The agreed upon services in respect of which assistance may be given are services relating to protest action, taxi violence, VIP protection, policing of illegal business activities, xenophobia, disaster management, illegal land invasion, protection of property, general law enforcement, fire-fighting, serving summons and warrants, and municipal courts.

The municipalities who participated in drafting the agreement also realized that risks are involved and have agreed to indemnify each other from any damages or losses, unless any degree of gross negligence is involved.

The lending municipality will be liable for their own costs and the costs for the use of apparatus or equipment as per clause 7.1 of the agreement. Should staff be required to stay overnight in rendering assistance, the borrowing party shall provide such staff with accommodation facilities and meals as will be reasonably required, as per clause 7.2 of the agreement.

The agreement also provides for meetings by an Intergovernmental Committee that will play an oversight role of the execution and implementation of the agreement and to timeously identify potential risks and evaluate and report on every occasion on which assistance was rendered. This Committee has to be established between the relevant municipalities involved in this agreement.

Should legislation or any policy or any other circumstances change the aims of the agreement, parties to the agreement must notify each other thereof.

Municipalities are all confronted by the same problems at one time or another and by means of this agreement, municipalities may assist each other to solve and deal with these problems.

6.3 Financial Implications

Each municipality will carry its own cost, subject to affordability.

6.4 Legal Implications

A municipality may provide a municipal service in its area or a part of its area through an external mechanism by entering into a service delivery agreement with another municipality in terms of Sec.76 (b) (ii) of the Municipal Systems Act, Act 32 of 2000.

Section 80 (1) (a) of the Municipal Systems Act, Act 32 of 2000 stipulates that if a municipality decides to provide a municipal service through a service delivery agreement in terms of Section 76 (b) with another municipality, it may, subject to subsection (3), negotiate and enter into such agreement with the relevant municipality without applying Part 3 of this chapter.

6.5 Staff Implications

If assistance is needed by a borrowing municipality, the staff implications will be of a temporary nature, and where it is not possible to render assistance, the borrowing party must be informed accordingly.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

There is a risk that if we are helping other municipalities we may encounter the same threat in our own area. This will be taken into account when the request is received for assistance before deciding to render assistance or not.

6.8 Comments from Senior Management:**6.8.1 Director: Infrastructure Services**

Supports the item.

6.8.2 Director: Planning and Economic Development

Supports the item

6.8.3 Director: Community and Protection Services:

Supports the item

6.8.4 Director: Corporate Services:

There is an additional load that will be placed on our employees, which may have risks for our own workforce and operational requirements.

The contract in its current form is not supported due to the legal compliance matters and the risk involved. The contract is too wide and should be confined to matters like fire services and disaster management. Other requests should be dealt with on an ad hoc basis.

Comment from department:

These concerns have been addressed in the item and the agreement.

6.8.5 Chief Financial Officer:

Finance supports the Item but proposes that a ceiling value of services be specified to limit the lending municipality's financial exposure. (Par 7.1 below has reference).

“COSTS

7.1 Save as set out in paragraph 7.2 hereunder, the parties agree that all costs associated with the rendering of assistance, will be carried by the lending party”.

6.8.6 Municipal Manager:

Supports the item.

ANNEXURES**Annexure A: Shared Service Agreement****FOR FURTHER DETAILS CONTACT:**

NAME	Albert van der Merwe
POSITION	Act. DIRECTOR: COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8437
E-MAIL ADDRESS	Gerald.esau@stellenbosch.gov.za
REPORT DATE	17 September 2018

ANNEXURE A

SHARED SERVICE AGREEMENT

Entered into by and between:

THEEWATERSKLOOF MUNICIPALITY

Duly represented herein by _____

And

STELLENBOSCH MUNICIPALITY

Duly represented herein by _____

And

DRAKENSTEIN MUNICIPALITY

Duly represented herein by _____

And

SWARTLAND MUNICIPALITY

Duly represented herein by _____

And

OVERSTRAND MUNICIPALITY

Duly represented herein by _____

And

BREEDE VALLEY MUNICIPALITY

Duly represented herein by _____

And

WHEREAS the parties to this agreement are proclaimed municipalities in terms of Section 12 of the Municipal Structures Act, as prescribed by Section 155(1) of the Constitution; and

WHEREAS the various parties have the powers and functions to provide a public service to its residents in terms of:

Sections 156 and 229 of the Constitution; and
Part B of Schedule 4 & 5 of the Constitution; and

Section 83 of the Structures Act; and
Sections 6 and 9 of the Systems Act

WHEREAS the parties are all geographically located close to one another and have agreed to support each other by sharing certain services amongst them, subject to the terms and conditions incorporated herein.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1 DEFINITIONS

In this agreement, unless the contrary appears from the context, the following words and phrases shall have the meanings ascribed to them as follows:

Borrowing party: means the party requesting and receiving assistance from another party.

Committee: means the committee established in terms of paragraph 9 of this agreement.

Constitution: means the Constitution of the Republic of South Africa, Act 108 of 1996 as amended.

Contract: means this document together with all annexures thereto.

Effective Date: means the date upon last signature of this agreement.

Event: means any occurrence or situation for which assistance may be provided by the lending party to the borrowing party.

Lending party: means the party giving and providing assistance to another party

MFMA: means the Local Government: Municipal Finance Management Act, Act 56 of 2003.

Parties: means, collectively, the parties to this agreement or any two parties who renders assistance to one another.

Party: shall mean anyone of the abovementioned entities as the context may require

Public service delivery:
means specifically, but not exclusively, traffic services, law enforcement, disaster management, inter-municipal skills training and

support, provision of resources in the event of insufficient staff and/ or insufficient infrastructure.

Resources: means any staff, equipment, vehicle, communications apparatus, or other resource being provided by the lending party to the borrowing party as would be required and requested for the purpose of assistance in a relevant event.

Structures Act: means the Local Government Municipal Structures Act 117 of 1998

Systems Act: means the Local Government Municipal Systems Act 32 of 2000

2. SCOPE & SPIRIT OF THE AGREEMENT

2.1 The parties' record that this agreement is concluded in the spirit of cooperation to assist each other with public service delivery, specifically but not limited to traffic law enforcement, disaster management, where there is a lack of skills or know-how, insufficient staff and/or insufficient infrastructure.

2.2 The said service areas will *inter alia* include assistance during:

2.2.1 Protest actions to protect municipal infrastructure and assets;

2.2.2 VIP protection;

2.2.3 Xenophobia;

2.2.4 Disaster management;

2.2.5 Land invasions;

2.2.6 Fire hazards;

2.2.7 Service delivery areas as described in Part B of Schedule 4 & 5 of the Constitution

2.2.8 Serving of Summonses/ Warrants

Comment [A1]: Points 2.2.1 – 2.2.5 and 2.2.7 are not ammeters that our staff are trained for. It is policing matters. Our law enforcement officers are not municipal police despite the fact that they think they can operate like that. This is exposing people to risks I do not agree with.

Comment [N2R1]: I have amended 2.2.1

Comment [A3]: I support this, but is this not a district Municipality function that in any event co-ordinates the available resources during a disaster in terms of the act?

Comment [N4R3]: Agree with comment but we will assist within our means if requested.

Comment [N5]: Deleted

Comment [A6]: I support this when we are not under threat ourselves.

Comment [N7]: Agree

Comment [A8]: I have no idea what this means. – given that we struggle to have enough employees are we realistic?

Comment [N9]: Director Esau requested that it remains.

Comment [A10]: Our law enforcement officers cannot do this in another municipalities area of jurisdiction?

Comment [N11]: In terms of Sec 15 of the Magistrates Act of 1944 we are allowed to serve summonses in another public body's jurisdiction with their consent.

Comment [N12]: Deleted

2.3 This agreement will be valid between all the other parties to the agreement.

3 DURATION OF THE AGREEMENT

This agreement will commence between any two parties upon signature hereof and will endure until terminated with 3 (three) months' notice to the other party or parties, as the case may be.

4 REQUEST FOR ASSISTANCE PROCESS

4.1 Although no formal process for a request for assistance will apply, the parties undertake, as far as possible, to communicate with each other in writing through the respective Municipal Managers or his/her delegated authority and to give each other reasonable notice.

4.2 No adverse effect will result of any parties' inability to render assistance.

5 LEGISLATIVE FRAMEWORK

Assistance by one party to another party shall be rendered within the following legal framework:

Comment [A13]: See my comments above

5.1 National Road Transport Act, Act 5 of 2009;

5.2 Transport Appeal Tribunal Act, Act 39 of 1998;

5.3 National Road Traffic Act, Act 93 of 1996;

5.4 Criminal Procedure Act, Act 51 of 1977;

5.5 Fire Brigade Services Act, Act 99 of 1987;

5.6 South African Police Services Act, Act 68 of 1995;

5.7 Firearms Control Act, Act 60 of 2000;

5.8 Disaster Management Act;

5.9 Municipal legislation and by-laws.

5.10 The Constitution of the Republic of South Africa, Act 108 of 1996, especially section 41 of the said Act;

5.11 Labour Relations Act, Act 66 of 1995;

Comment [N14]: Deleted

Comment [N15]: Requested by EW

5.12 Occupational Health and Safety Act, Act 85 of 1993;

Comment [N16]: Requested by EW

5.13 Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993.

Comment [N17]: Requested by EW

6 RISK

6.1 Should a party render assistance to another party, albeit in the form of staff, equipment or any item that carries an element of internal risk to the item of the lending party, the lending party will accept full risk of damage, loss or injury to such item or staff member.

Comment [A18]: This is not acceptable and supported – it means if our staff member gets injured or dies we are responsible for any and all costs applicable thereto including permanent disability or a long term absence due to injury on duty.

6.2 The borrowing party shall carry the external risk to members of the public in any action taken by a staff member of the lending party, whilst under command and control of the borrowing party

6.3 In acceptance of such risks, the respective parties undertake to insure against the risks and/or to implement such risk mitigation plans as may be required.

Comment [A19]: Does our insurance cover these situations? If not what is the cost implications of the insurance?

6.4 The parties hereby indemnify, undertake to indemnify and keep indemnified each other against all injuries, demands, actions proceedings, liability, claims, losses, damage, costs or expenses, which the parties, their staff or equipment may sustain or incur, as a result of the implementation of this agreement. The parties also acknowledge:

Comment [N20]: We can find out from our insurer. In the past if an incident occurred outside our jurisdiction the only question the insurer ask is whether the employee had permission or authorisation from his employer and if the employee was on official duties.

6.4.1 that they are fully aware of all the risks involved regarding the implementation of this agreement

6.4.2 that this indemnity shall commence on time and date of signature hereof and will survive indefinitely.

6.4.3 that this indemnity was entered into voluntarily and without any undue influence of any nature.

6.5 The parties agree to complete any and all documentation, as requested by another party, as to deal with any reporting of incidents, claims and the like.

7 COSTS

7.1 Save as set out in paragraph 7.2 hereunder, the parties agree that all costs associated with the rendering of assistance, will be carried by the lending party, within the applicable approved budget of the lending party on condition that all costs be approved for the special operation by the Director: Community and Protection Services specifically but not limited to salaries, overtime and fuel. All expenses will be managed as the risk reduces. The lending party will thus be responsible for all

Comment [A21]: The reality is that we need to pay our employees as they are on our payroll. If the other municipality does not pay up that would be our problem and loss.

Comment [N22R21]: Comments from Director Esau inserted.

liability insurance, worker's compensation insurance, disability insurance, payroll, medical benefits, pension, unemployment, social security and any/all other expenses related to employee compensation or benefits as well as training, hiring, firing and discipline of officials including all expenses and costs associated therewith.

Comment [A23]: This is not allowed under Labour laws. Our employees – our responsibility unless they are seconded. Then the secondment agreement needs to deal with these aspects.

7.2 Should staff be required to stay overnight in rendering assistance, the borrowing party shall provide such staff with accommodation facilities and meals as will reasonably be required.

Comment [A24]: What if they don't. The staff remains our responsibility.

Comment [N25]: It was never necessary that staff stay overnight. This is only a provision being made.

Comment [N26]: Deleted

8 COMMAND AND CONTROL

8.1 All staff, vehicles and equipment rendering assistance to a borrowing party, shall be placed under the command and control of the lending party.

Comment [N27]: Amended

Comment [A28]: This is not allowed in term sof our insurance – is it?

8.2 Prior to despatch of staff, vehicles and equipment, the lending party shall be responsible for all instructions and command during the operation for its own staff and will work in conjunction with the command and control of the borrowing party.

Comment [N29]: Amended

8.3 The borrowing party shall not in any negligent or irresponsible manner expose any staff or equipment of the lending party to unnecessary risks and will treat same in utmost good faith (*uberrima fides*).

Comment [A30]: This is very difficult to enforce.

Comment [N31R30]: We will have to manage this.

8.4 The borrowing party will, on conclusion of every project, provide the lending party with full particulars as to the history and conclusion of the event, costs, damages and any other information that the lending party may require.

8.5 Briefing and de-briefing sessions to be held with full reports to the respective municipal council.

9 COMMITTEE

9.1 The parties each undertake to nominate a representative who will serve on a committee to resolve matters of mutual interest relating to this agreement.

9.2 The committee shall convene bi-monthly, where it will consider:

9.2.1 An oversight and strategic guidance to the implementation of this contract;

9.2.2 To ensure successful implementation of this contract;

9.2.3 To coordinate and manage this contract;

9.2.4 To identify potential risks arising from the implementation of this contract and agree on mechanisms to mitigate such risks;

9.2.5 To deal with any differences and/or challenges arising from the implementation of this contract and agree on possible solution/s to address the differences/challenges;

9.2.6 To develop and agree on the monitoring and reporting framework for the implementation of this contract.

9.2.7 To develop and agree to Terms of Reference for the committee.

9.2.8 To monitor, evaluate and report on program progress.

10 CHANGES IN CIRCUMSTANCES

10.1 If, as a result of any amendments or promulgation of any legislation, regulation or policy; or the application of interpretation of the aforesaid by anybody of authority, the purpose and the objective of the contract are materially impacted on, each party undertakes to inform the other of the aforesaid changes that might impact on this agreement.

10.2 If, as a result of any structural changes in a party to this contract's governance and financial position the purpose and the objectives of the agreement are materially impacted on, the affected party undertakes to inform the other parties of the aforesaid changes that might impact on this agreement.

11 SETTLEMENT OF DISPUTES

11.1 The Parties shall initially attempt to resolve all disputes by mutual consent or mediation, within 30 (thirty) days after a dispute has been declared. Should the matter not be resolved within the aforesaid period, they will resolve the dispute through arbitration, as set out herein.

11.2 Arbitration shall be held in Cape Town in accordance with the provisions of the Arbitration Act, No. 42 of 1965, it being intended that, if possible, it shall be held and concluded within 30 (thirty) business days.

11.3 Save as otherwise specifically provided herein, the Arbitrator shall be if the matter in dispute is:

11.3.1 Primarily a legal matter, a practicing Senior Advocate of the Cape Bar.

11.3.2 Any other matter, an independent and suitably qualified person as may be agreed upon between the parties to the dispute.

11.4 The Arbitrator shall give his or her decision within 5 (five) Business Days after the completion of the arbitration. The Arbitrator may determine that the costs of the arbitration are to be paid either by one or the other or by both of the parties.

11.5 The decision of the Arbitrator shall be final and binding and may be made an order of the Western Cape High Court, Cape Town, upon application.

12 ASSIGNMENT

No Party shall assign or transfer its rights and/or interests in this contract, whether totally or partially, to a third Party without the other Party's prior written consent.

13 ENTIRE AGREEMENT

This contract sets out the entire agreement and understanding between the parties and any changes to this contract must be recorded in writing and signed by the respective parties.

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

2. _____

For and on behalf of Stellenbosch Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

2. _____

For and on behalf of Theewaterskloof Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

3. _____

For and on behalf of Drakenstein Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

4. _____

For and on behalf of Swartland Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

5. _____

For and on behalf of Overstrand Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

Signed at _____ on this _____ day of _____ 2018

AS WITNESSES:

1. _____

6. _____

For and on behalf of Breede Valley Municipality. The signatory warrants that he/she is duly authorised hereto.

FULL NAME: _____

CAPACITY: _____

7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))
7.2.1	APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019

1. SUBJECT: APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

2. PURPOSE

To appoint acting Directors when the Directors are not available.

3. DELEGATED AUTHORITY

COUNCIL.

Council has to appoint acting section 56 managers when the appointed managers are not available. It is not practical to call a council meeting every time a person must act when a director is on leave, on sick leave or out of office. Council therefore appoints acting managers on a roster similar to the acting municipal manager appointments that were approved.

4. EXECUTIVE SUMMARY

The Local Government Systems Act is silent on acting arrangements other than determining that Council must appoint a suitably qualified person to act as Manager that reports directly to the Municipal Manager (the Section 56 Managers), (section 56(1)(a)(ii)). It has to be noted that when acting, the incumbent is still responsible for his/her own functions. An acting allowance is therefore paid for the additional workload and responsibilities taken on of a higher position, given that the person in the higher position is paid a higher salary than the acting incumbent. Council approved an acting policy in November 2018 in terms of which the acting allowances are set out.

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office. In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure is implemented on an operational level after placements, and the acting arrangements must therefore be updated.

Section 56 (1) (a) of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under circumstances and for a period as prescribed. Section 56 (1) (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

It must be noted that the requirements are contained in the regulations published by the Department of Finance, a copy of which is attached as **APPENDIX A**, for reference purposes.

5. RECOMMENDATIONS

(a) that the following acting arrangements be approved:

SECTION 56 POST	PERSON ACTING	POST OF ACTING INCUMBENT	ACTING PERIOD APPROVED
DIRECTOR: CORPORATE SERVICES : ANNALENE DE BEER			
	Alexander Kannemeyer	Senior Manager: Human Resources	January; March; May; July; September; November
	Piet Smit	Manager: Property Management and Building Maintenance	February; April; June; August; October; December
DIRECTOR: INFRASTRUCTURE SERVICES: DEON LOUW			
	Saliem Haider	Senior Manager: Waste Management	December; January; June; July
	Nombulelo Zwane	Senior Manager: Electrical Services	February; March; August; September
	Johan Fullard	Senior Manager: Transport, Roads & Stormwater	April; May; October; November
DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT: TABISO MFEYA			
	Johru Robyn	Manager: Informal Settlements	January; February; November
	Hedre Dednam	Manager: Land Use Management	March; April; December
	Widmark Moses	Manager: Local Econ. Dev. & Tourism	May; June
	Nona Swartbooi	Manager: Housing Administration	July; August
	Bernabe De La Bat	Manager: Spatial Planning	September; October

DIRECTOR: FINANCIAL SERVICES (CFO): CURRENT VACANT POST			
	Kevin Carolus	Senior Manager:	January – March 2019; Council resolution dated 10/12/2018
	Kevin Carolus	Senior Manager:	January – December
DIRECTOR: PROTECTION AND COMMUNITY SERVICES: CURRENT VACANT POST			
	Albert van der Merwe	Senior Manager:	1 December 2018 – 28 Feb. 2019; Council resolution dated 09/11/2018
	Albert van der Merwe	Senior Manager:	January; March; April; July; September; November
	Charl Kitching	Senior Manager:	February; May; June; August; October; December

- (b) that the Manager next on the rotation schedule acts when the relevant Manager for that month is not available as per the schedule;
- (c) that an acting allowance be paid in terms of the Acting Policy approved by Council;
- (d) that the acting arrangements be reviewed every 6 months to ensure it remains relevant, and when changes are necessary, a revised proposal be brought to Council for approval; and
- (e) that the acting arrangements approved by council whilst the posts are vacant will take preference over the normal roster arrangements.

6. DISCUSSION / CONTENTS

6.1 Background

In 2012 Council approved a roster of persons to act when the Directors are out of office. In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure has now officially been implemented on an operational level after placements, and the acting arrangements must be updated and reviewed.

6.2 Discussion

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office. In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure has now officially been implemented on an operational level after placements, and the acting arrangements must be updated and reviewed.

Council already approved the revised acting arrangements for the Municipal Manager post in July 2018, but the acting arrangements of the Directors have not been reviewed yet. Section 56(1)(a)(ii) of the Municipal Systems Act provides that the Municipal Council must appoint an acting manager that reports to the Municipal Manager (section 56) under circumstances and for a period as prescribed. Section 56(1) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

It can reasonably be anticipated that there will be occasions when the Directors will be away from office or not available due to a variety of reasons. An updated roster of acting arrangements is proposed as a pragmatic arrangement to manage the requirement that Council must appoint the acting managers that report to the Municipal Manager.

Council approved an Acting Policy in November 2018 to deal with the implementation of acting arrangements, including the calculation of the acting allowances.

6.3 Financial Implications

Acting allowances will be paid from the normal salary budget.

6.4 Legal Implications

Section 56 of the Municipal Systems Act provides that the Municipal Council must appoint the acting Managers reporting directly to the Municipal Manager under circumstances and for a period as prescribed. Section 56 (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

6.5 Staff Implications

The workload and responsibilities of the Directors are taken on in addition to the workload and responsibilities of those employees that are appointed to act as Directors.

6.6 Previous / Relevant Council Resolutions

29 November 2012; 29 July 2018; 9 November 2018; 10 December 2018; 21 December 2018.

6.7 Risk Implications

The Municipality will be at risk if acting arrangements are not put in place for Directors when they are not available, especially if the extent of their absence is more than a day or two.

6.8 Comments from Senior Management:

The acting arrangements proposed in the recommendations have been consulted with the Directors and the Municipal Manager.

ANNEXURES

Appendix A: Amendments to Municipal Regulations on Minimum Competency Levels, 2007.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene de Beer
<i>POSITION</i>	<i>DIRECTOR: CORPORATE SERVICES</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8018</i>
<i>E-MAIL ADDRESS</i>	<i>Annalene.debeer@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>8 January 2019</i>

ANNEXURE A

NATIONAL TREASURY

NO. 1146

26 OCTOBER 2018

**LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003
AMENDMENTS TO MUNICIPAL REGULATIONS ON MINIMUM COMPETENCY LEVELS,
2007**

The Minister of Finance, acting with the concurrence of the Minister of Cooperative Governance and Traditional Affairs, in terms of section 168(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), amended the Municipal Regulations on Minimum Competency Levels, 2007, published under Government Notice R.493 of 15 June 2007 (herein called "the Regulations"), as set out in the Schedule.

SCHEDULE

1. Regulation 1 is hereby amended by the deletion of the definition of "performance regulations" in subregulation (1).
2. Regulation 3 is hereby amended—
 - (a) in the table for the item "Higher Education Qualification" in the 1st column of the table by the substitution for the words in the 2nd column of the following words:

"At least a Bachelor degree or a relevant qualification registered on the National Qualifications Framework at a NQF level 7 with a minimum of 360 credits";
 - (b) by the substitution in the 1st column of the 4th row of the words "Core Managerial and Occupational Competencies" for the words "Core and Leading Competencies";
 - (c) in the table for the item "Core Managerial and Occupational Competencies" in the 1st column of the table by the substitution for the words in the 2nd column of the following words:

"As prescribed in the Annexure A- Local Government: Competency Framework for Senior Managers as published under Government Notice No. 21 in Government Gazette No. 37245 of 17 January 2014".

3. Regulation 5 is hereby amended—

(a) in the table for the item "Description" in the 1st column by the substitution for the words in-

(i) the 2nd column of the following words:

"(a) All municipalities with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year";

(ii) in the 3rd column of the following words:

"(a) All municipalities with annual budgets of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with an annual budget of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa 1 July of each year";

(b) in the table for the item "Higher Education Qualification" in the 1st column by the substitution for the words-

(i) in the 2nd column of the following words:

"At least a Bachelor degree in Accounting, Finance or Economics or a relevant qualification registered on the National Qualifications Framework at a NQF level 7 with a minimum of 360 credits"; and

(ii) in the 3rd column of the following words:

"At least a Post Graduate Degree or qualification in the fields of Accounting, Finance, or Economics registered on the National Qualifications Framework at NQF Level 8 with a minimum of 120 credits or Chartered Accountant (SA)";

(c) by the substitution in the 1st column of the 4th row of the words "Core Managerial and Occupational Competencies" for the words "Core and Leading Competencies";

(d) in the table for the item "Core Managerial and Occupational Competencies" in the 1st column by the substitution for the words-

- (i) in the 2nd column of the following words:
"As prescribed in the Annexure A (Local Government: Competency Framework for Senior Managers) to the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as published in Government Notice No. 21 of 17 January 2014"; and
- (ii) in the 3rd column of the following words:
"As prescribed in the Annexure A (Local Government: Competency Framework for Senior Managers) to the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as published in Government Notice No. 21 Government Gazette No. 37245 of 17 January 2014".

4. Regulation 7 is hereby amended—

(a) in the table for the item "**Description**" in the 1st column by the substitution for the words-

- (i) in the 2nd column of the following words:
"(a) All municipalities with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year"; and
- (ii) in the 3rd column of the following words:
"(a) All municipalities with annual budgets of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with an annual budget of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year";

(b) in the table for the item "Higher Education Qualification" in the 1st column by the substitution for the words-

(i) in the 2nd column of the following words:

"At least a Bachelor degree or a relevant qualification registered on the National Qualifications Framework at NQF level 7 with a minimum of 360 credits"; and

(ii) in the 3rd column of the following words:

"At least a Post Graduate Degree or relevant qualification registered on the National Qualifications Framework at NQF Level 8 with a minimum of 120 credits in a field relevant for the senior management position";

(c) by the substitution in the 1st column of the 4th row of the words "Core Managerial and Occupational Competencies" for the words "Core and Leading Competencies";

(d) in the table for the item "Core Managerial and Occupational Competencies" in the 1st column by the substitution for the words in the 2nd column of the following words:

"As prescribed in the Annexure A (Local Government: Competency Framework for Senior Managers) to the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as published in Government Notice No. 21 of 17 January 2014"; and

(e) in the table for the item "Core Managerial and Occupational Competencies" in the 1st column by the substitution for the words in the 3rd column of the following words:

"As prescribed in the Annexure A (Local Government: Competency Framework for Senior Managers) to the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as published in Government Notice No. 21 of 17 January 2014".

5. Regulation 9 is hereby amended-

(a) in the table for the item "**Description**" in the 1st column by the substitution for the words-

(i) in the 2nd column of the following words:

“(a) All municipalities with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year”; and

(ii) in the 3rd column of the following words:

“(a) All municipalities with annual budgets of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and

(b) All municipal entities of a parent municipality with an annual budget of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year”;

(b) in the table for the item “**Higher Education Qualification**” in the 1st column by the substitution for the words-

(i) in the 2nd column of the following words:

“Relevant qualification in the fields of Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 6 with a minimum of 240 credits”; and

(ii) in the 3rd column for the following words:

“Relevant qualification in the fields of Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 6 with a minimum of 240 credits”.

6. Regulation 11 is hereby amended-

(b) in the table for the item “**Higher Education Qualification**” in the 1st column by the substitution for the words-

(i) in the 2nd column of the following words:

“Relevant qualification in the fields of Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 6 with a minimum of 240 credits”; and

- (ii) in the 3rd column for the following words:
"Relevant qualification in the fields of Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 7 with a minimum of 360 credits".

7. Regulation 12 is hereby amended—

- (a) in the table for the item "**Description**" in the 1st column by the substitution for the words-

- (i) in the 2nd column of the following words:
"(a) All municipalities with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year; and
(b) All municipal entities of a parent municipality with annual budgets of a value below R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year"; and

- (ii) in the 3rd column of the following words:
"(a) All municipalities with annual budgets of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa 1 July of each year by; and
(b) All municipal entities of a parent municipality with an annual budget of a value equal to or above R1 billion, to be adjusted by the consumer price index as determined by Statistics South Africa by 1 July of each year";

- (b) in the table for the item "**Higher Education Qualification**" in the 1st column by the substitution for the words-

- (i) in the 2nd column of the following words:
"Relevant qualification in the fields of Supply Chain Management, Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 6 with a minimum of 240 credits"; and

- (ii) in the 3rd column for the following words:
"Relevant qualification in the fields of Supply Chain Management, Accounting, Finance or Economics registered on the National Qualifications Framework at a Level 6 with a minimum of 240 credits".

8. Regulation 13 is hereby substituted for the following regulation:

"The municipal manager of a municipality or chief executive officer of a municipality entity must ensure that competency assessments of all financial officials and supply chain management officials are undertaken in terms of regulation 16 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers in order to identify and address gaps in competency levels of those officials, as part of the recruitment process."

9. Regulation 14 is hereby amended by the substitution for—

(a) subregulation (1) of the following subregulation:

"(1) The municipal manager of a municipality and the chief executive officer of a municipal entity must monitor and take any necessary steps to ensure compliance with the prescribed minimum competency levels for financial and supply chain management officials."; and

(b) paragraph (a) of subregulation (2) for the following paragraph:

"(a) to the National Treasury and to the relevant provincial treasury by 30 January and 30 July of each year; and"

10. Regulation 15 is hereby substituted for the following regulation:

"Period within which to attain minimum competency levels in unit standards for competency areas"

15.(1) A financial or supply chain management official who does not meet the minimum competency level in the unit standards for a competency area, required for the position in terms of these Regulations, must attain that minimum competency level on or before 2 August 2018.

(2) A person appointed as a financial or supply chain management official on or after the date of commencement of this regulation who does not meet the minimum competency level in the unit standards for a competency area, required for the position in terms of these Regulations, must attain that minimum competency level within 18 months from the date of appointment."

11. Regulation 16 is hereby substituted for the following regulation:

“Attainment of competency levels within prescribed timeframes to be included in performance agreement

16. (1)(a) If a financial official or supply chain management official must conclude a performance agreement and does not meet the minimum competency level in the unit standards in a competency area required for the position in terms of the Regulations, attainment of that minimum competency level within the time frames set out in regulation 15 must be included as a performance target in that official's performance agreement.

(b) If a person is appointed a financial official or supply chain management official and does not meet the minimum competency level in the unit standards in a competency area required for the position in terms of the Regulations, the attainment of that minimum competency level within the timeframes set out in regulation 15, must be included in the person's-

- (i) employment contract which must also state that, if it is not attained within the applicable period, the employment contract will terminate automatically within one month after the applicable period; and
- (ii) performance agreement as a performance target, if such agreement is required.

(2) A municipality or municipal entity must deal with the failure by an official to attain the required minimum competency levels in the unit standards for each competency area within the timeframes set out in regulation 15, in accordance with the applicable labour legislation and policies and procedures of the municipality or municipal entity.”

12. Regulation 18 is hereby repealed.

13. Short title and commencement

These regulations are called the Municipal Amendment Regulations on Minimum Competency Levels, 2018 and will take effect on the date of publication in the Government Gazette.

7.2.2	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019

1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

2. PURPOSE OF REPORT

To inform Council of the provisions of Notice 1426 dated 21 December 2018, published in Government Gazette 42134 dated 21 December 2018 in regard to the determination of the upper limits of salaries, allowances and benefits for different members of Municipal Councils, and to request Council to resolve on the implementation of the provisions.

3. DELEGATED AUTHORITY

COUNCIL.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice.

4. EXECUTIVE SUMMARY

The Minister of Local Government, on a yearly basis, publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period 1 July 2018 to 30 June 2019, or until a new notice is published and implemented, was published on 21 December 2018 and is attached hereto as **APPENDIX A**.

The provisions indicate an increase of around 4% for the full-time Councillors and part-time Councillors. The cell phone allowances indicated in the provisions stayed the same as indicated in 2017 at R3 400.00 per month. Council did not implement the full allowance last year, and it is recommended that the allowance be implemented this year. The data allowance also stayed the same as the previous year at R300 per month.

Council resolved during 2017 to provide laptops to all councillors as a tool of the trade, which was implemented during the 2017/18 financial year. Agendas are now distributed electronically.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (58.33%) municipality as indicated in the calculations in **Appendix B**. In making the decision the Municipal Council must have regard for the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **APPENDIX B**. The

Municipality must obtain the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

5. RECOMMENDATIONS

- (a) that Council notes the provisions of Notice 1426 dated 21 December 2018;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 1426 dated 21 December 2018, as from 1 July 2018;
- (c) that the implementation will be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance a 6% increase to all councillors (including all office bearers) of R 3 400.00 per month;
- (e) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R18 807 706.00 which expenditure is R114 966 more than the budgeted amount, and the shortfall will be covered through a correction in the 2018/19 adjustment budget from savings within the 2018/2019 operating budget;
- (f) that it be noted that all councillors have been provided with laptops as a tool of trade, and that the tools of trade as set out in paragraph 15(1)(b),(d) in the Notice be extended to councillors as indicated in the Notice, as well as business cards and diaries to all councillors;
Part-time PR Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the Office of the Speaker or Chief Whip. It is noted that such facilities are available to part-time ward councillors at the Ward Office;
- (g) that it be noted that Councillors are entitled to a R300 per month data allowance (paragraph 12 of the Notice) to provide for data bundles for, inter alia the laptop as all cell phone contracts cater for data as part of the contract;
- (h) that Council considers the provision of security under the circumstances set out in item 15(g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to that have to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2018 and the extension of the tools of trade as indicated above, before it be implemented.

6. DISCUSSION / CONTENTS**6.1 Background**

The National Minister for Cooperative Governance and Traditional Affairs gazetted the new upper limits of salaries, allowances and benefits which Council must consider and resolve upon before it may be implemented. Council also needs the written concurrence from the Minister of Local Government in the Western Cape, who will only give his concurrence if the expenditure is funded through an approved budget.

6.2 Discussion

In terms of the Remuneration of Public Office Bearers Act, 1998, read together with Government Notice No 1426 dated 21 December 2018, Council has the authority to determine their remuneration packages, within the proclaimed upper limits, retrospectively as from 1 July 2018 with the *proviso* that the written concurrence of the Minister of Local Government in the Western Cape must be obtained before such packages may be implemented.

The grading of the municipality is determined by determining a point allocation for total municipal income and total population. These points are then calculated together to determine the municipality's grading. The grading is then used to determine the total remuneration packages for full-time and part-time councillors.

Total Municipal Income	Total Population	Points	Grade
1 399 378 166		33.33	
	173 419	25.	
		Total: 58.33	
			4

6.3 Financial Implications

The total costs if the provisions indicated are implemented will be R18 807 706.00, which is R114 966 more than what was budgeted. This shortfall must be adjusted in the adjustment budget. The full explanation is set out in **Appendix B**.

6.4 Legal Implications

The recommendations in this report comply with all applicable legislation.

6.5 Staff Implications

There are no additional staff implications.

6.6 Previous / Relevant Council Resolutions:

Council meeting resolution, Item 8.3 dated 24 January 2018.

6.7 Risk Implications

Council must comply with the provisions of the Notice.

6.8 Comments from Management:

The item was not circulated for comments except to the Municipal Manager and CFO.

6.8.1 Comments from the Municipal Manager

Agrees with the recommendations.

6.8.2 Comments from the CFO

Financial Implications were provided through the Office of the CFO.

ANNEXURES

Appendix A: Government Notice 1426 published in Government Gazette 42134 dated 21 December 2018.

Appendix B: Financial Implications of implementation of provisions indicated in the item

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene de Beer
<i>POSITION</i>	<i>DIRECTOR: CORPORATE SERVICES</i>
<i>DIRECTORATE</i>	<i>CORPORATE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021-808 8018</i>
<i>E-MAIL ADDRESS</i>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>16 January 2019</i>

ANNEXURE A

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 1426

21 DECEMBER 2018

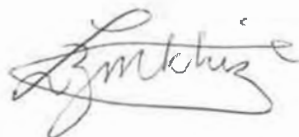
**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)**

**DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act, 1998 (Act No. 20 of 1998)*, I, Zwelini Lawrence Mkhize, Minister for Cooperative Governance and Traditional Affairs, hereby –

- (a) after consultation with the member of the Executive Council responsible for local government in each province; and
- (b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.



**ZWELINI LAWRENCE MKHIZE, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice, subject to submission of information referred to in item 18 of this Notice to the MEC.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act, 1998* (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act, 1998* (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"part-time councillor" means a councillor other than a full-time councillor;

"pension fund" means any pension, provident or retirement annuity fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"section 79 committee" means a committee of the municipal council established in terms of section 79 of the Structures Act;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act, 1998* (Act No. 97 of 1998);

"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business

purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

“tools of trade” means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

“total municipal income” means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2017/ 18 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

“total population” means the official statistics of the population residing in the area of jurisdiction of a metropolitan, local or district municipality, as published in the Community Survey 2016: Statistical Release No. P0301, in terms of the *Statistics Act, 1999* (Act No. 6 of 1999); and

“total remuneration package” means the annual total cost to a municipality comprising of:

- a basic salary component;
- a travelling allowance as provided in items 9(1);
- housing allowance as provided in items 9(2);
- the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1); and
- municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,000,000	8.33
R 10,000,001	-	R 50,000,000	16.67
R 50,000,001	-	R 200,000,000	25.00
R 200,000,001	-	R 1,500,000,000	33.33
R 1,500,000,001	-	R 2,000,000,000	41.67
More than R2,000,000,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	50,000	8.33
50,001	-	100,000	16.67
100,001	-	250,000	25.00
250,001	-	550,000	33.33
550,001	-	1,800,000	41.67
More than 1,800,000			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 COMMITTEE
6	1,350,250	1,090,488	1,027,223	997,090
5	1,006,728	805,382	755,045	732,898
4	859,471	687,575	644,603	625,693
3	827,749	662,200	620,813	608,340
2	775,063	620,051	586,833	569,619
1	752,483	607,716	569,732	553,020

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of executive mayor or mayor.

6. Upper limit of annual total remuneration package or allowance in respect of councillors elected or appointed to a district council

(1) A councillor elected or appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a section 79 committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11, 12 and 13 as the case may be.
- (b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1060.80, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

- (a) the payment of the remuneration or the allowance referred to in sub-item (1);
- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and
- (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

(1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1060.80, irrespective of the number of meetings attended by such councillor on a specific day.

- (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1060.80, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

- (a) the payment of the allowance referred to in sub-item (1);
- (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
- (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 COMMITTEE	ALL OTHER COUNCILLORS
6	756,866	640,278	573,056	556,247	505,677
5	561,622	449,299	421,217	408,860	318,591
4	479,472	383,577	359,604	349,055	271,990
3	461,777	369,421	346,339	336,171	261,952
2	432,384	345,907	324,289	314,776	245,280
1	419,784	335,826	314,839	305,602	237,846

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of mayor/ executive mayor.

9. Upper limits of allowances of councillors

The upper limits of allowances of councillors, that constitute part of the annual total remuneration package, are as follows:

(1) Motor vehicle and travel allowance

- (a) A councillor listed in item 5 and 8 of this Notice may structure his or her basic salary to provide for motor vehicle allowance.
- (b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.
- (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
- (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details, where to and reason for the trip.
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with the approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.
- (2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3400.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors**(1) Pension, provident or retirement annuity contributions**

- (a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).
- (b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipality must pay from his or her monthly salary, on behalf of that councillor, the monthly council contributions and councillor contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

- (a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).
- (b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1, 5 million while on vehicles it is limited to R750 000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 10 and 11), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee and part-time chairpersons of section 79 committees.
(c)	Laptop or tablet	All councillors
(d)	Official accommodation, fittings and furniture which was utilised as an official residence by the municipality, prior to 2016/17.	Full-time Executive Mayor or Mayor
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillor to have access to these tools of trade at the municipal offices

	TOOLS OF TRADE	APPLICABLE TO:
(g)	Personal security	<p>Executives Mayor, Mayor or Speaker may not have more than two bodyguards. Deviation may only be based on the recommendations of the South African Police Service.</p> <p>Any other councillor, subject to a threat and risk analysis conducted by the South African Police Service.</p>

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

16. Capacity building

(1) The municipal council must develop and adopt a skills development plan and personal development plan prior to any councillor undergoing training.

(2) A municipality must make a provision in its budget for development and implementation of capacity building programme for a councillor during the term of office of that councillor.

(3) Capacity building programme consist of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government.

(4) The capacity building programme must take into consideration the capacity needs to fulfil a councillor' statutory obligations and affordability by a municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(2) of the *Local Government: Municipal Finance Management Act, 2003* (Act No. 53 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –

(a) must recover that remuneration from the political office bearer or member; and

(b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

(a) any transgression of subsection (1); and

(b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

(1) A municipality must submit to the MEC responsible for local government in the province, a report containing the following information in respect of its serving councillors for the 2018/19 financial year on an official letterhead of the municipality, signed by the mayor:

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;
- (h) Grading of municipal council;
- (i) Date concurrence granted by the MEC;
- (j) Total remuneration package; and
- (k) Any allowance(s) payable to a councillor.

(2) Upon receipt of the data referred to in sub-item 1, the MEC must submit a consolidated report to the Minister by not later than 28 February 2019.

19. Transitional measures

(1) If a municipality has no audited financial statements for 2017/18 financial year by the date of publication of this Notice, the audited financial statements for the 2016/17 financial year will apply.

(2) If the grading of a municipal council is downgraded as a result of the redetermination of the grade of municipal council as set out in item 4 of this Notice, a councillor who was in office as at 30 June 2018 will retain the total remuneration package as determined in terms of Government Notice No. 1440, *Government Gazette* No. 41335 of 15 December 2017 and the councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipality for determination of the grading of a municipal council is correct.

(3) This Notice replaces Government Notice No. 1440 as published in *Government Gazette* No. 41335 of 15 December 2017

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2018.

ANNEXURE B

STELLENBOSCH MUNICIPALITY

CALCULATION OF MUNICIPAL GRADING FOR PURPOSES OF COUNCILLOR UPPER LIMITS 2018/19

GAZETTE 42134 DATED 21 December 2018

		R	POINTS
MUNICIPAL INCOME AS PER DEF	2017/18	1 399 378 166	33.33
TOTAL POPULATION AS PER DEF		173419	25

TOTAL POINTS 58.33

RANGE 50.01 - 66.67 POINTS = GRADE 4

Affordability Test

BUDGET 2018/19

18 692 740

COST OF NEW UPPER LIMITS	NUMBER OF CLLRS	NEW UPPER LIMIT	TCOE	PREVIOUS UPPER LIMITS	ADDITIONAL EXPENCE	% INCREASE
MAYOR	1	859 471	859 471	826 414	33 057	4.00
DEPUTY MAYOR	1	687 575	687 575	661 129	26 446	4.00
SPEAKER	1	687 575	687 575	661 129	26 446	4.00
SINGLE WHIP	1	644 603	644 603	619 811	24 792	4.00
MAYCO MEMBERS	8	644 603	5 156 824	619 811	198 336	4.00
MPAC CHAIR	1	625 693	625 693	601 628	24 065	4.00
S79 CHAIR (P/T)	1	349 055	349 055	335 630	13 425	4.00
COUNCILLORS (P/T)	29	271 990	7 887 710	261 529	303 369	4.00

SUB TOTAL	43		16 898 506		649 936
CELL PHONE ALLOWANCE					
Mayor, Deputy & Speaker	3	40 800	122 400	30 528	30 816
Remaining Councillors	40	40 800	1 632 000	24 168	665 280
DATA ALLOWANCE	43	3 600	154 800	3600	0
SUB TOTAL			1 909 200		696 096
TOTAL REMUNERATION COST RE COUNCILLORS			18 807 706		1 346 032
BUDGET SURPLUS(DEFICIT)			-114 966		

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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7.3.1	MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018
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Collaborator No: 624718
 IDP KPA Ref No: *Financial Sustainability*
 Meeting Date: 23 January 2019

1. SUBJECT: MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018

2. PURPOSE OF REPORT

To report in accordance with MFMA Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. DELEGATED AUTHORITY

COUNCIL.

FOR INFORMATION

4. EXECUTIVE SUMMARY

Council must maintain oversight over the implementation of the SCM Policy and Chapter 11 of the MFMA. For the purpose of such oversight the accounting officer must regularly submit a report on the management of contracts or agreements and the performance of contractors to the Council of the municipality in terms of MFMA S116(2)(d).

Council is hereby informed of the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 July 2018 – 30 November 2018. This report also indicates the activities currently being undertaken to improve the current status as well as future endeavors which will ensure compliance with the requirements of MFMA Section 116.

5. RECOMMENDATION

that the MFMA S116(2)(d) Report: Management of contracts or agreements and contractor performance from 01 July 2018 till 30 November 2018, **be noted.**

6. DISCUSSION / CONTENTS

6.1 Background

The legislative requirement is the MFMA, Sec. 116(2)(d), which stipulates that:
“The accounting officer of a municipality or municipal entity must-

(d) regularly report to the council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contract.”

6.2 Discussion

6.2.1 Contract Management and vendor performance

As at 30 November 2018 Stellenbosch Municipality had a total of 174 active contracts secured by means of competitive bidding processes, identified and linked to responsible contract managers.

The allocation of these contracts per directorate is as follows:

#	Directorate	# of contracts
1	Finance	16
2	Engineering	78
3	Corporate	28
4	Human Settlement and Property Administration	16
5	Planning and Economic Development	12
6	Community and Protection Services	22
7	Office of the Municipal Manager	2
Total		174

These contracts are listed on a Performance Summary Report at SCM, and it also details the performance of the various contractors/vendors against the contract requirements. The overall summary is as follows:

#	Description	Total
1	Satisfactory: The quality of service or goods delivery is in compliance with the agreement. Where needed, corrective or preventative action has been taken or agreed upon.	140
2	Unrated: Although the project has been initiated during the period of review, key project milestones have yet to be reached and reviewed / Project Manager did not report scoring	30
3	Unsatisfactory: Quality of service or goods delivery is totally unacceptable. Council either has or must consider termination of the agreement and all services.	4

All 4 of the above contracts on which the performance of the vendor/s was considered unsatisfactory, have been referred to our legal department for resolution.

There were also 2 partial withdrawals from tenders, which were resolved amicably and alternative arrangements are in process.

6.2.2 Way forward

In terms of the project planning, the following activities are currently underway in order to continually improve the management of SCM contracts and to meet the objective of full compliance with the Policy and MFMA by 2018/2019:

1. High-level standard operating procedures for contract management, including the roles and responsibilities of departments and staff, are being drafted and will be submitted to Senior Management for consideration;
2. Standardized templates and documentation have been drafted and will be submitted to Senior Management for consideration before being distributed to all relevant staff members.

6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted.

6.4 Legal Implications

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

6.5 Staff Implications

No staff implications.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

None.

6.8 Comments from Senior Management:**6.8.1 Municipal Manager**

Agrees with the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 January 2019

7.3.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018
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Collaborator No: 624715
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 23 January 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

COUNCIL

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations and ratifications be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2018.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of December 2018.

6. DISCUSSION / CONTENTS

6.1 Background / Legislative Framework

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may allow the accounting officer—

(a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—

(i) in an emergency;

(ii) if such goods or services are produced or available from a single provider only;

- (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
- (iv) acquisition of animals for zoos; or
- (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
- (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- (2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for December 2018:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 28/19	03/12/2018	Easy Pay (PTY) LTD	Easy Pay (PTY) LTD / Stellenbosch Municipality and two others	Exceptional case and it is impractical or impossible to follow the official procurement processes	Stellenbosch Municipality went out on an invitation for a formal quotation to appoint an attorney firm to oppose the indirect and review application instituted by EasyPay (Pty) Ltd ("EasyPay") against Stellenbosch Municipality under case number 20545/18 with regard to the tender award made by Stellenbosch Municipality under tender B/SM 104/18. Three attorneys firms were informed of the formal quotation. Three formal quotations were received i.e. from Fairbridges, Van Der Spuy Attorneys and Webber Wentzel on 21 November 2018 at 10h00.	Estimate - R 363 200.00 (incl VAT, and for Part A and Part B)

D/SM 30/19	14/12/2018	Hydro-Tech Systems PTY LTD	Emergency repairs and safe guarding of vandalised Klapmuts water pump station	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Klapmuts water pump station needs immediate repairs after severe vandalism took place. The infrastructure consisting of the building, pumps, motor controls, telemetry station, chlorine equipment, low voltage cabling, security system etc. were demolished leaving the Klapmuts community's essentials water supply under threat. Immediate repair is crucial to sustain the essential water service to the whole of Klapmuts community including the business sector and surrounding farms.	R174 831.73 (Incl. VAT)
D/SM 31/19	21/12/18	I Bester Staal BK	Repairs on the vandalized doors of Mini Substation Bassi/Long & Mini Substation Papegaaiberg	Emergency Goods or services are produced or available from a single provider. Exceptional case and it is impractical or impossible to follow the official procurement processes	Due to ever increasing vandalism and electricity theft for these particular miniature substations it is important to repair as soon as possible after occurring, the department must take urgent action to prevent unauthorised entry and vandalism in order to continue to deliver a safe and efficient service to the customers. Papegaaiberg pump station supplies water to the Kayamandi area. As soon as a problem occurs, the power needs to be restored within a few hours.	R 4 025.00 (incl VAT)
D/SM 32/19	21/12/18	Leelyn Management	Parking Management	Exceptional case and it is impractical or impossible to follow the official procurement processes	The successful bidder that is recently appointed cannot render the services as from 01 January 2019.	Rates (income estimate for monthly basis is approximately R 110 000)
D/SM 33/19	27/12/18	Liquid Telecom	Appointment of Liquid Telecom for the provision of voice services for a period not exceeding 6 months	Exceptional case and it is impractical or impossible to follow the official procurement processes	Telkom SA SOC is the sole provider that can offer a vendor owned copper based PRI services directly to the Stellenbosch Municipality. Telkom was appointed on the basis of sole provider to provision voice services for a period	R 515 959.60 (Incl VAT)

			starting from 1 Jan 219 – 30 June 2019		ending 30 June 2021, implemented by the 1 st January 2019. n the 24 th December 2018, Telkom SA SOC issued a formal letter to the Stellenbosch Municipality stating that they will not be able to meet the deadline to provision and implement voice services by 1 st January 2019 as the require an additional 3-6 months in order to best implement voice services.	
D/SM 34/19	27/12/18	Farmgaard Security	Extension on security contracts	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender 87/18 for “Render of security services for various areas within the WC024 municipal jurisdiction until 30 June 2018” has been advertised by SCM on 26 April 2018 with closing date 01 June 2018. Currently the municipality is in a legal dispute and services must continue because the municipality need to safeguard its buildings and premises.	R 197 373.00 (Incl VAT) on month to month

6.3 **Financial Implications**

As per the table above.

6.4 **Legal Implications**

The regulation applicable is:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations:
Deviation from and ratification of minor breaches of, procurement processes.**

6.5 **Staff Implications**

Not staff implications

6.6 **Previous / Relevant Council Resolutions:**

None

6.7 Risk Implications

The market might not have been tested.
 The measures in place to deal with deviations mitigate the risk to an acceptable level.
 The Auditor-General also audits the deviations during the yearly audit.

6.8 Comments from Senior Management:

The item was not circulated for comment except to the Municipal Manager.

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Kevin Carolus
<i>POSITION</i>	<i>Acting CFO</i>
<i>DIRECTORATE</i>	<i>Finance</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8528</i>
<i>E-MAIL ADDRESS</i>	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>03 JANUARY 2019</i>

7.3.3	REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018-DECEMBER 2018
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Collaborator No: 624716
 IDP KPA Ref No: *Financial Sustainability*
 Meeting Date: 23 January 2019

1. SUBJECT: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018 - DECEMBER 2018

2. PURPOSE

To submit to a report for the period 01 October 2018 – 31 December 2018 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

Section 2(3) & 4 of the SCM Policy 2018/2019 determines that the Accounting Officer must within 10 days of the end of each quarter submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy. In terms of the SCM Regulations and Council's SCM Policy the SCM Unit has been delegated to perform powers and functions that relate to the procurement of goods and services, disposal of goods no longer needed, and the selection of contractors to provide assistance in the provision of municipal services. This report contains the details of the implementation of the SCM Policy for Quarter 2: October – December 2018.

5. RECOMMENDATIONS

- (a) that Council takes note of this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with Section 21A of the Municipal Systems Act.

6 DISCUSSION / CONTENTS

6.1 Background

SCM must report within 10 days of the end of each quarter on the implementation of the SCM System.

6.2 Discussion**6.2.1 Constitutional and Policy Implications**

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role-players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to Section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 2(3) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch Municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 2(3) of the above stated policy determines that the Accounting Officer must within 10 days of the end of each quarter submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

6.3 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the period 01 October 2018 – 31 December 2018 and the payments that will derive from these commitments.

6.4 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in Section 112(1) and Section 112(2) that stipulate that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive and cost-effective. Reporting back in terms of paragraph 2(3) of the SCM Policy 2018/2019 to the Executive Mayor and Council on the implementation of the supply chain management system and processes, enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy.

6.5 Staff Implications

None.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

None.

6.8 Comments from Senior Management:**6.8.1 Municipal Manager**

Agrees with the recommendations.

ANNEXURES**Annexure A: SCM IMPLEMENTATION REPORT****FOR FURTHER DETAILS CONTACT:**

<i>NAME</i>	<i>Dalleel Jacobs</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8137</i>
<i>E-MAIL ADDRESS</i>	<i>Dalleel.Jacobs@stellenbosch.gov.za</i>
<i>DIRECTORATE</i>	<i>Financial Services</i>
<i>REPORT DATE</i>	<i>03 January 2019</i>

ANNEXURE A

STELLENBOSCH MUNICIPALITY
IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT
SECTION 6 OF SCM POLICY:
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY

PERIOD: 1 OCTOBER 2018 – 31 DECEMBER 2018

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy will be part of the budget related policies that are annually reviewed.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT..
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f)((iv) take all reasonable steps to ensure that the municipality	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	has and implements a supply chain management policy as set out in Regulation 2.				
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the second quarter (01 October 2018 – 31 December 2018) there were five final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the second quarter (01 October 2018 – 31 December 2018) there were twelve final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Head SCM and Senior accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b).
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made;	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer SCM: Manager	YES	1 October - 31 October 2018: submitted 01 November 2018 1 November - 30 November 2018: submitted 01 December 2018 1 December – 31 December 2018: submitted 03 January 2019

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.				
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial year as part of the Budget Related policies with the approval of the budget .
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)(iii)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
12(1)	<p>Direct that:</p> <p>a) cash purchases up to transaction value as defined I Council's Petty Cash policy</p> <p>b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included);</p> <p>c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included)</p> <p>d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00</p> <p>e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.</p>	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(b)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	SCM: Manager	YES	Advertisement will be placed in the beginning of the third quarter
14(1)(c)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
14(1)(d)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	To date no suppliers registered on National Treasury's database of defaulters
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	List of prospective providers is up to date. Last update, 30 September 2018
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section		N/A
16(d)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	1 October - 31 October 2018: submitted 01 November 2018 1 November - 30 November 2018: submitted 01 December 2018
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer		1 December – 31 December 2018: submitted 03 January 2019

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	SCM: Manager & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer : below R200,000		1 October - 31 October 2018: submitted 01 November 2018 1 November - 30 November 2018: submitted 01 December 2018 1 December – 31 December 2018: submitted 03 January 2019
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Manager : Supply Chain Management		
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Manager: Supply Chain Management		
18 (a)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Manager: Supply Chain Management	YES	In place
18 (b)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Manager: Supply Chain Management	YES	Formal written quotations and call for tenders are advertised on the municipal website .
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price	Accounting Officer	Chief Financial Officer	YES	SCM will introduce stricter controls pertaining to this and standard operating procedures will be

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	quotations is not abused.				introduced.
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation 12(2)(b)	Chief Financial Officer	Manager : Supply Chain Management	YES	1 October - 31 October 2018: submitted 01 November 2018 1 November - 30 November 2018: submitted 01 December 2018 1 December – 31 December 2018: submitted 03 January 2019
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee		For quarter two a total of 44 items served before the Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Accounting Officer			None
23(d)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Manager: Supply Chain Management	YES	Implemented an attendance register at the opening of tenders. Has a tender book in place where received tenders are recorded in.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(iii) make the register available for public inspection (iv) publish the entries in the register and the bid results on the website of the municipality.				
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation – (a) does not allow any preferred bidder a second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.	Accounting Officer	Relevant user department Head of Department or Executive Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in the tender documents and part as Special Conditions to Tender.
26(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(3)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	N/A
26(4)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Executive Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department has to complete. Meetings are held according pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and a prescribed in terms of the Preferential Procurement Policy Framework Act.	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular scheduled meetings.
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the standard evaluation report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the standard evaluation report

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In the second quarter (01 October 2018 – 31 December 2018) there were 11 BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCMBAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In the second quarter (01 October 2018 – 31 December 2018) there were twelve final awards above R200 0000 but not exceeding R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid – (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Bid Adjudication Committee		YES	None
29(5)(b)	(i) After due consideration of the reasons for	Accounting		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Officer			
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	Seven tenders were referred back to the BEC in the second quarter (October 2018 to December 2018)
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	N/A
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer		YES	N/A
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if –</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million</p>	Accounting Officer		YES	N/A

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(VAT incl); or (b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.				
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Manager: Supply Chain Management	YES	N/A
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if – (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and	Accounting Officer	Bid Adjudication Committee	YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	that other organ of state and the provider have consented to such procurement in writing.				
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	The procurement of such consultants are linked to contract PANEL Panel of consultants is in place.
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	N/A

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(1)(a)	<p>Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –</p> <ul style="list-style-type: none"> (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote 	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	<p>1 October - 31 October 2018: submitted 01 November 2018 1 November - 30 November 2018: submitted 01 December 2018 1 December – 31 December 2018: submitted 03 January 2019</p>

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Accounting Officer		YES	
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid – (i) any comments submitted by the public; and any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Accounting Officer		NO	None
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified –	Accounting Officer	Internal Audit	YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.				
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Accounting Officer	Bid Adjudication Committee Manager: Supply Chain Management	YES	Bid evaluation checklist is in place
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Manager: Supply Chain Management	YES	Bid evaluation checklist is in place
38(1)(f)	Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of	Accounting Officer	Bid Adjudication Committee Manager: Supply Chain Management	YES	Bid evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	<p>the contract; or</p> <p>(i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.</p>				
38(1)(g)	<p>Reject the bid of any bidder if that bidder or any of its directors –</p> <p>(i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;</p> <p>(ii) has been convicted for fraud or corruption during the last five years;</p> <p>(iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or</p> <p>(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).</p>	Accounting Officer	Bid Adjudication Committee Manager: Supply Chain Management	YES	Bid evaluation checklist is in place
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e) or (if).	Accounting Officer	Bid Adjudication Committee Manager: Supply Chain Management	YES	Bid evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations is in place
40(2) a	A Supply Chain management policy must specify the ways in which assets may be disposed of, including by – (i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets (ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge (iii) Selling the asset (iv) Destroying the asset	Municipal Council	Chief Financial Officer	YES	. As per delegations
40(2) (a)	Stipulate that – Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise	Municipal Council		YES	
40(2)(b)	Movable assets may be sold either by way of written price quotations, a competitive bidding	Accounting Officer	Chief Financial Officer		As per delegations

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	process, auction or at market related prices, whichever is the most advantageous to the municipality				
40(2)(c)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer		Not Applicable
40(2)(d)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer			Not Applicable
40(2)(e)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Not Applicable
40(2)(f)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council			None
40(2)(g)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.				Not Applicable
41(1)	A Supply chain management policy must provide for an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management	Accounting Officer	Internal Audit		Busy implementing a system for risk management

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	system				
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer		Busy implementing a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the municipal database is requested on a regular basis.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information was disclosed within the 17/18 financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken	Accounting		YES	Have an administrative process in

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.	Officer			place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	The MM will appoint an independent person to dispose with objections, complaints or queries.
50(2)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer		YES	.
50(3)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	none

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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7.6.1	INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE
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Collaborator No: 597657
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 23 January 2019

1. SUBJECT: INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE

2. PURPOSE

To inform Council about:

- a) The improvement in the revenue collection control systems at the holiday resorts and campsites by designing and implementing of a cashless system.
- b) A comparative report on the revenue and patrons for the 2015/16, 2016/17 and 2017/18 season to date

3. DELEGATED AUTHORITY

COUNCIL

FOR INFORMATION

4. EXECUTIVE SUMMARY

Key Performance Indicator (D757) stipulates the Improvement in the revenue collection control systems at the holiday resorts and campsites by March 2018. To achieve this KPI, a Standard Operating Procedure (SOP) had to be developed.

5. RECOMMENDATION

that Council takes note of the introduction of a Cashless Revenue Collection System at Jonkershoek Picnic Site.

6. DISCUSSION / CONTENTS

6.1. Background

The Jonkershoek Picnic site covers an area of approximately 7 hectares on the banks of the Eerste River in the Jonkershoek Valley. The site is rich in natural plant and animal life and the operations take this into consideration. The river is regarded as one of Stellenbosch's landmarks. The site can accommodate ± 500 visitors at any specific time. Tariffs are revised annually.

The staff component consists of two workers who are placed here for the season. This is supplemented by eight Expanded Public Works Programme (EPWP) workers who perform the cleaning of the site and the ablution facilities during the peak season (December – mid January). A shift system is implemented for staff during this period to stay within the legal limitations of overtime. The site is secured by means of a security contract for the season.

6.2 Discussion

6.2.1 Cashless System Implementation

A cashless payment system was implemented after the last theft which happened during December 2016. A card payment system and advanced EFT bookings were implemented from the 1st of September 2017. A standard operating procedure (SOP) has also been developed to accompany the new payment method (see Annexure A: SOP). The system has been working well since its implementation.

An advertisement was placed in the newspaper, website and social media to inform residents/visitors of the implementation of the cashless system. Posters (Figure 1) were distributed all over Stellenbosch for information.

**JONKERSHOEK
PICNIC SITE**

<p>NO Cash payments at gate from 1 Sep 2017</p> <ul style="list-style-type: none"> ONLY Card Payments on site at cashier Advance EFT Bookings at Jonkershoek.picnic@stellenbosch.gov.za or 021- 808 8119/60. 	<p>GEEN Kontant betalings by hek vanaf 1 Sep 2017</p> <ul style="list-style-type: none"> SLEGS Bankkaartbetalings by die terreinkassier Vooruit EFT Besprekings by Jonkershoek.picnic@stellenbosch.gov.za or 021- 808 8119/60. 	<p>Ukusayi kubakho ntlawulo eyenziwa emasangweni ukususela ngomhla wokuqala kuSeptember 2017</p> <ul style="list-style-type: none"> UYAKUHLAWULA NGECARD KUPHELA EMASANGWENIUNAKHO UKUZIBEKELA INDAWO NGOKUTHI UBHALELE KULE EMAIL Jonkershoek.picnic@stellenbosch.gov.za okanye utsalele umnxeba kule nombolo 021-808 8119/60
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FIGURE 1: Notice of Cashless System at Jonkershoek Picnic Site

6.2.2 Statistical Information

Here below follows a review of statistical information comparing the tariffs, visitors and operational budget over the financial years of 2015/16, 2016/17 and 2017/18.

6.2.2.1 Tariffs

The table below stipulates the tariffs for the last three financial years. A general increase of 6% cost of living increase has been applied.

YEAR	TARIFF PER PERSON	TARIFF FOR PENSIONERS	TARIFF PER VEHICLE
2015/16	R 23.00	No pensioners' tariff created yet.	R 18.00
2016/17	R 24.00	R 16.80	R 19.00
2017/18	R 25.00	R 17.50	R 20.00

6.2.2.2 Visitor Statistics

The table below indicates the visitor statistics for the last three financial years respectively:

YEAR	AMOUNT OF PEOPLE	AMOUNT OF PENSIONERS	TOTAL AMOUNT OF VISITORS
2015/16	13917	No pensioners' tariff created yet.	13917
2016/17*	12370	353	12723
2017/18**	13508	2731	16239

The graph below illustrates the visitor statistics for the last three financial years per month:

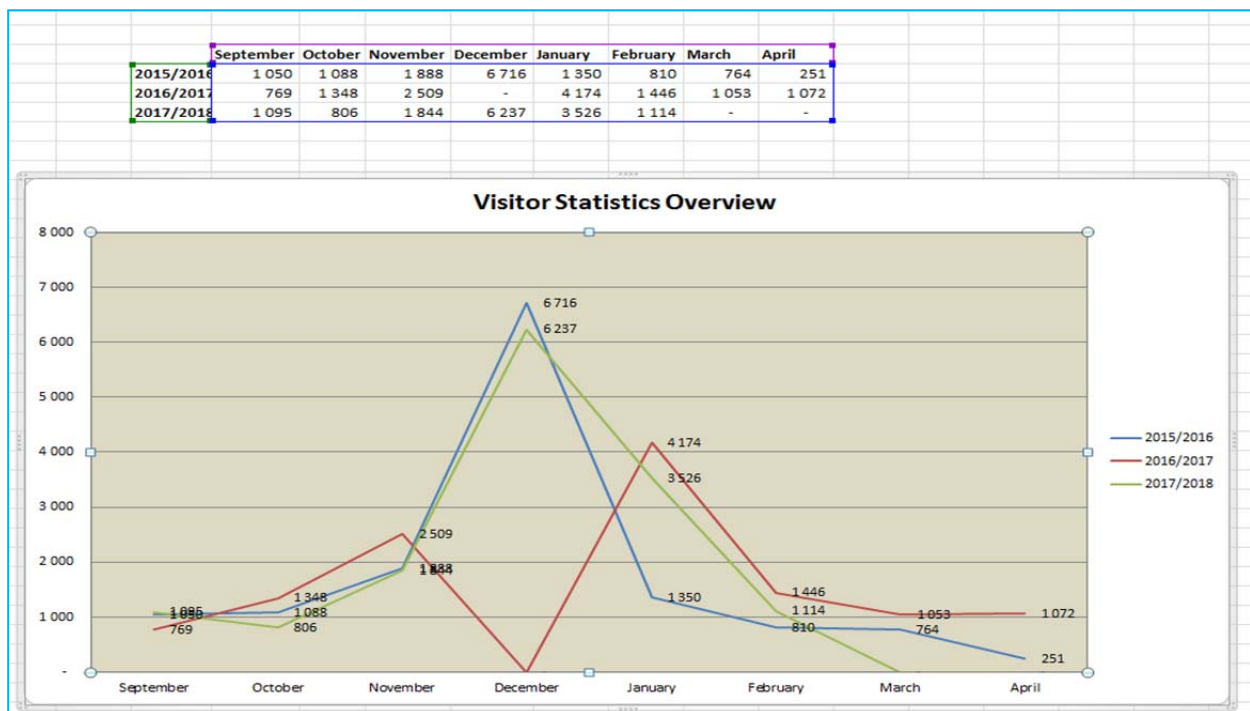


Figure 2 Visitor statistics per month

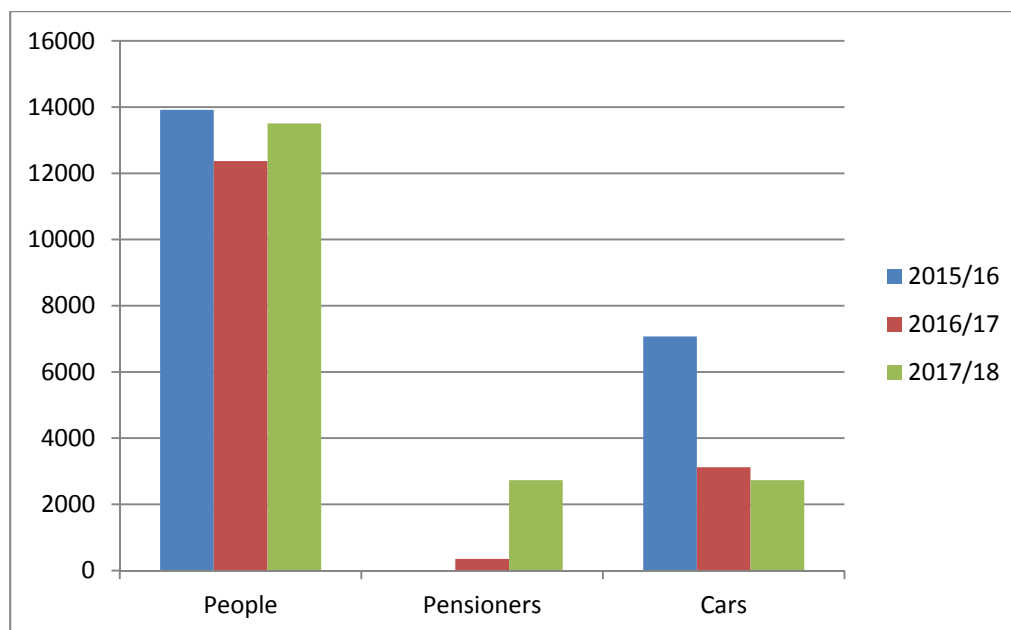


Figure 2 Visitor statistics per annum

6.2.2.3 Operational Budget

Operational Budget Ukey 3300/ 000004/ 000112		Operational Budget
Salaries; refuse bins; gravel roads; fences; stores and materials		
2015/16		R 169 366.00
2016/17		R190 606.00
2017/18		R174 357.00

6.2.2.4 The table below gives a breakdown of the revenue generated over the last three financial years.

ANNUAL REVENUE PERFORMANCE				
Financial Year	Revenue Budget	Actual (Sales)	Difference	Target Met
2015/16	R 450 000.00	R 403 271.24	R 46 728.76	NO
2016/17	R 452 540.00	R 494 066.86	-R 41 526.86	YES
2017/18	R 499 090.00	R 404 720.00	R 171 400.00	Season not yet completed.

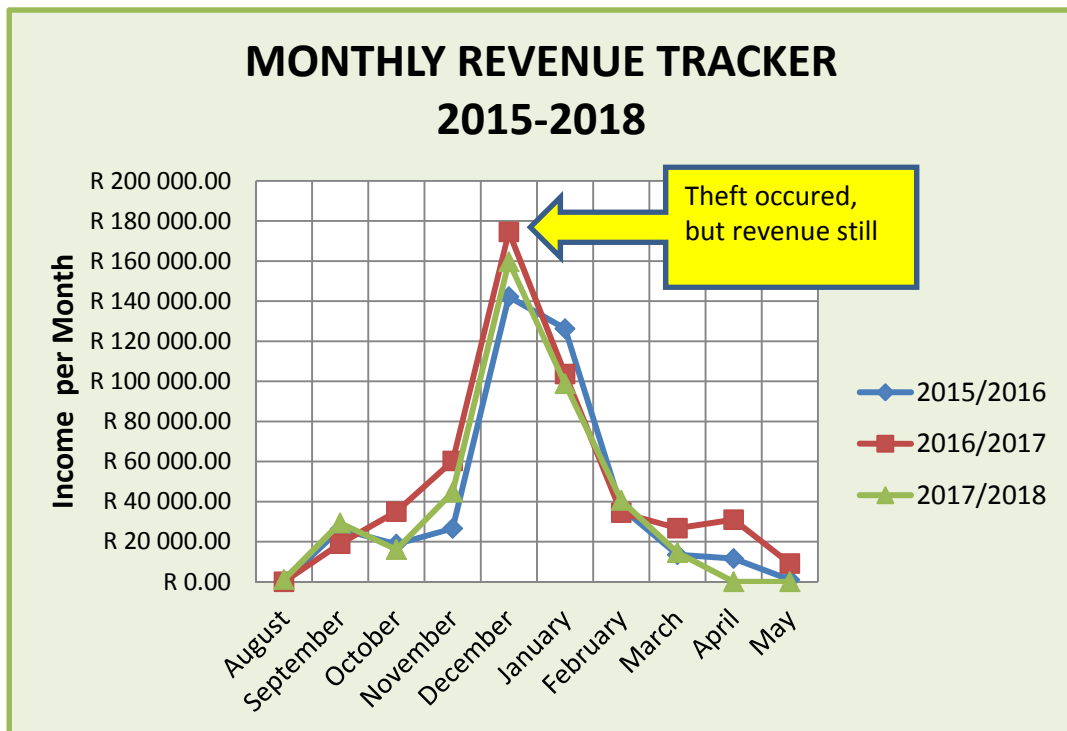


Figure 2: Comparative revenue performance for last three financial years (per month)

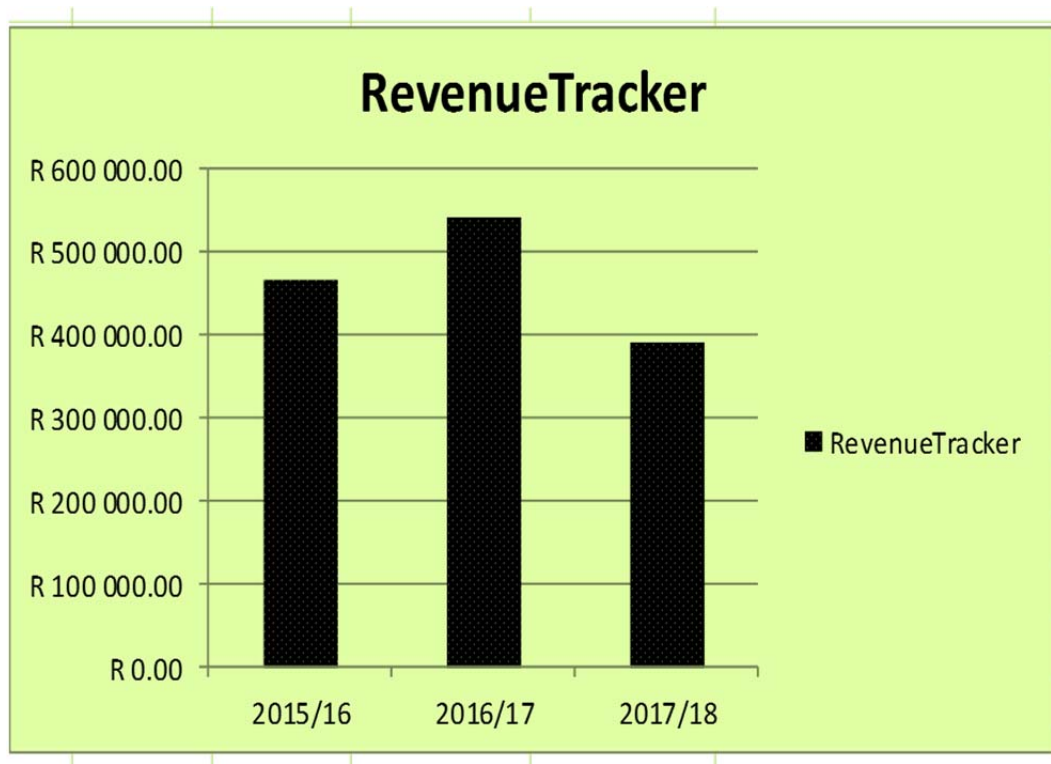


Figure 5: Revenue tracker per year

6.2.2.5 Conclusion

- a) The cashless payment system has streamlined payment processes at the picnic site.
- b) It has contributed to a safer working environment for staff due to the fact that no cash is handled on site.
- c) In addition, the reconciliation using the bank machine results in accurate daily reconciliations.
- d) Due to the fact that the 2017/18 has not been completed, it is not possible to compare 2017/18 with 2016/17 with regard to income.
- e) According to the statistics, there is a clear indication that the Cashless System resulted in an increase in visitors.

6.3 Financial Implications

The Cashless System results in an increase in revenue.

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

There is a reduction in potential robberies.

ANNEXURES

Annexure A: SOP: Jonkershoek Picnic Site Cashless System

Annexure B: Flow Chart of payment and reconciliations

FOR FURTHER DETAILS CONTACT:

NAME	<i>Leon Lourens/Albert van der Merwe and Tazmynn Linders</i>
POSITION	<i>Superintendent: Nature Conservation</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8161</i>
E-MAIL ADDRESS	<i>Leon.lourens@stellenbosch.gov.za</i>
REPORT DATE	<i>24 April 2018</i>

ANNEXURE A



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Department: Community Services
Departement: Gemeenskapsdienste

ANNEXURE A:

SOP: Jonkershoek Picnic Site Cashless System

APPENDIX: SOP JONKERSHOEK

COMMUNITY AND PROTECTION SERVICES DIRECTORATE

JONKERSHOEK PICNIC SITE STANDARD OPERATING PROCEDURE 2017/18

1. INTRODUCTION

Jonkershoek Picnic Site is a Public site that is situated under the Jonkershoek Mountains in Stellenbosch. The area is about 8ha in size.

The Jonkershoek is managed by the Urban Greening Department and caters for all ages. The capacity of the site can go up to +-600 hundred people but we keep figures at five hundred (500) people during high peak season days.

With company's year-end functions, festive season, school holiday and summer season, the Jonkershoek Picnic daily utilized by visitors who want to experience the tranquillity under tree canopies.

2. Payment Methods

As from the Friday the 1st of September 2017, you may only pay via debit or credit card. No cash payments will be allowed at the Jonkershoek Picnic Site Gate.

Advanced Bookings:

Reservations can be made in advance at jonkershoek.picnic@ Stellenbosch.gov.za or by calling 021 808 8160. Bookings and reservations are strictly on a first come first basis. A proforma invoice is issued to the client. After proof of payment is received, the invoice and a copy of the proof of payment are sent to the site foreperson. The client takes his original proof of payment to the gate, upon which the permit is issued according to the payment made.

Gate Payments:

You may only pay via debit or credit card at the gate, if you did not book in advance. No cash payments will be allowed at the Jonkershoek Picnic Site Gate. The official at the gate, will verify the amount of patrons and then calculate the total amount to be paid.

The final calculated amount gets entered into the cordless card machine, and the card gets swiped. The patron then enters his or her pin and the transaction gets confirmed by pressing the green enter button. To complete the transaction a permit will be issued based on the amount of patrons, elders and cars.

- When completed, the transaction record in the form of a receipt is printed. One copy for the patron and one for the municipality.
- The receipt of the client get stapled to the permits and issued to the patron.
- The official retains the office copy and staples it to the book copy.
- Permits are issued according to the approved tariff for the applicable financial year to Ukey: 20170608 98 4619.

3. OPERATIONAL FOCUS and PIONTERS

• Arrivals, Card sales, recon
• Staff control, cleaning service and picnic site control
• Refuse removal (truck)
• Security services and staff protection
• Safety gate and gate control
• Transport of workers and cleaners
• Bullet proof window
• Benches and stumps to be supplied
• Exceed overtime and preapproval's

4. MAIN FOCUS AREAS

Jonkershoek is a **Stellenbosch Municipality picnic facility**, for the client that prefers to experience the tranquil and beautiful facility under the backdrop of the Jonkershoek Mountains. The calming flow of the Eerste River through the facility is one of the major attractions. The shade provided by the beautifully tall trees and green attributes of the site, reminds of a forest in the southern cape. Nearby hiking trails and mountain bike routes area also major attractions.

The Eerste River and Berg River have their origins in these mountains, the former also flowing through the Jonkershoek valley on its way to False Bay.

5. TRANSPORT / VEHICLES

Jonkershoek picnic facility can be reached by driving approximately 5 km south-east of the town of Stellenbosch on the Jonkershoek road. The site can be reached by normal car or bakkie. Busses are not allowed and because no parking is available for busses.

6. COMMUNICATION

The new changes will be communicated to the general public and staff in the following manner:

- Municipal website link to the Jonkershoek website
- Eikestad and Die Burger newspapers.
- Facebook and twitter
- Stellenbosch logon portal on staff Computer screens.
- Word of mouth
- Posters

7. STAFF

Epwp staff and two permanent staff will be deployed on busy days to clean the facilities in the park. Cashers and law enforcement staff will help with access control and staff control.

Two permanent staff under the supervision of the site foreperson are always on site.

8. COMMAND AND CONTROL

Encase of an emergency or emergency evacuation we will immediately institute the Incident Command system in conjunction with the emergency services.

9. EVENTS DURING FESTIVE SEASON

Events	Dates
No events will be allowed during this period.	
Film shoots	Dates to be communicated

10. STAKEHOLDERS / PARTNERS INVOLVEMENT

- Law Enforcement
- Traffic services
- Income Department
- Budget office

11. CONTACT PERSONNEL:**SUPERINTENDENT: Nature Conservation**

Leon Lourens

Office number: 021-8088167/8417

Cellular: 082438 2693

Foreperson: Nature Conservation

Office number: 0218088167/8417

Cellular: 0824382693

Manager: Albert van der Merwe

Office number: 021-8088165

Cellular: 072 425 8675

HEAD: Urban Greening

Portia Bolton

Office number: 021-8088180

Cellular: 0738484731

Community Services OFFICES

021-8088180

ANNEXURE B



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT
Department: Community Services
Departement: Gemeenskapsdienste

ANNEXURE B:

Flow Chart of payment and reconciliations

APPENDIX 1: FLOW CHART OF PAYMENT AND RECONCILIATIONS.

PAYMENT PROCESS

Advance bookings via email and phone with admin clerk.

Send proforma invoice to applicant

Applicant pays via EFT or Cashier

Proof of payment sent to admin clerk.

Pre-booking quantities sent to foreperson and superintends Nature Conservation and signed by them

Applicant produces their signed copy of proof of payment to cashiers at picnic site gate. Cashier reconciles it with their own copy received from admin.

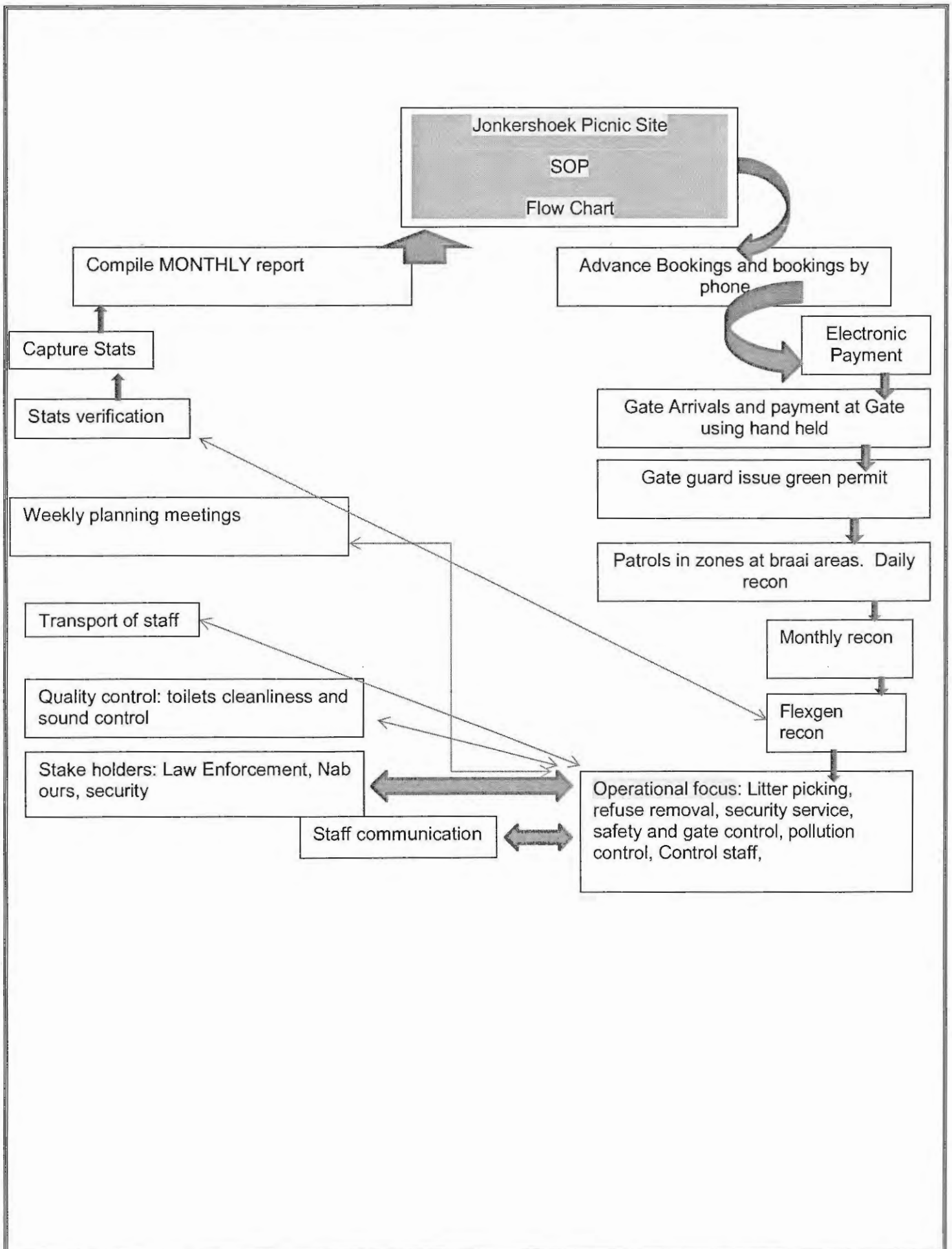
Gate arrivals pays via card payment at gate using hand held bank machine.

Permits for cars, pensioners and patrons are issued. Ticket and bank receipt is issued to patron. Copy of receipt is retained by cashier.

DAILY RECONCILIATION PROCESS

At end of day, amount of tickets sold is calculated and verified against the permit range, eg 1-10 has been sold for people= 10 x R23 = R230.00 in recon book. Copies of receipts and permit stubs are stapled to recon sheet for the day. Stats are captured daily by the cashier on duty (around 18h00) and verified by the foreperson.

A monthly reconciliation is done by the foreperson and cashiers on an excel spread-sheet and submitted to the superintendent for inclusion in the monthly departmental report.



7.6.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)
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Collaborator No: 617203
IDP KPA Ref No: D 435
Meeting Date: 23 January 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)

2. PURPOSE

The Stellenbosch Municipality: Air Quality Management Plan (August 2013) has been reviewed in terms Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004.

The Stellenbosch Municipality: Air Quality Management Plan (October 2018) (**ANNEXURE A**) has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer, the Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management and has been advertised for public input for a period of 30 days (**ANNEXURE B**). This process has culminated in the above document herewith being presented to Council for approval.

3. DELEGATED AUTHORITY

COUNCIL.

There is no clear delegation in the current System of Delegations dated May 2015 for this item. Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- i. local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- ii. any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

4. EXECUTIVE SUMMARY

Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004, places an obligation on municipalities to develop Air Quality Management Plans (AQMPs) to manage air quality in their regions. Stellenbosch Municipality's 1st Generation AQMP dates back to 2013. The Stellenbosch Municipality: AQMP (October 2018) (**Annexure A**) serves as Stellenbosch Municipality's 2nd Generation AQMP, 5-year review and update of the latter. The Stellenbosch Municipality: AQMP (October 2018) is based on the above (2013) plan and is informed by the updated Western Cape AQMP (2016) and the Cape Winelands District Municipality AQMP (2018).

The Stellenbosch Municipality: AQMP, as contained in this item, has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer. This document was advertised in the Eikestad News on the 6th of September 2018 inviting written comment by 5 October 2018. Hard copies of the above document were made available at the municipality's advice centres in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

The Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management submitted comment (**Annexure C**) during the above commenting period, which has been incorporated in the Stellenbosch Municipality: AQMP (October 2018), now being brought to Council for adoption as its 2nd Generation AQMP, which will again be reviewed in 2022.

5. RECOMMENDATION

that Council approves and adopts the Stellenbosch Municipality: Air Quality Management Plan (October 2018) as it's 2nd Generation Air Quality Management Plan.

6. DISCUSSION / CONTENTS

6.1 Background

As stated above, Stellenbosch Municipality has defined obligations with regard to air pollution control as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- (a) Compile an Air Quality Management Plan (AQMP)
- (b) Designate an Air Quality Officer (AQO)
- (c) Report on the implementation of the AQMP

Stellenbosch Municipality complies with all of the above. The Air Quality Management Plan (2013) of Stellenbosch Municipality has now been reviewed in line with the AQMPs of Provincial Government (2016) and the Cape Winelands District Municipality (2018).

6.2 Discussion

The Stellenbosch Municipality AQMP (2013) and Air Quality By-Law (adopted by Council in August 2018) has been prepared to give effect to the rights contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

It is important that the Municipality review and update its AQMP to evaluate its performance as it pertains to air quality management and to remain relevant. This review and update is done on a 5-year cycle as the provincial government- and district municipality's management plans are updated

6.3 Financial Implications

The Stellenbosch Municipality: Air Quality Management Plan (October 2018) has been completed internally. The recommendation will have no financial implications to Council.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality. The appointed Air Quality- / Noise Control Officer will be responsible for the implementation of the Stellenbosch Municipality: Air Quality Management Plan (October 2018).

6.6 Previous / Relevant Council Resolutions:**34th Meeting of the Council of Stellenbosch Municipality (2015/05/27), Item 8.5.**

RESOLVED (nem con)

- (a) that the draft AQMP be approved by Council, in principle, and that same be advertised for public comment;
- (b) that the municipality designate the incumbent of the position of Environmental Planner as Air Quality Officer; and
- (c) that the designated Air Quality Officer be tasked with annual reporting in terms of NEMAQA.

Effect was given to the Council resolution dated 2015-05-27, Item 8.5, and the AQMP was advertised on 29 May 2015 with closing date 29 June 2015. No comments were received.

3rd Meeting of the Council of Stellenbosch Municipality (2016/10/26), Item 7.3.1.

RESOLVED (majority vote)

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management

This Item was circulated to all directorates on 17 October 2018 for comment by 25 October 2018.

6.8.1 Director: Engineering Services

The Director: Engineering Services responded via e-mail dated 19 October 2018 with the following comment: *I support the recommendation.*

ANNEXURES

Annexure A: Stellenbosch Municipality: Air Quality Management Plan (October 2018)

Annexure B: Eikestad News Advertisement (September 2018)

Annexure C: Department of Environmental Affairs and Development Planning Directorate:
Air Quality Management (comment [October 2018])

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	17 October 2018

ANNEXURE A

STELLENBOSCH MUNICIPALITY
AIR QUALITY MANAGEMENT PLAN

October 2018



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This document is a revision and update of the document

Air Quality Management Plan for the Stellenbosch Municipality

Report No uMN013-2013

(2013)

compiled by

uMoya-NILU



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ACRONYMS

The following terms, abbreviations and acronyms have been used, or are referred to in this document.

AEL	Atmospheric Emission License
AFIS	Advanced Fire Information System
AQMP	Air Quality Management Plan
AQO	Air Quality Officer
CE	Controlled Emitter
Criteria pollutant	Common air pollutants for which national ambient air quality standards or guidelines have been set.
CH₄	Methane
CO	Carbon Monoxide
CO₂	Carbon Dioxide
CWDM	Cape Winelands District Municipality
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	National Department of Environmental Affairs
DEA&DP	Department of Environmental Affairs and Development Planning
Emission	The direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in an installation into the air, water or land.
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EMI	Environmental Management Inspector
GHG	Greenhouse gas
GN	Government Notice
HC	Hydrocarbons

H₂S	Hydrogen Sulphide
IDP	Integrated Development Plan
mg/m³	Milligrams per cubic meter
MSA	Municipal Systems Act, 32 of 2000
NAAQS	National Ambient Air Quality Standards
NAEIS	National Atmospheric Emissions Inventory System
NEMA	National Environmental Management Act, 107 of 1998
NEMAQA	National Environmental Management Air Quality Act, 39 of 2004
NO	Nitrogen Oxide
N₂O	Nitrous Oxide
NO₂	Nitrogen Dioxide
NM VOC	Non-methane volatile organic compounds
NO_x	Oxides of nitrogen (NO _x = NO + NO ₂)
O₃	Ozone
PM	Particulate matter
PM₁₀	Particulate matter with a diameter less than 10 microns
PM_{2.5}	Particulate matter with a diameter less than 2.5 microns
POPs	Persistent organic pollutants, organic compounds that are resistant to environmental degradation through chemical, biological, and photolytic processes.
PGWC	Provincial Government of the Western Cape
SAAQIS	South African Air Quality Information System
SO₂	Sulphur Dioxide
SEMA	Specific Environmental Management Act

$\mu\text{g}/\text{m}^3$	Micrograms per cubic meter
Toxic air pollutants	Hazardous air pollutants known to cause serious health problems.
TSP	Total suspended particulates, all sizes of particles suspended within the air smaller than 100 μm .
VOC	Volatile organic compounds
WHO	World Health Organisation

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1. INTRODUCTION

Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004, places an obligation on Municipalities to develop Air Quality Management Plans (AQMPs) to manage air quality in their regions. Stellenbosch Municipality's 1st Generation AQMP was developed and approved in 2013. This document serves as Stellenbosch Municipality's 5 year review and update of the latter. This 2nd Generation Stellenbosch Municipality AQMP is based on the above (2013) plan and is informed by the updated Western Cape AQMP (2016) and the Cape Winelands District Municipality AQMP (2018).

2. CONTEXT OF THE STELLENBOSCH MUNICIPALITY AQMP

The Stellenbosch Municipality AQMP was prepared taking into consideration the national-, provincial and local context of air quality management. The various plans, frameworks and policies applicable are summarized below:

2.1 NATIONAL LEVEL

2.1.1 National Environmental Management: Air Quality Act (39 of 2004)

The National Environmental Management: Air Quality Act, 39 of 2004 (NEM:AQA), is a Specific Environmental Management Act published under the National Environmental Management Act, 107 of 1998. Its purpose, among other, is to protect the environment by providing reasonable measures for the prevention of air pollution and to provide for national norms and standards regulating air quality monitoring, management and control by all spheres of government.

2.1.2 National Framework for Air Quality Management in South Africa (2007, Revised 2012)

In terms of Section 7 of NEM:AQA, the National Department of Environmental Affairs developed the National Framework for Air Quality Management to ensure the efficient and effective implementation of the NEM: AQA throughout the country. The purpose of the National Framework is to achieve the objectives of NEM:AQA. As such the National Framework provides a medium- to long-term plan of the practical implementation of NEM:AQA.

2.1.3 Regulations and / or Guidelines Gazetted under NEM:AQA

Table 1 contains the various regulations and guidelines published under NEM:AQA.

Table 1: Gazetted Regulations and Guidelines

LEGISLATION	COMMENCEMENT DATE
National Ambient Air Quality Standards	24 December 2009 (GN 1210 of GG No. 32816)

List of Activities which Result in Atmospheric Emissions which have or may have a Significant Detrimental Effect on the Environment, including Health, Social Conditions, Economic Conditions, Ecological Conditions or Cultural Heritage	01 April 2010 (GN 248 of GG No. 33064)
National Ambient Air Quality Standard for Particulate Matter with Aerodynamic Diameter less than 2.5 micron metres (PM2.5)	29 June 2012 (GN 486 of GG No. 35463)
National Dust Control Regulations	01 November 2013 (GN 827 of GG No.36974)
Declaration of a small boiler as a controlled emitter and establishment of emission standards	01 November 2013 (GN 831 of GG No. 36973)
Regulations Prescribing the Format of the Atmospheric Impact Report	11 October 2013 (GN 747 of No. 36904)
Amendments to Regulations Prescribing the Format of the Atmospheric Impact Report	02 April 2015 (GN R284 of No. 38633)
National Atmospheric Emission Reporting Regulations	02 April 2015 (GN 283 of GG No. 38633)
Amendments to the List of Activities which Result in Atmospheric Emissions which have or may have a Significant Detrimental Effect on the Environment, including Health, Social Conditions, Economic Conditions, Ecological Conditions or Cultural Heritage	12 June 2015 (GN 551 of GG No. 38863)
Declaration of Small-scale Char And Small-scale Charcoal Plants as Controlled Emitters and Establishment of Emission Standards	18 September 2015 (GN 602 of GG No. 39220)
Regulations Prescribing the Atmospheric Emission Licence Processing Fee	11 March 2016 (GN 250 of GG No. 39805)
Air Quality Offsets Guideline	18 March 2016 (GN 333 of GG No. 39833)
Regulations for the Procedure and Criteria to be followed in the Determination of an Administrative Fine in terms of section 22A of the Act	20 July 2017 (GN 698 of GG No 40994)

2.2 PROVINCIAL LEVEL

The 2nd Generation provincial AQMP, dated 2016, has been completed with a vision of clean and healthy air for all in the Western Cape. The goals, on the road of achieving this vision, as included in the above plan are:

Goal 1: Ensure Effective and Consistent Air Quality Management, Linked to Climate Change Response

- Strengthen and build capacity in air quality management and compliance and enforcement
- Promote cooperation amongst all spheres of government, business, industry and civil society
- Develop institutional mechanisms to improve air quality and climate change response
- Develop, implement and maintain air quality management systems
- Ensure adequate funding for the implementation of air quality management by municipalities

Goal 2: Continually Engage With Stakeholders to Raise Awareness With Respect To Air Quality Management and Climate Change Response

- Develop comprehensive education and communication mechanisms, strategies and programmes with respect to air quality management and climate change response

Goal 3: Ensure Effective and Consistent Compliance Monitoring and Enforcement

- Improve air quality compliance monitoring and enforcement
- Promote continuous improvement in respect of industry air quality compliance
- Develop and implement air quality regulatory processes

Goal 4: Support Air Quality and Climate Change Response Programmes, Including Promoting and Facilitating the Reduction of Greenhouse Gas Emissions

- Reduce greenhouse gas emissions in line with national and international requirements

2.3 LOCAL LEVEL

The Cape Winelands District Municipality has completed its 2nd Generation provincial AQMP, dated 2018, which includes the following goals:

Goal 1: Efficient Air Quality Management

- Ensure effective and consistent air quality management
- Develop and implement an effective emissions licensing system
- Develop, implement and maintain an air quality management system
- Establish an annual AQMP review system
- Establish an emission reduction strategy

Goal 2: Promote communication in relation to air quality management

- Establish an air quality forum in order to ensure proper communication between local and provincial government, business and industry as well as interested and affected parties

Goal 3: Compliance monitoring

- Establish a compliance monitoring system within the CWDM
- Ensure continuous compliance with AEL conditions

Goal 4: Support climate change protection programs

3. STELLENBOSCH MUNICIPALITY AND ITS ENVIRONMENT

Stellenbosch Municipality (the Municipality) forms part of the Cape Winelands District Municipality of the Western Cape Province of South Africa (refer to Figures 1 and 2). The Municipality, with a geographical area of approximately 830 km², adjoins the Cape Metropolitan Area to the west and the Breede Valley, Drakenstein and Theewaterskloof Municipalities to the east, south and north respectively. Stellenbosch Municipality consists of 14 interconnected urban nodes of which Stellenbosch, Pniel, Franschhoek and Klapmuts are the largest settlements.

An area’s air quality is largely affected by the area’s geography, topography, climate and meteorology and the socio-economic realities. The section below describes the characteristics of Stellenbosch Municipality as well as the most prominent emission sources.

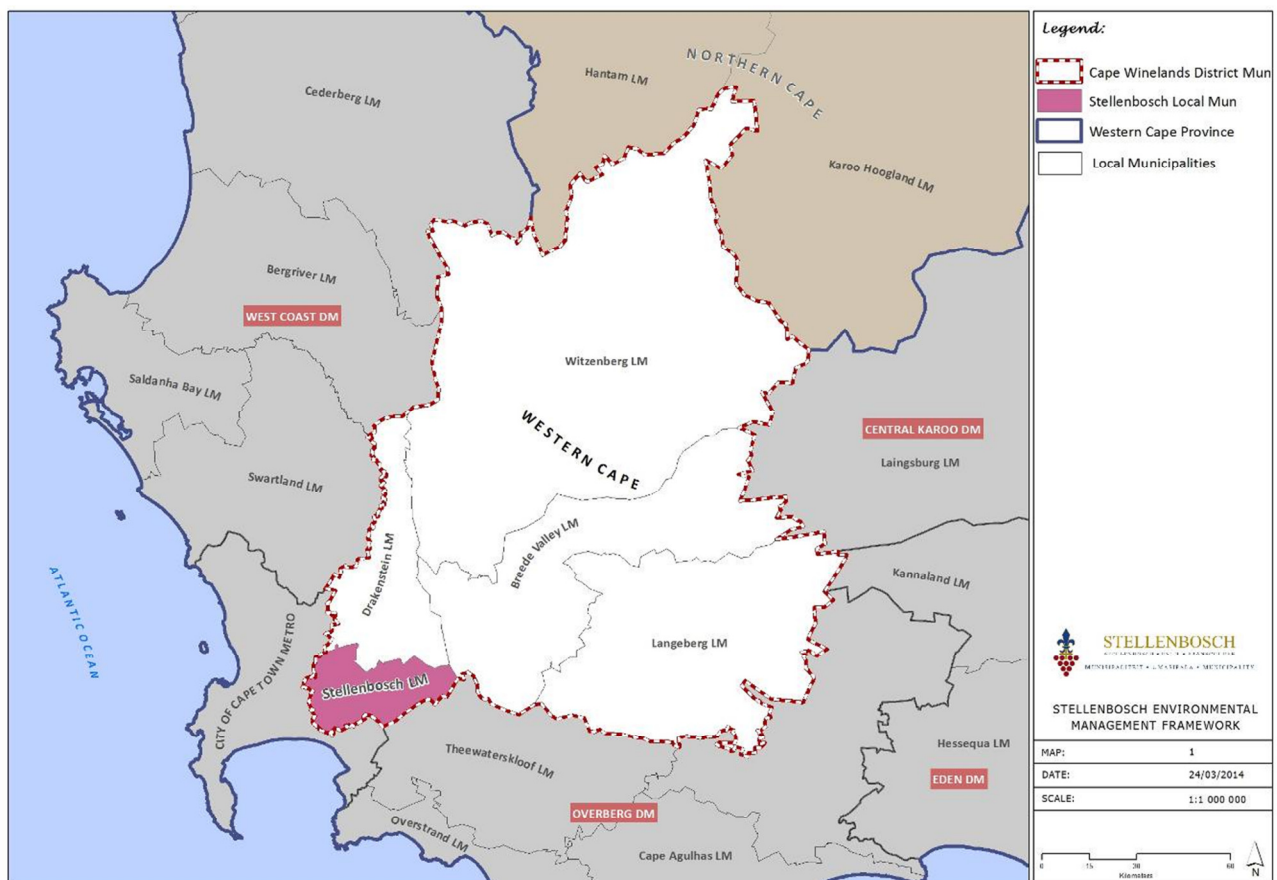


Figure 1: Location and context of Stellenbosch Municipality.

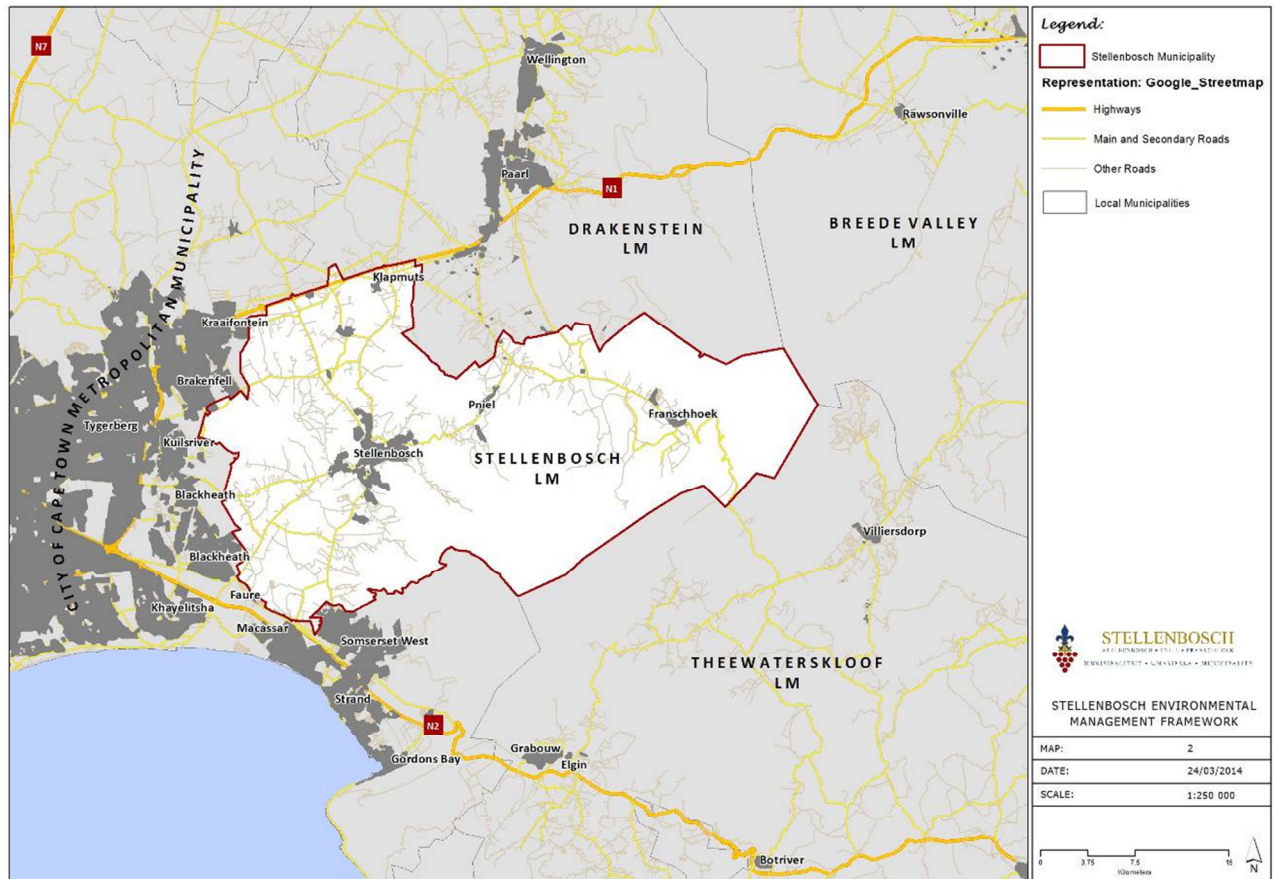


Figure 2: Local context of Stellenbosch Municipality.

3.1 TOPOGRAPHY AND LAND USE

The Municipality is bounded to the east and south by the Drakenstein, Wemmershoek and Limietberg mountain ranges. The Hottentots Holland range (i.e. Stellenbosch, Jonkershoek and Simonsberg Mountains) and the Bottelary Hills are in the immediate vicinity of the town of Stellenbosch (Figure 3).

The permanently irrigated agricultural activities are generally located in the western areas of the Municipality as well as the Dwars River Valley (Kylemore and Pniel) and Franschhoek areas (Figure 4). Wine grapes and peaches are the biggest contributors to agricultural land use. Natural veld is generally located along the mountain ranges of the Stellenbosch, Jonkershoek, Simonsberg and Groot and Klein Drakenstein mountains.

3.2 CLIMATE AND METEOROLOGY

Stellenbosch Municipality has a Mediterranean climate, characterised by warm, dry summers and cold, wet winters. The Municipality receives approximately 80% of its annual rainfall in the winter months typically as cyclonic rain from cold fronts, and 20% during its summer months (Elsenburg, 1990). Summers are generally hot with temperatures averaging between 25° and 30°C.

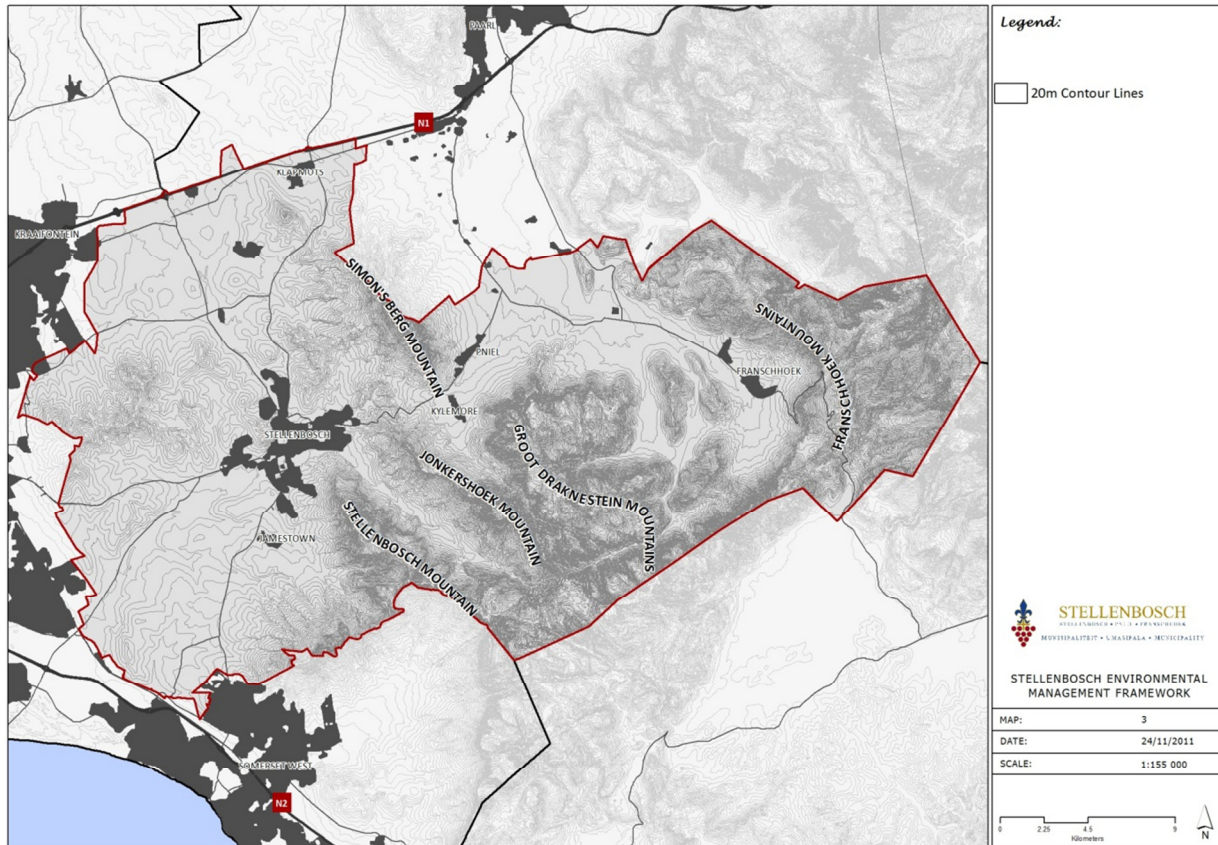


Figure 3: Topography of Stellenbosch Municipality.

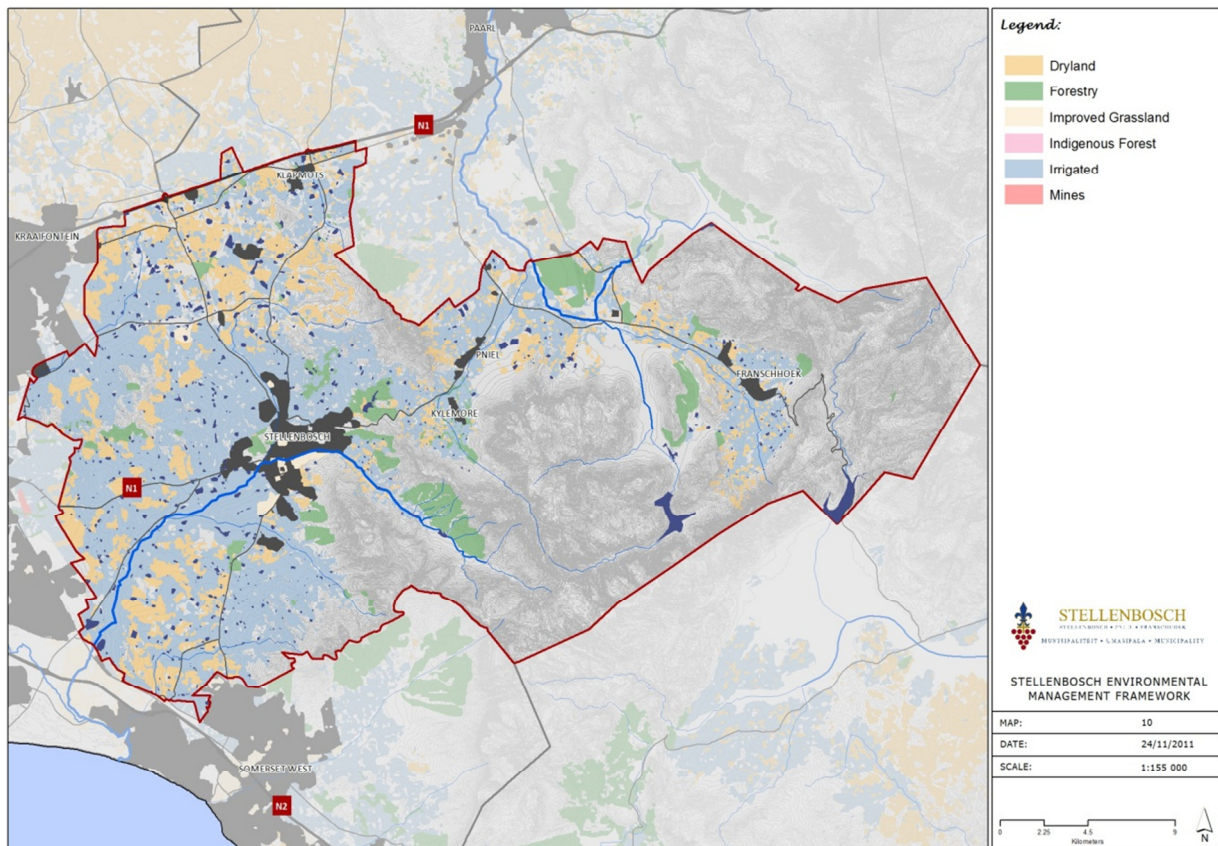


Figure 4: Land use of Stellenbosch Municipality.

Heat waves lasting a few days occur reasonably frequently in summer. The southern part of the Municipality is on average 0.5°C cooler than the northern part. Winter temperatures are usually mild, varying from about 5-6°C in the Stellenbosch and Franschhoek areas. Occasional cold snaps accompanied by snowfalls on the higher mountain peaks are an annual winter occurrence. Rainfall across the Municipality thus varies from 200 mm to 3 000 mm per year, in the higher peaks of the Groot Drakenstein mountain range, decreasing to the west away from the influence of the mountains.

The *Status Quo report on the climate change in the Western Cape* (June 2005)¹ states that the future climate of the Western Cape is likely to be warmer and drier than at present, according to a number of current model projections. In support of these projections, recent temperatures trends reveal appreciable warming in the Western Cape over the past three decades. Rainfall trends are not as clearly identifiable. A future that is warmer, and possibly drier, will encompass a range of consequences that will affect the economy, the livelihoods of people and the ecological integrity of the Western Cape region.

Wind speed and direction in the Stellenbosch Municipality may be inferred from measurements in Cape Town and Paarl. The wind measured in Cape Town is more representative of the western parts of the Municipality than elsewhere and wind measured at Paarl will apply mostly to the eastern parts of the Municipality including the Franschhoek Valley. Figure 5 shows wind roses for Paarl and Cape Town for the period 1998 to 2008. Each wind rose depicts the frequency (as a percentage) of occurrence of hourly wind speed in six wind speed classes in the 16 cardinal wind directions. Wind direction being from where the wind blows, e.g. south-easterly winds blow from the southeast to the northwest. The frequency of very light and calm winds (< 0.5 m/s) is shown in the centre of the windrose with the wind speed classes colour coded in Figure 5. Each arch represents a 5% frequency of occurrence.

The wind in Cape Town and over the western parts of the Stellenbosch Municipality is generally stronger than at Paarl and the eastern parts of the Municipality where the mountainous topography offers protection from the strong coastal winds. At Paarl more than 38% of winds are very light or calm (< 0.5 m/s) and more than 50% of winds are between 0.5 and 3.5 m/s. These winds will mostly be topographical induced, given the mountainous nature of the area. Winds prevail mostly from two sectors, from the south to west-southwest, and northwest to north. On rare occasions the wind reaches 8 m/s, possibly when strong synoptic-scale conditions affect the south-western Cape Province.

Light winds (<0.5 m/s) are very rare in Cape Town, occurring only 3.8% of the time. The prevailing winds occur in the sector south-southeast to south-southwest and reach speeds in excess of 10.8 m/s. These mostly occur in summer when the Atlantic Ocean high pressure system is located across the southern parts of the country. In winter the north-westerly winds prevail as a result of frontal systems and also reach more than 10.8 m/s at times.

¹ Department of Environmental Affairs and Development Planning (DEA&DP) 2005: *A Status Quo, vulnerability and adaptation assessment of the physical and socio-economic effects of climate change in the Western Cape*. CSIR Environmentek: Stellenbosch. Report No. ENV-S-C 2005-073

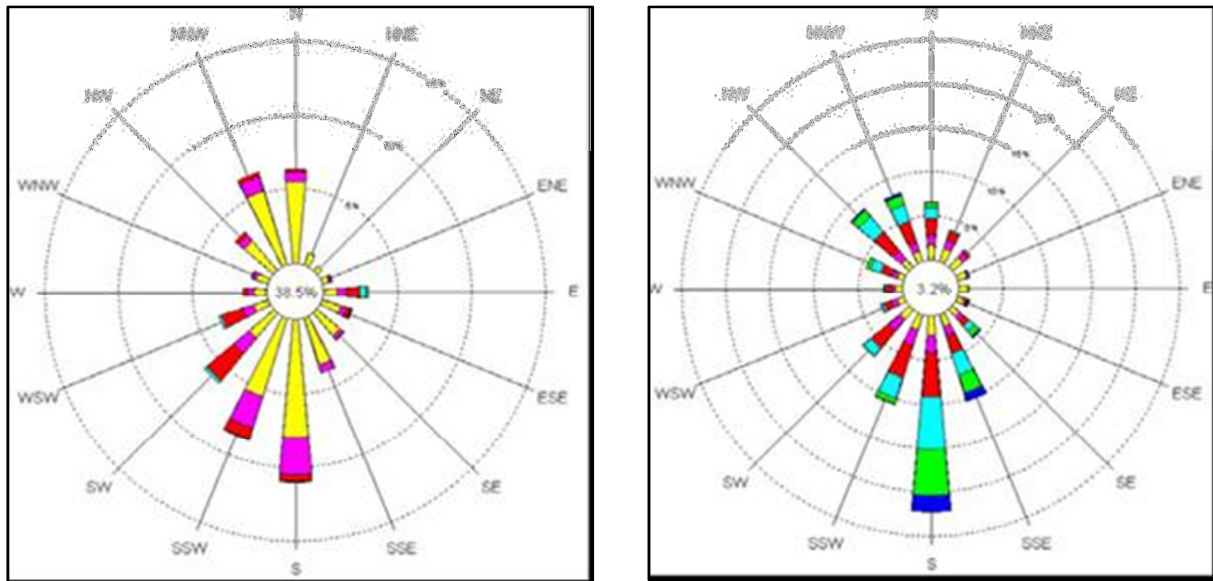


Figure 5: Annual wind roses for Paarl (left) and Cape Town (right) for the period 1998 to 2008 (Stellenbosch Municipality, 2010). The wind speed classes in m/s are shown below



The air pollution dispersion potential of an area refers to the ability of atmospheric processes, or meteorological mechanisms, to disperse and remove pollutants from the atmosphere. Dispersion comprises both vertical and horizontal components of motion. The vertical component is defined by the stability of the atmosphere and the depth of the surface mixing layer. The horizontal dispersion of pollution in the boundary layer is primarily a function of the wind field and atmospheric stability. The wind speed determines the rate of downwind transport and wind direction and the variability in wind direction determines the general path of pollutant. Atmospheric stability, or instability, determines the ability of the atmosphere to mix and dilute pollutants. Stability is a function of solar radiation (thermal turbulence) and wind speed and surface roughness which induce mechanical turbulence. The dispersion potential of an area, therefore experiences diurnal and seasonal changes.

By day with stronger insolation (in coming solar radiation) and stronger winds the dispersion potential is generally more efficient through vertical dilution and horizontal dispersion. The dispersion potential is generally better on summer days than winter days. At night as the surface temperature inversion develops the lowest layer of the atmosphere becomes more and more stable, reaching a maximum at sunrise. As a result, the dispersion potential typically becomes less efficient during the night and the poorest conditions generally occur at sunrise. Thermal turbulence disappears when the sun sets, and mechanical turbulence decreases as the wind speeds drops at night. Pollutants tend to accumulate near the point of release under these conditions, particularly if these are released close to ground level. The dispersion potential is generally poorer on winter nights than summer nights.

Stellenbosch Municipality’s dispersion potential is expected to be reactively good all year round as a result of warm daytime temperatures and a relatively high frequency of moderate winds, particularly over the western and south western parts. Dispersion will

however be better on summer days than winter days because the thermal mixing is stronger and the night-time temperature inversions are weaker and shorter lived in summer. At night the dispersion potential is poorer and there is a tendency for pollutants to accumulate in the lowest layer of the atmosphere. This effect is more pronounced in the winter when the surface temperature inversions are stronger and exist for longer than in summer. Dispersion is also expected to be more efficient over the flatter western parts of the municipality where winds are stronger than the east where mountains and valleys moderate the thermal and mechanical mixing.

3.3 SOCIO-ECONOMIC CONTEXT

Stellenbosch Municipality has a population of 176 523 people, 52 374 households (Stellenbosch IDP, 2018). In terms of population composition, the economically active (15-64 years) make up the majority at 72.3%, with the elderly (65+ years) and children (0-14 years) making up the remainder of the population at 4.9% and 22.8% of the population respectively (Census, 2011). As such, the population of Stellenbosch Municipality is relatively youthful. Of the total population 52,2% are coloured, 28,1% are black African, and 18,5% white. Of those aged 20 years and older, 6,2% have completed primary school, 35% have some secondary education, 25,2% have completed matric, and 17,3% have some form of higher education, while 3,1% of those aged 20 years and older have no form of schooling. The larger concentrations of people are located around the urban settlements of Stellenbosch, Franschhoek, Klapmuts and Kylemore.

The provincial treasury estimates that Stellenbosch Municipality has 28.3% people in rural areas and 71.7% of its population in the urban centres (Stellenbosch Municipality, 2010). The majority of the of the Municipality's population is urbanised which means that a significant amount of livelihoods are derived from urban activities. Wages tend to be higher in urban settlements than rural areas. However, the population of Stellenbosch Municipality is relatively poor (Stellenbosch Municipality, 2010). The majority of households earn less than R 3 500 per month. Higher income households are found in and around the Stellenbosch Town and the eastern parts of Franschhoek. The northern and western parts contain a higher concentration of low income earners. There are also a lot of university students who fall under the no income category.

The region's economic potential centres largely on agricultural activities, heritage and tourism ventures. These are sectors that rely heavily on environmental services. There are strong linkages from Stellenbosch Municipality's agricultural sector to its manufacturing, wholesale, trade and accommodation, and financial services sectors, particularly with agri-tourism. The wine industry, followed by vegetable products, both strongly linked to the agricultural sector, are the district municipality's largest export products. According to Provincial Treasury (2006) the Stellenbosch Municipality finance and business services sector, mining, government, community, social and personal services, manufacturing and construction make the largest contributions to the CWDM economy.

The historical context of municipal service delivery and the emerging South African context influence the manner in which municipal services are distributed. There is still a considerable need for housing in the municipality. While access to sanitation has improved

there are still some households that did not have access to sanitation. The majority of households had access to refuse removal services and communal dumps. Most of the settlements have access to healthcare facilities. Stellenbosch University, located in Stellenbosch, is a major driver in this town.

In 2018, electricity was the main source of energy for lighting purposes (used by 90.9% of households) followed by candles and paraffin.

3.4 ATMOSPHERIC EMISSIONS

The main categories of atmospheric emissions that occur in the Stellenbosch Municipality are from the following sources.

3.4.1 Industrial and manufacturing emissions

Atmospheric emissions from industrial and manufacturing processes are typically associated with the combustion of fuel for heat or steam generation. These fuels may be coal, wood, heavy fuel oil (HFO), diesel or gas. In Stellenbosch Municipality there are two industries with fuel burning devices that require an Atmospheric Emission License (AEL) in terms of NEM:AQA. The AEL authority is a District Municipal function and is the responsibility of the CWDM. The boilers at the remaining facilities is regulated by Stellenbosch Municipality as fuel burning appliances if they have a design capacity of less than 10 MW heat input (DEA, 2012).

The pollutants that are emitted from fuel burning devices depend primarily on the fuel and could include SO₂, NO_x, CO, particulates and VOCs. The quantity of pollutants emitted depends on the fuel consumption, the combustion device and the efficiency of installed air pollution abatement equipment.

3.4.2 Motor vehicles

Air pollution from motor vehicles arise from the by-products of the combustion process (emitted via the exhaust system) and from evaporation of the fuel itself from the fuel tank. Particulate matter (PM) is also emitted from brake, tyre and road wear. Key pollutants that are emitted from motor vehicles are Nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀, PM_{2.5}), sulphur dioxide (SO₂), hydrocarbons (HC) (represented by NMVOC) and lead (Pb). Emissions of carbon dioxide (CO₂), a greenhouse gas (GHG), also occurs.

3.4.3 Residential fuel burning

The majority of households in Stellenbosch Municipality use electricity for cooking, heating and lighting purposes with some use of gas, paraffin, wood and other energy sources. As such, energy use in the Municipality is not strongly associated with air pollution as electricity, gas and paraffin are clean sources of energy. However, there are some households, particularly in the informal settlements that do not have access to electricity where wood, paraffin and alternative fuels are used. Wood burning is associated with

several consequences for indoor and ambient air quality and for human health. Smoke resulting from incomplete combustion of wood contains many chemical substances that are harmful such as hazardous air pollutants (HAPs), fine particle pollution (ash), and volatile organic compounds (VOC).

3.4.4 Agricultural emissions

Emissions from agricultural activities are most often associated with greenhouse gas emissions such as nitrous oxide (N₂O) from soil management and N₂O and methane (CH₄) from livestock and livestock management. Vegetation and crop residue burning results in the emission of CO, NO_x and particulates. Pesticide usage is very often necessary to maintain both agricultural productivity as well as human health. The drift of spray and dust from pesticide applications can expose people, wildlife, and the environment to pesticide residues that can cause health and environmental effects and property damage.

3.4.4.1 Biomass burning

Biomass burning is an important source of atmospheric emissions. Uncontrolled and controlled burning of natural vegetation, agricultural residue and waste are the main types of biomass burning that occur in Stellenbosch Municipality. Agricultural burning in Stellenbosch is a seasonal practice and is done under specific guidelines and when a permit from the local Fire department is issued.

Fires can emit large volumes of particulate matter, ranging from coarse smuts that deposit on surfaces and are a nuisance, to fine inhalable particulate matter (PM₁₀). Gases emitted include CO, NO_x and VOCs. Biomass burning emissions can be estimated using fire data or burnt area estimates and emission factors for the vegetation type. Active fires are detected using data from the moderate resolution image spectro-radiometer (MODIS) sensor on NASA's Aqua and Terra satellites received by South African National Space Agency (SANSA, Hartebeeshoek) and CSIR Meraka Institute (Pretoria). The Advanced Fire information System (AFIS) determines the size and location of active fires, which may be used as a proxy for area burnt. In turn, the area burnt and the location may be used to estimate the type and amount of vegetation burnt. Emissions of particulates and gases are estimated using emission factors.

3.4.4.2 Pesticide use

South Africa uses large amounts of pesticides. Each crop type is susceptible to a unique host of pests that in-turn require a unique mixture of pesticides. Wine and fruit dominate as major agricultural export products for South Africa (Quinn et al, 2011). The Western Cape, including Stellenbosch Municipality, is one of the major growing regions for these products and as such pesticide usage occurs.

Pesticides are categorised into four main substituent chemicals namely herbicides, fungicides, insecticides and bactericides. The three main forms of pesticides are liquids (usually mixed with water and then sprayed), solids (usually in the form of pastes, pellets, dust and powder and may be applied directly as solids) and gases.

Pesticide drift refers to the unintentional diffusion of pesticides and associated potential negative effects of pesticide application. These effects include off-target contamination due to spray drift as well as runoff from plants and soil. It occurs when pesticides suspended in the air as particles are carried by wind to other areas, potentially contaminating them.

Pesticides enter human bodies through four pathways. Exposure can occur through the skin, through oral ingestion, through the eyes or through inhalation (Quinn et al, 2011). Pesticide exposure can cause a variety of adverse health effects, ranging from simple irritation of the skin and eyes to more severe conditions such as those affecting the nervous system, mimicking hormones causing reproductive problems, and also causing cancer (US-EPA, 2012). Strong evidence also exists for other negative outcomes from pesticide exposure including neurological, birth defects, foetal death (Sanborn, 2007) and neurodevelopmental disorder (Jurewicz, 2008).

The airborne nature of spray drift from the application of pesticides implies an air quality issue. Spray drift is, however, not addressed in the NEM:AQA. Pesticide use is regulated under the Fertilizer Farm Feeds Agriculture and Remedy's Act (36 of 1947), regulated and administrated by Department Agriculture, Forestry and Fisheries (DAFF). The statutory obligation in terms of the National Environmental Management Act, 107 of 1998, and the registration and prescription for the application of agrichemicals is legislated and administrated by DAFF. DAFF register all fertilisers, farm feeds, and agricultural remedies, stock remedies, sterilising plants and pest control operators, regulate or prohibit the importation, sale, acquisition, disposal or use of all fertilizers, farm feeds, agricultural remedies and stock remedies. The objectives of the Pesticide Management Policy for South Africa (DAFF, 2010) are, amongst others, to improve the legislative framework to improve protection against health and environmental risks posed, and to encourage the development and use of alternative products and techniques and to reduce the dependence of chemical protection of plants. To facilitate improvements that are aimed at ensuring that pesticides are produced, used and disposed of throughout their full life-cycle in ways those pose no significant adverse effects on health and the environment.

3.4.4.3 Chicken broilers and piggeries

A typical air quality issue associated with these facilities is odour. In addition the use of fuels such as diesel, HFO and coal for heating results in the emission of pollutants of combustion such as SO₂, NO_x and particulate matter.

3.4.5 Waste management

3.4.5.1 Landfill

The management of general waste in Stellenbosch Municipality involves the collection and disposal at a landfill site. The waste collection service reaches most domestic homes and businesses (Stellenbosch Municipality, 2012). Approximately 96 ton/day, 980 ton/week, 4 243 ton/month and 50 960 ton/annum of general waste is being managed by the

Municipality (Stellenbosch Municipality, 2012). More than 70% of the Municipal residents have their waste removed by the Municipality (IDP, 2018).

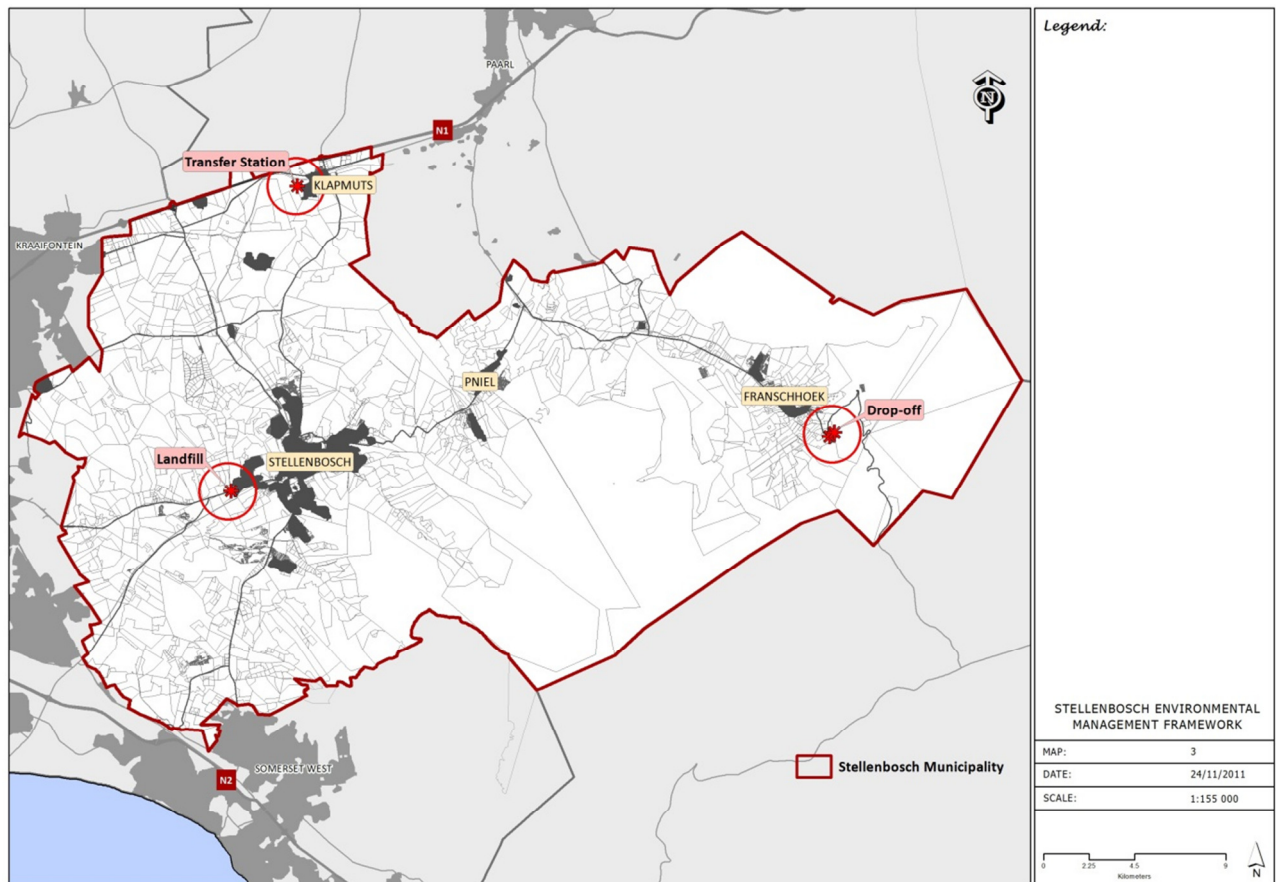


Figure 6: Solid waste disposal sites

While a landfill has the potential to impact on many aspects of the environment, the main risks to human health are likely to be a consequence of airborne emissions (Richardson et al, 2010). Gaseous emissions from landfill sites are both a public nuisance as well as a potential health hazard. The presence of a landfill impacts on air quality through three major pathways, odours, dust and gaseous pollutants. Emissions from general waste landfill sites occur as landfill gas, which consists mostly of methane and CO₂ and particulates from waste handling and vehicle movement on the landfill site and wind entrained dust.

Incidental waste burning are localised sources of air pollution. The pollutants will depend on the type of waste being burnt and may include particulates, CO, NO_x, VOC and toxic pollutants if waste including plastics are burnt.

3.4.5.2 Wastewater treatment

There are five municipal waste water treatment plants in Stellenbosch Municipality. Air pollutants associated with wastewater treatment works include hydrogen sulphide (H₂S), mercaptans and ammonia. Volatile organic compounds (VOCs) form by the volatilization of organic compounds in the treatment process, often found in industrial waste.

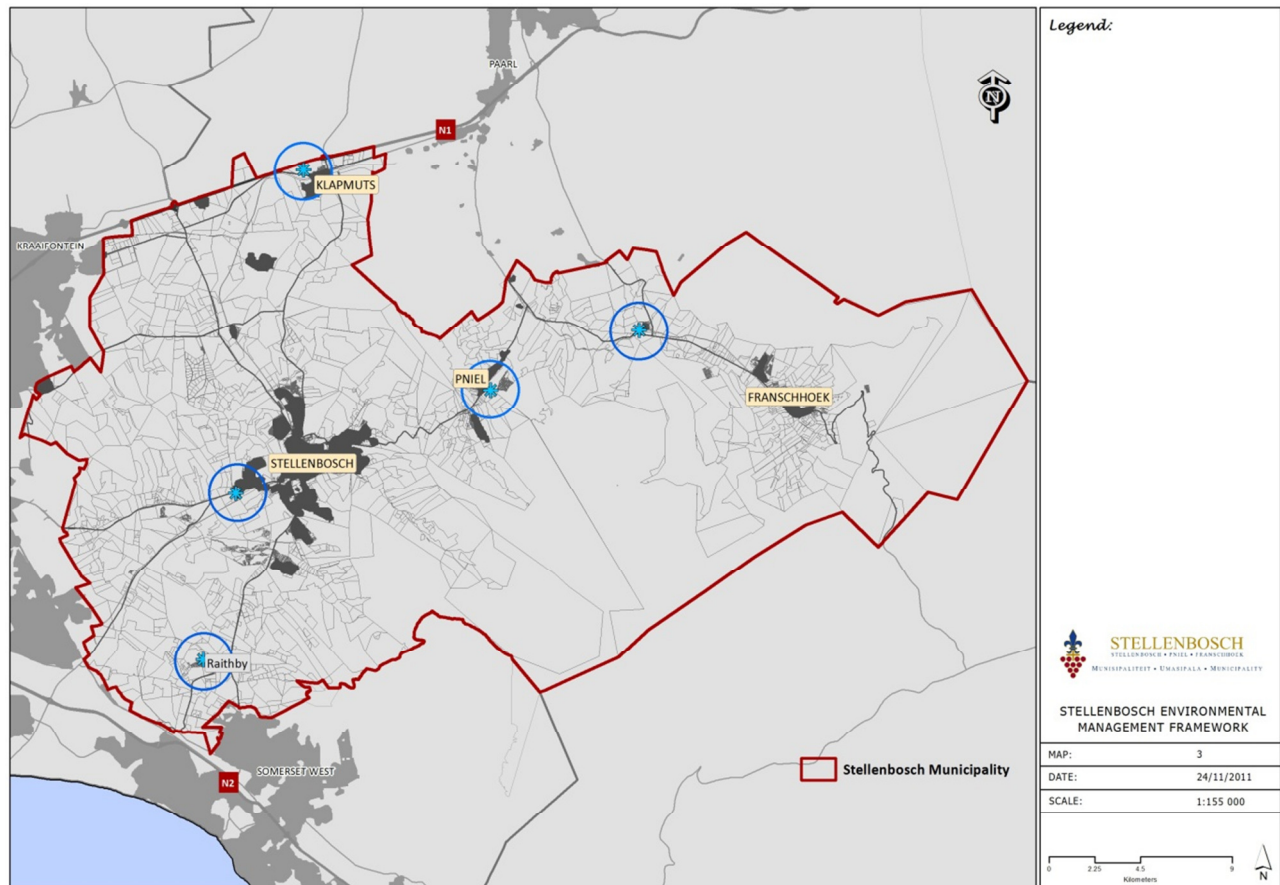


Figure 7: Waste water treatment works

Wastewater treatment works are also sources of greenhouse gases, CO_2 , CH_4 and N_2O . CO_2 production is associated with the anaerobic treatment process through the breakdown of organic matter in the activated sludge. Wastewater as well as its sludge components can produce CH_4 if it degrades anaerobically. The extent of CH_4 production depends primarily on the quantity of degradable organic material in the wastewater, the temperature, and the type of treatment system. The rate of CH_4 production increases with increasing temperature. This is especially important in uncontrolled systems and in warm climates. N_2O is associated with the degradation of nitrogen components in the wastewater, e.g., urea, nitrate and protein.

3.4.6 Wildfires

Wildfires occur seasonally in Stellenbosch Municipality. Uncontrolled fires can emit large volumes of particulate matter, ranging from coarse smuts that deposit on surfaces and are a nuisance, to fine inhalable particulate matter (PM_{10}). Gases emitted include CO , NO_x and VOCs.

3.4.7 Transboundary pollution

Transboundary pollution is regarded as pollutants being released in an area and transported by wind across a political boundary into another area. Stellenbosch Municipality is affected by the brown haze which forms over Cape Town during the winter months, largely

attributed to motor vehicle emissions extends northwards on occasions and affects air quality over the southern parts of the Stellenbosch Municipality (2012). In addition, emissions from the burning of crop residue in adjacent municipalities may affect air quality in the Stellenbosch Municipality.

4. CRITERIA AIR POLLUTANTS AND AMBIENT STANDARDS

4.1 AMBIENT AIR QUALITY STANDARDS

Health-based ambient air quality standards have been established for criteria (or common) pollutants and one toxic air pollutant in South Africa (DEA, 2009 and 2012). The national ambient air quality standard consists of a limit value and a permitted frequency of exceedance. The limit value is a fixed concentration level aimed at reducing the harmful effects of a pollutant. The permitted frequency of exceedance represents the tolerated exceedance of the limit value and accounts for high concentrations as a result of process upsets and meteorological variation. Compliance with the ambient standard therefore implies that ambient concentrations are below the limit value and the frequency of exceedance does not exceed the permitted tolerance. Being health-based, these standards imply that the ambient concentrations less than the standard do not pose a health risk, while concentrations above the standard may pose a health risk.

Table 2: National Ambient Air Quality Standards (DEA, 2009 and 2012).

Pollutants	Averaging period	Limit value $\mu\text{g}/\text{m}^3$	Frequency of exceedance	Compliance date
SO₂	10 min	500	526	-
	1-hour	350	88	-
	24-hour	125	4	-
	Annual	50	0	-
NO₂	1-hour	200	88	-
	Annual	40	0	-
CO	1-hour	30 000	88	-
	8-hour mean	10 000	11	-
Pb	Annual	0.5	0	-
PM₁₀	24-hour	120	4	-
	24-hour	75	4	1 Jan 2015
	Annual	50	0	-
	Annual	40	0	1 Jan 2015
PM_{2.5}		65	0	-
	24-hour	40	0	1 Jan 2016–31 Dec 2029
		25	0	1 Jan 2030
		25	0	-
	Annual	20	0	1 Jan 2016–31 Dec 2029
Benzene		15	0	1 Jan 2030
	Annual	10	0	-
		5	0	1 Jan 2015

The criteria pollutants for which ambient standards have been set are sulphur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), ozone (O₃), lead (Pb), and inhalable particulate matter (PM₁₀ and PM_{2.5}). Benzene (C₆H₆) is a toxic pollutant for which ambient standards have been set. The ambient standards are listed in Table 2.

4.2 AIR POLLUTANTS AND THEIR EFFECTS

4.2.1 Sulphur dioxide

The major source of SO₂ is the combustion of fossil fuels such as coal, oil and diesel which contain sulphur. On inhalation, most SO₂ only penetrates as far as the nose and throat as it is readily soluble in the moist lining of the upper respiratory system, with minimal amounts reaching the lungs, unless the person is breathing heavily, breathing only through the mouth, or if the concentration of SO₂ is high. The acute response to SO₂ is rapid, within 10 minutes in people suffering from asthma (WHO, 2005). SO₂ reacts with cell moisture in the respiratory system to form sulphuric acid. This can lead to impaired cell function and effects such as coughing, broncho-constriction, exacerbation of asthma and reduced lung function. Effects such as a reduction in lung function, an increase in airway resistance, wheezing and shortness of breath, are enhanced by exercise that increases the volume of air inspired, as it allows SO₂ to penetrate further into the respiratory tract (WHO, 1999). SO₂ has the potential to form sulphurous acid or slowly form sulphuric acid in the atmosphere via oxidation by the hydroxyl radical. The sulphuric acid may then dissolve in water droplets and fall as precipitation.

According to an Ambient Air Quality Screening Study conducted by DEA&DP (2006) there are no significant sources of SO₂ in the Stellenbosch Municipality.

4.2.2 Nitrogen dioxide

Nitrogen dioxide (NO₂) is formed simultaneously in combustion processes and other high temperature operations such as metallurgical furnaces, blast furnaces, and internal combustion engines. The route of exposure to NO₂ is inhalation and the seriousness of the effects depends more on the concentration than the length of exposure. The site of deposition for NO₂ is the distal lung, as NO₂ does not readily dissolve in the moist upper respiratory system, it reacts with moisture in the fluids of the lower respiratory tract to form nitrous and nitric acids (WHO, 1997). About 80 to 90% of inhaled nitrogen dioxide is absorbed through the lungs (CCINFO, 1998). NO₂ present in the blood as the nitrite ion oxidises unsaturated membrane lipids and proteins, which results in the loss of cell permeability control. NO₂ causes decrements in lung function, particularly increased airway resistance. People with chronic respiratory problems and people who work or exercise outside will be more at risk to NO₂ exposure. In the atmosphere, NO₂ reacts with water vapour to produce nitric acid. This acidic pollution can be transported over long distances by wind and deposited as acid rain, causing the acidification of soils, lakes, and streams, accelerated corrosion of buildings and monuments and damages paintwork. NO₂ is also a major source of secondary fine particulate pollution which decreases visibility, and contributes to surface ozone formation through its reaction with VOCs in the presence of sunlight.

According to an Ambient Air Quality Screening Study conducted by DEA&DP (2006) the highest average NO₂ concentration of 33 µg/m³ was measured at the du Toit Street site in Stellenbosch town, which is attributed to the influence of traffic. Being 80% of the annual ambient NO₂ standard at this site during the monitoring campaign, suggests that traffic emissions may present a risk to air quality in Stellenbosch during peak times or during times of poor air dispersion. At the other monitoring sites, the NO₂ concentrations were low compared to the ambient air quality standards.

4.2.3 Carbon monoxide

Carbon monoxide (CO) is a product of the incomplete combustion of fossil fuels. It is predominantly formed in internal combustion engines of motor vehicles, but the combustion of any carbon-based material can release CO. Chemical reactions in the atmosphere may also lead to the formation of CO by the oxidation of other carbon-based gases such as methane. Decomposition of organic material within soils can also result in the release of CO. When inhaled, CO enters the blood stream by crossing the alveolar, capillary and placental membranes. In the bloodstream approximately 80-90% of absorbed CO binds with haemoglobin to form carboxyhaemoglobin. The haemoglobin affinity for CO is approximately 200-250 times higher than that of oxygen. Carboxyhaemoglobin reduces the oxygen carrying capacity of the blood and reduces the release of oxygen from haemoglobin, which leads to tissue hypoxia. This may lead to neurological effects and sometimes severe neurological effects that may include impaired coordination, vision problems, reduced vigilance and cognitive ability, reduced manual dexterity, and difficulty in performing complex tasks (WHO, 1999).

4.2.4 Ozone

A colourless gas which carries a harsh odour, ozone occurs naturally in the lower stratosphere as the ozone layer. This layer protects the earth from shortwave ultraviolet radiation. Near the earth's surface, ozone is a secondary pollutant and a major constituent of photochemical smog. The formation of ozone is dependent on the availability of NO_x, hydrocarbons and sunlight. Thus, ozone may not be related directly to any source. Rather it may be associated with the sources of its precursor gases (NO_x and hydrocarbons). Ozone may also reach the lower troposphere from the stratosphere, mostly associated with deep frontal systems or with deep convective storms. Ozone is a very reactive gas and a strong oxidant, associated with a number of health effects. These include respiratory system effects such as coughing, aggravation of asthma and reduced lung function

According to an Ambient Air Quality Screening Study conducted by DEA&DP (2006) the O₃ concentrations in the Stellenbosch Municipality are relatively low compared with concentrations measured in the City of Cape Town. The 8-hour average ozone concentrations measured at the CWDM offices show some seasonal variation with summer concentrations higher than in winter. The national ambient air quality standard permits 11 exceedances per annum. In summer average 8-hour ozone concentrations repeatedly exceed the standard at the CWDM office.

4.2.5 Lead

Lead (Pb) is a metal that occurs naturally in small amounts in the earth's crust. It is used in the production of some types of batteries, ammunition, metal products (such as solder and pipes) ceramic glazes and paint. Chemicals containing lead, such as tetraethyl lead and tetramethyl lead are used as gasoline additives. In the atmosphere, lead exists primarily in the particulate form and is removed from air by wet and dry deposition. Nearly all environmental exposure to lead is to inorganic compounds. Exposure to Pb may be through inhalation of contaminated air and ingestion of contaminated food, water and soil. Hand-mouth contact is the main route of exposure for children. Lead can accumulate in plants and animals. The half-life of lead in human blood (it affects haemoglobin synthesis in the blood) is 28 to 36 days, but lead accumulates in the bones and teeth where it can stay for decades and be released again. Children absorb more and excrete less of the absorbed lead than adults.

4.2.6 Particulate matter

Particulate matter is a broad term used to describe the fine particles found in the atmosphere, including soil dust, dirt, soot, smoke, pollen, ash, aerosols and liquid droplets. The most distinguishing characteristic of PM is the particle size and the chemical composition. Particle size has the greatest influence on the behaviour of PM in the atmosphere with smaller particles tending to have longer residence times than larger ones. PM is categorised, according to particle size, into TSP, PM₁₀ and PM_{2.5}.

Total suspended particulates (TSP) consist of all sizes of particles suspended within the air smaller than 100 micrometres (µm). TSP is useful for understanding nuisance effects of PM, e.g. settling on houses, deposition on and discolouration of buildings, and reduction in visibility.

PM₁₀ describes all particulate matter in the atmosphere with a diameter equal to or less than 10 µm. Sometimes referred to simply as coarse particles, they are generally emitted from motor vehicles (primarily those using diesel engines), factory and utility smokestacks, construction sites, tilled fields, unpaved roads, stone crushing, and burning of wood. Natural sources include sea spray, windblown dust and volcanoes. Coarse particles tend to have relatively short residence times as they settle out rapidly and PM₁₀ is generally found relatively close to the source except in strong winds.

PM_{2.5} describes all particulate matter in the atmosphere with a diameter equal or less than 2.5 µm. They are often called fine particles, and are mostly related to combustion (motor vehicles, smelting, incinerators), rather than mechanical processes as is the case with PM₁₀. PM_{2.5} may be suspended in the atmosphere for long periods and can be transported over large distances. Fine particles can form in the atmosphere during the gas phase, when gas molecules aggregate or cluster together without the aid of an existing surface to form a new particle, or from reactions of gases to form vapours that nucleate to form particles.

Particulate matter may contain both organic and inorganic pollutants. The extent to which particulates are considered harmful depends on their chemical composition and size, e.g.

particulates emitted from diesel vehicle exhausts mainly contain unburned fuel oil and hydrocarbons that are known to be carcinogenic. Very fine particulates pose the greatest health risk as they can penetrate deep into the lung, as opposed to larger particles that may be filtered out through the airways' natural mechanisms.

In normal nasal breathing, particles larger than 10 μm are typically removed from the air stream as it passes through the nose and upper respiratory airways, and particles between 3 μm and 10 μm are deposited on the mucociliary escalator in the upper airways. Only particles in the range of 1 μm to 2 μm penetrate deeper where deposition in the alveoli of the lung can occur (WHO, 2003). Coarse particles (PM_{10} to $\text{PM}_{2.5}$) can accumulate in the respiratory system and aggravate health problems such as asthma. $\text{PM}_{2.5}$, which can penetrate deeply into the lungs, are more likely to contribute to the health effects (e.g. premature mortality and hospital admissions) than coarse particles (WHO, 2003).

The area most likely to be affected by seasonal burning and other agricultural activities will be the western parts of the Stellenbosch Municipality bordering on the West Coast District Municipality where fields are prepared for winter crops. Furthermore, the Cape Town Brown Haze 2 study (Piketh *et al*, 2004) demonstrated the influence of emissions from motor vehicles, domestic fuel burning and industry in the City of Cape Town on neighbouring municipalities to the north. Air quality in the southern parts of the Stellenbosch Municipality south of the Stellenbosch Mountain and the western parts, in particular PM_{10} and ozone concentrations, may be affected by the Cape Town Brown Haze in winter.

According to an Ambient Air Quality Screening Study conducted by DEA&DP (2006) the average 24-hour PM_{10} and $\text{PM}_{2.5}$ concentrations are generally below the current ambient air quality standards.

4.2.7 Benzene

Benzene is a natural component of crude oil, petrol, diesel and other liquid fuels and is emitted when these fuels are combusted. Diesel exhaust emissions therefore contain benzene. After exposure to benzene, several factors determine whether harmful health effects will occur, as well as the type and severity of such health effects. These factors include the amount of benzene to which an individual is exposed and the length of time of the exposure. For example, brief exposure (5–10 minutes) to very high levels of benzene (14000 – 28000 $\mu\text{g}/\text{m}^3$) can result in death (ATSDR, 2007). Lower levels (980 - 4200 $\mu\text{g}/\text{m}^3$) can cause drowsiness, dizziness, rapid heart rate, headaches, tremors, confusion, and unconsciousness. In most cases, people will stop feeling these effects when they are no longer exposed and begin to breathe fresh air. Inhalation of benzene for long periods may result in harmful effects in the tissues that form blood cells, especially the bone marrow. These effects can disrupt normal blood production and cause a decrease in important blood components. Excessive exposure to benzene can be harmful to the immune system, increasing the chance for infection. Both the International Agency for Cancer Research and the US-EPA have determined that benzene is carcinogenic to humans as long-term exposure to benzene can cause leukaemia, a cancer of the blood-forming organs.

According to an Ambient Air Quality Screening Study conducted by DEA&DP (2006) the average benzene concentrations in Stellenbosch may be attributed to fuel handling and motor vehicle tailpipe emissions. These concentrations were however low at during the time of measurement compared to the national ambient air quality standard. As may be expected the highest concentration, albeit low, occurs at the du Toit Street site where traffic volumes are higher.

4.2.8 Persistent Organic pollutants

Persistent organic pollutants (POPs) are organic compounds that are resistant to environmental degradation through chemical, biological, and photolytic processes. Because of this, they are capable of long-range transport, bio-accumulation in human and animal tissue, bio-magnification in food chains, and to have potentially significant impacts on human health and the environment. Many POPs are used as pesticides. Pesticides are substances or mixture of substances intended for preventing, destroying, repelling or mitigating pests. The most common use of pesticides is the protection of crops, or agricultural products from damaging influences such as weeds, diseases or insects. Target pests can include insects, plant pathogens, weeds and microbes. Although there are human benefits to the use of pesticides, some also have drawbacks, such as potential toxicity to humans and other animals. According to the Stockholm Convention on Persistent Organic Pollutants, 9 of the 12 most dangerous and persistent organic chemicals are pesticides. Farmers follow specific methods to get export certification; therefore the spraying of pesticides is mostly controlled.

5. AIR QUALITY CONTROL IN STELLENBOSCH MUNICIPALITY

5.1 CAPACITY

In terms of NEM:AQA local authorities must:

- i. Designate a municipal Air Quality Control Officer (AQO) from its administration.
- ii. Develop an AQMP for inclusion in its Integrated Development Plan (IDP) in, accordance with Chapter 5 of the Municipal Systems Act.
- iii. Prepare an annual report including progress regarding the implementation of the AQMP and compliance with the plan.

Since the adoption of the 1st Generation AQMP for Stellenbosch Municipality the AQMP has been included in the IDP and an AQO has been appointed and designated. This official submits annual reports to the AQO at CWDM on progress with the implementation of the AQMP and compliance thereto. In addition an Air Quality By-Law has been adopted by Council.

5.2 ROLES AND RESPONSIBILITIES

Stellenbosch Municipality has got defined air quality control responsibilities. The air quality management function in Stellenbosch Municipality has been assigned to the Department:

Community and Protection Services. The designated AQO is responsible for the functions listed in Figure 8 below.

Stellenbosch Municipality’s AQO works closely with that of the CWDM in the management of air quality in the area, reporting on the implementation of the AQMP, assists the Department of Environmental Affairs & Development Planning and CWDM on AEL compliance inspections and attending the quarterly provincial AQO forum.

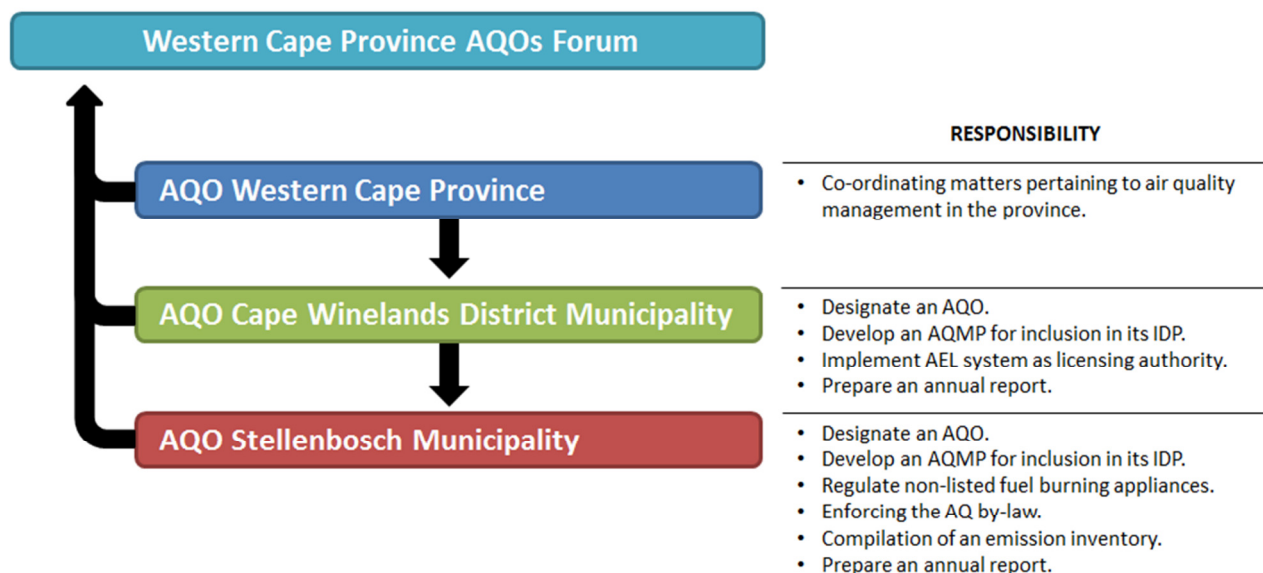


Figure 8: Hierarchy of air quality management in Stellenbosch Municipality

5.3 REVIEW OF THE STELLENBOSCH AIR QUALITY MANAGEMENT PLAN 2013

Stellenbosch Municipality developed an AQMP in 2013. The plan was a strategic document that assists the Municipality to set and achieve air quality management goals in a structured, co-ordinated and measured manner. The 2013 AQMP took into account the roles and responsibilities of the district in respect of air quality management, as outlined in the National Framework for Air Quality Management in South Africa. The section below assesses Stellenbosch Municipality’s actions in the implementation of the 2013 AQMP.

Goal 1: Air quality governance meets requirements to effectively implement the AQMP	
Objective	Activities [Assessment / Status]
1. Sufficient capacity and competence exists to perform the Air Quality Management (AQM) function.	Identify capacity and competency needs. [Completed]
	Appoint and designate appropriate person for AQO. [Completed]

	<p>Appoint additional personnel as identified in needs analysis.</p> <p>[Completed - designated incumbent appointed]</p>
	<p>Train incumbent and new personnel to meet identified competence needs.</p> <p>[Completed - further training needs to be identified]</p>
2. The AQMP is included in the IDP.	<p>Prepare AQ input for inclusion in the IDP.</p> <p>[Completed for current IDP cycle, to be repeated at each IDP cycle]</p>
3. A regulatory framework exists in the Municipality for AQM.	<p>Develop air quality by-law</p> <p>[Completed - the Stellenbosch Municipality Air Quality Control By-Law was approved by Council August 2018]</p>
4. Internal relationships with regards to AQM are defined and strengthened.	<p>Promote AQM across all divisions in the SM, emphasising integration.</p> <p>[Ongoing - Continual awareness created in the drafting of policy and assessment of development applications]</p>
5. Intergovernmental relationship for AQM is defined and strengthened.	<p>Define roles and responsibilities for AQM in SM.</p> <p>[Completed - Intergovernmental relationships are clearly defined]</p>
	<p>Report annually, according to reporting template.</p> <p>[Complete annually]</p>
	<p>Air Quality should inform all development and planning decisions.</p> <p>[Ongoing - Continual awareness created in the drafting of policy and assessment of development applications]</p>
6. Encourage institutional awareness and understanding of air quality in the Municipality.	<p>Air Quality should inform all development and planning decisions.</p> <p>[Ongoing - Continual awareness created in the drafting of policy and assessment of development applications]</p>

Goal 2: Reduce atmospheric emissions of harmful pollutants	
Objective	Activities [Status / Timeframe]
1. Emissions from waste burning are reduced.	Introduce awareness programmes and public education of waste minimisation and recycling initiatives. [Ongoing – in partnership with the SM: Solid Waste Department]
	Promote efficient service delivery in order to reduce waste burning. [Ongoing – in partnership with the SM: Solid Waste Department]
	Enforcement of the by-law. [Ongoing]
2. Emissions from agricultural burning are reduced.	Introduce awareness programmes on the effects of agricultural burning on air quality. [To be undertaken in partnership with the local Fire Department, Fire Protection Agency and DAFF]
	Investigate and promote alternate but equally effective agricultural practices. [To be undertaken in partnership with DAFF]
	Enforcement of the by-law. [Ongoing]
3. Spray-drift is reduced.	Encourage optimal application methods for safe and sustainable pesticide use. [Ongoing]
	Build awareness amongst broader stakeholders on pesticide use. [To be undertaken in partnership with DAFF]

	Enforcement of the by-law. [Ongoing]
--	---

Goal 3: Systems and tools are established to effectively implement the AQMP

Objective	Activities [Status / Timeframe]
1. An Air Quality Management System exists in Stellenbosch Municipality including an emission inventory, ambient air quality monitoring and reporting.	Develop a comprehensive emissions inventory. [Ongoing - Sources of emission are captured on the municipal GIS]
	Acquire monitoring equipment, identify sites and install equipment. [Equipment acquired as requirements are identified, monitoring done to complement that undertaken by PGWC and CWDM]
	Establish complaints register for air quality and advise stakeholders on complaints recording and follow-up. [Ongoing - Complaint register continually improved, maintained and reported on]
	Develop an integrated information system for air quality data including emissions, ambient data and complaints. [Data captured on the municipal GIS]
	Prepare annual report on progress with AQMP implementation and state of air quality including emissions and ambient data and complaints. [Completed annually]
	Develop procedure to register fuel burning devices according to by-law. Procedure to register fuel burning devices is developed. [To be completed following the adoption of the by-law]

2. Stakeholders participate in AQ management	Report annually to the forum on AQ status and progress with AQMP implementation. [Completed annually]
	Attend and input/comment to development planning (e.g. EIA, SDF, SEMF). [Input prepared for the current SDF, SEMF review]

6. AIR QUALITY MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY

6.1 VISION

The vision for the Stellenbosch Municipality AQMP is:

Air quality in the Stellenbosch Municipality is clean and healthy.

6.2 GOALS

The three goals for the Stellenbosch Municipality AQMP, as it appeared in the 2013 document, were retained with a fourth one related to climate change added. The goals are:

Goal 1: *Air quality governance meets requirements to effectively implement the AQMP*

This goal addresses the regulatory framework and the institutional capacity required in the Stellenbosch Municipality to carry out the air quality function. This links directly to the goal in AQMP for the Western Cape to 'Ensure effective and consistent air quality management' and the goal in the CWDM AQMP of 'Effective air quality management'.

Goal 2: *Reduce atmospheric emissions of harmful pollutants*

This goal aims to manage activities that impact on air quality to reduce the emissions of harmful pollutants and associated impacts on human health and well-being. This links directly to the Provincial AQMP goal to 'Ensure effective and consistent compliance monitoring and enforcement' and 'To ensure that health-based air quality standards are attained and continually met'. It also links to the CWDM AQMP goal of 'Effective air quality management' through an 'Emission reduction strategy'.

Goal 3: *Systems and tools are established to effectively implement the AQMP*

This goal refers to the systems and tools required for effective AQMP implementation, the cornerstone of which is an Air Quality Management System. The development of an AQMS links directly to the Provincial AQMP goal 'To ensure effective and consistent air quality management' through the development of AQM systems. It also links to the CWDM AQMP goal to develop and AQMS. An AQMS is the fundamental unit towards the management of

air quality in an area, incorporating the necessary technical elements that provide information on the status of air quality (D: EA&DP, 2010).

Goal 4: *Climate Change*

This goal aims to improve the understanding of the impact that climate change is likely to have on the municipality and to implement measures to mitigate such impact.

6.3 Implementation plan

The timeframes defined for the implementation of the AQMP are:

- Immediate -First 3 months of AQMP adoption
- Short term -First 12 months of AQMP adoption
- Medium Term -2 to 3 years
- Long term -Year 4 and 5

Goal 1: Air quality governance meets requirements to effectively implement the AQMP			
No.	Objective	Activities	Timeframe
1.1	Ensure sufficient capacity and competence exists to perform the Air Quality Management (AQM) function.	Train AQO to meet identified competence needs.	Medium Term
1.2		Prepare AQ input for inclusion in the IDP.	Immediate
1.3	A regulatory framework exists in the Municipality for AQM.	Promote AQM across all divisions in the SM, emphasising integration.	Long term
1.4	Internal relationships with regards to AQM are defined and strengthened.	Define roles and responsibilities for AQM in SM.	Medium Term
1.5	Intergovernmental relationship for AQM is defined and strengthened.	Report annually, according to reporting template.	Short term
1.6		Attend the provincial AQO forum.	Short term
1.7	Encourage institutional awareness and understanding of air quality in the Municipality.	Air Quality should inform all development and planning decisions.	Long term

Goal 2: Reduce atmospheric emissions of harmful pollutants			
No.	Objective	Activities	Timeframe
2.1	Emissions from waste burning are reduced.	Introduce awareness programmes and public education of waste minimisation and recycling initiatives.	Long term
2.2		Promote efficient service delivery in order to reduce waste burning.	Long term
2.3		Enforcement of the by-law.	Immediate
2.4	Emissions from agricultural burning are reduced.	Introduce awareness programmes on the effects of agricultural burning on air quality.	Long term
2.5		Investigate and promote alternate but equally effective agricultural practices.	Long term
2.6	Spray-drift is reduced.	Encourage optimal application methods for safe and sustainable pesticide use.	Medium Term
2.7		Build awareness amongst broader stakeholders on pesticide use.	Long term

Goal 3: Systems and tools are established to effectively implement the AQMP			
No.	Objective	Activities	Timeframe
3.1	An Air Quality Management System exists in Stellenbosch Municipality including an emission inventory, ambient air quality monitoring and reporting.	Develop an emissions inventory.	Medium Term
3.2		Finalise complaints register.	Short term
3.3		Finalise an integrated information system for air quality data including emissions, ambient data and complaints.	Medium Term
3.4		Prepare annual report on progress with AQMP implementation and state of air quality including emissions and ambient data and complaints.	Immediate
3.5		Develop procedure to register fuel burning devices according to by-law.	Short term
3.6		Stakeholders participate in AQ management	Participate and provide input / comment on development planning (e.g. EIA, SDF, SEMF).

3.7	Dust management	Respond and attend to odour and dust complaints.	Immediate
3.8	Noise pollution management	Respond and attend to noise complaints.	Immediate

Goal 4: Climate change

No.	Objective	Activities	Timeframe
4.1	Develop an understanding of Stellenbosch Municipality's vulnerability to climate change.	Conduct a risk assessment to understand the impact that climate change is likely to have on Stellenbosch Municipality.	Long term

6.4 REVIEW

This plan is reviewed on a 5 year basis to determine the success of the AQMP implementation, shortcomings and strengths evident in implementation. This provides the opportunity to adjust the AQMP or parts of the AQMP if the desired outcome is not being achieved.

Annual reviews are also conducted as part of reporting submitted to the CWDM AQO as required in terms of Section 17 of the NEM:AQA.

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ANNEXURE B



DRAFT 5-YEAR REVIEW STELLENBOSCH MUNICIPALITY

AIR QUALITY MANAGEMENT PLAN

Notice is hereby given of the availability of the Draft 5-Year Review of the Stellenbosch Municipality Air Quality Management Plan.

The document is available on the municipal website (<https://www.stellenbosch.gov.za/>). Hard copies are available at the municipal advice centres located in Stellenbosch (municipal offices, Plein Street, Stellenbosch) and Franschhoek (27 Hugenate Street, Franschhoek) as well as libraries in Stellenbosch and Franschhoek. Comment on the document may be submitted in writing to Martin van As, Air Quality Control Officer, Spatial Planning, Heritage & Environment, P. O. Box 17, Stellenbosch, 7599, faxed to 021886 6899 or sent to martin.vanas@stellenbosch.gov.za. The closing date for receipt of comment is 05 October 2018.

KONSEP 5-JAAR HERSIENING STELLENBOSCH MUNISIPALITEIT

LUG KWALITEIT BESTUURSPLAN

Kennis geskied hiermee van die beskikbaarheid van die Konsep 5-Jaar Hersiening van die Stellenbosch Munisipaliteit Lugkwaliteit Bestuursplan.

Die dokument is beskikbaar op die munisipale webtuiste (<https://www.stellenbosch.gov.za/>). Harde kopiee is beskikbaar by die munisipale advies kantore te Stellenbosch (munisipale kantore, Pleinstraat, Stellenbosch) en Franschhoek (27 Hugenatestraat, Franschhoek) asook die biblioteke in Stellenbosch en Franschhoek. Skriftelike kommentaar op die dokument mag gerig word aan Martin van As, Lugkwaliteitbeheer Beampte, Ruimtelike Beplanning, Erfenis en Omgewing, Posbus 17, Stellenbosch, 7599, gefaks word na 021 886 6899 of gestuur word na martin.vanas@stellenbosch.gov.za. Die sluitingsdatum vir die ontvang van kommentaar is 05 Oktober 2018.

ELKE STAD
News
2018-06-09

ANNEXURE C



Directorate: Air Quality Management
Joy Leaner (PhD)

Reference: 19/4/1/3

Mr Martin van As
Air Quality Officer
Stellenbosch Local Municipality
Email: martin.vanas@stellenbosch.gov.za

Dear colleague,

RE: Comment on the Draft 2nd Generation Stellenbosch Local Municipality's Air Quality Management Plan (AQMP)

The Department of Environmental Affairs and Development Planning (DEA&DP), hereby acknowledges receipt of the draft 2nd Generation Air Quality Management Plan (AQMP) for Stellenbosch Local Municipality.

After reviewing the above-mentioned plan, the Directorate: Air Quality Management (D: AQM) has made comments and recommendations (see attached Annexure 1). It should be noted that a budget allocation for Air Quality Management needs to be secured in the Stellenbosch IDP to cover staff training and implementing air quality intervention strategies.

The D: AQM trusts that the above-mentioned comments will add value to the Stellenbosch Local Municipality's 2nd Generation AQMP.

Should you have any enquiries, kindly contact Sally Benson via email: sally.benson@westerncape.gov.za and/or telephone (021) 483 3591.

Yours faithfully,

Joy Leaner (PhD)
Director: Air Quality Management
Date:

ANNEXURE 1

Comments on the Draft 2nd Generation Stellenbosch Local Municipality's Air Quality Management Plan (AQMP)

Page number	Comment (State what the problem is)	Suggestion (Suggested deletion/ amendment/ addition)
Glossary	The "DEADP" should be changed to read as the "DEA&DP".	It is suggested that the "DEADP" read "DEA&DP" throughout the document.
Page 1	The "NEMAQA" should be changed to read as "NEM: AQA".	It is suggested that the "NEMAQA" read "NEM: AQA" throughout the document.
Page 1	The following sentence has a missing word: "It's, among other, is to protect the environment by providing reasonable measures for the prevention of air pollution and to provide for national norms and standards regulating air quality monitoring, management and control by all spheres of government."	Please amend to: Its " purpose/function/objective ", among other, is to protect the environment by providing reasonable measures for the prevention of air pollution and to provide for national norms and standards regulating air quality monitoring, management and control by all spheres of government.
Page 3	Reduce ozone depleting substances and greenhouse gas emissions, in line with national and international requirements. Remove the following words from the sentence: "ozone depleting substances and"	It is suggested that the sentence read as follows: Reduce greenhouse gas emissions, in line with national and international requirements.
Page 8 Last paragraph	The following sentence needs to be amended: "Stellenbosch Municipality's dispersion potential is expected to be reactively good al year round as a result of warm daytime temperatures and a relatively high frequency of meditate winds, particularly over the western and south western parts."	Please correct the spelling of " al " to read " all " Please consider using another word for " meditate " e.g. " moderate ".
Page 10 Paragraph 3.4.2	The paragraph is general, please make it more specific to Stellenbosch Municipality.	Please consider making this paragraph more specific e.g. mention which roads and parts of the Stellenbosch Municipality are greatly affected with vehicle emissions and possible causes. Include a map indicating the affected roads in Stellenbosch.
Page 11 Paragraph 3.4.4	Specify the main agricultural activities in the Stellenbosch Municipality e.g. what are the main crops?	It is stated in the AQMP that agricultural emissions contribute largely to the economy of the Stellenbosch Municipality, please specify these agricultural

		activities.
Page 21	The following sentence needs to be amended: "Stellenbosch Municipality's AQO works closely with that of the CWDM in the management of air quality in the area, reporting on the implementation of the AQMP, accompanying the DEA&DP....."	It is suggested that the sentence read as follows: "Stellenbosch Municipality's AQO works closely with that of the CWDM in the management of air quality in the area, reporting on the implementation of the AQMP, assists the DEA&DP"
General	Consider listing the NEM: AQA Section 21 Listed Activities in the Stellenbosch Local Municipal AQMP.	It is suggested that the following be included: -List of the listed activities in the municipality stating their categories (Please refer to page 18 of the 1 st Gen Stellenbosch AQMP). -A Noise Control Officer has been appointed by the municipality, please include such information.
Page 26-27 Section 6.3	The following sentence to be amended: "Sufficient capacity and competence exists to perform the Air Quality Management (AQM) function." -No timeframes and costings have been allocated for the activities in the implementation plan.	It is suggested that the sentence read as follows: Ensure sufficient capacity and competence exists to perform the Air Quality Management (AQM) function. -Please allocate timeframes and costings to the activities in the implementation plan. Please add odour management as an objective in the implementation plan. Please amend the numbering in the implementation plan table.

7.6.3	FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI
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Collaborator No:	617415
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	23 January 2019

1. SUBJECT: FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI**2. PURPOSE**

To obtain Council approval to enter into a long term lease agreement for the management of Strongyard Community Hall, Kayamandi.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

Strong Yard Hall is located in the heart of Kayamandi. Since 2000/2001 the hall was utilised by the ZCC Church. The hall belonged to Kuyasa at the time, who rented the hall to the ZCC Church. The hall was handed over to Stellenbosch Municipality. From 2017, major renovations were done at the facility. The Strongyard Hall was used for community activities, church services, workshops and training before the renovations took place. The premises are currently being used illegally, without any payment. Currently, only one church is utilising the hall, while the hall is being used for various community programmes. The keys of the aforementioned hall are regulated by a member of the community who allows access to the facility. Currently, the management of Strongyard is challenging in terms of capacity and the various conflicting applications which cause tension among community members and -leaders. Due to this situation, four options are proposed to improve the management of the facility in the heart of Kayamandi.

5. RECOMMENDATION

that the entire Strongyard Community Hall facility be placed on tender for a long-term lease and be managed by a private entity.

6. DISCUSSION / CONTENTS**6.1 Background**

When the hall was erected, the ZCC Church was one of the beneficiaries to use the hall for church services. This agreement was during the year 2000. During 2017, major renovations had to be made and the church was requested to find an alternative facility during the period of renovation. During this period of renovation, it has come to the attention of the municipality that there is tension regarding the use of the hall between the various religious communities and the residents.

The situation resulted in the municipality having to formalize the future management of the facility.

6.2 Discussion

The following management options have been identified by the department:

- (a) To take over the management by the municipality.
- (b) To make a proposal that the facility be managed by the current Ward 13 Committee and that they should make use of the municipal bank account and normal booking system.
- (c) That the entire facility be placed on tender for long term lease and be managed by a private entity.
- (d) To call for proposals for alternative use of Strongyard Community Hall.

The advantages to take over the hall by the municipality will improve the control over the hall. The disadvantage is that currently there is no permanent staff to service the hall.

The advantages for proposal (b), namely to make a proposal that the facility be managed by the current Ward 13 Committee and that they should make use of the municipal bank account and normal booking system, will address the issue of a lack of permanent staff to service the facility. This option will also empower the community and reduce the administrative burden on the municipality. The disadvantage is that the ward committee may misuse their powers and decide to whom they want to rent out. This may have the result that the whole of the community does not have access to the facility.

Option (c), namely that the entire facility be placed on tender for long-term lease and managed by a private entity will be to the benefit of the municipality. The lease agreement can place the responsibility on the successful tenderer to maintain the facility. This will be to the benefit of the organization and broader community on the basis of availability.

Option (d) will also be to the advantage of Stellenbosch Municipality, but will not have the same advantages as option (c).

6.3 Financial Implications

The option adopted by Council will determine the financial implication.

6.4 Legal Implications

None

6.5 Staff Implications

The option adopted by Council will determine the staff implication.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

None

6.8 COMMENTS FROM SENIOR MANAGEMENT**6.8.1 Director: Community and Protection Services**

Supports the item.

6.8.2 Director Human Settlements and Property Management**Comments/Input: Property Management**

Following a public tender process in around 2000, the use of the Strongyard Hall was allocated to Kuyasa, a NGO, with the view of transferring ownership to them, once vacant occupation could be guaranteed. Kuyasa, in turn, made the facility available to third parties, such as the ZCC Church.

During 2016 they, however, informed the Municipality that they would no longer manage the facility, as the security and maintenance obligations outweighed the benefits/income. Legally, the management of the facility is back with the municipality.

Should Council decide to follow a Call for Proposal route, as recommended by Community Services, Council need to decide on whether it is only the building that is going to be made available, since the surrounding land has been invaded by illegal occupants.

The other question that needs to be answered is whether it should be used as a community facility, or whether the preferred bidder (Lessee) would be in a position to use it for an alternative purpose (e.g. as a church, crèche, etc.).

6.8.3 Municipal Manager

Supports the item.

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	04 May 2018

7.6.4	PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

D 435

23 January 2019

1. SUBJECT: PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

2. PURPOSE

To inform Council about:

- 2.1 a revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces.
- 2.2 the admission of persons, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be permitted within public parks, and to provide for the matters incidental therefor.
- 2.3 the way in which the Greater Stellenbosch Municipality controls, manages and develops parks and public open spaces, in an environmentally sustainable way and is in the long-term interest of the whole community of the WC024, including future generations; and which clearly defines the rights and obligations of the public in relation to parks and public open spaces.
- 2.4 the achievement of a safe and peaceful environment; and.
- 2.5 procedures, methods and practices to regulate the use and management of public amenities.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

The By-law (**ANNEXURE B**) was revised and served before the Standing Committee. The following decision was taken:

- (a) *That it be recommended to Council that the attached revised Parks By-law, be approved.*

The By-law was advertised for public comments. No comments were received.

5. RECOMMENDATION

that the revised the By-law relating to plantations, play parks, gardens, recreation, facilities, nature conservation and public open spaces, be approved.

6. DISCUSSION / CONTENTS**6.1 Background**

The By-law was revised and served before the Standing Committee. The following decision was taken:

That it be recommended to Council that the attached revised Parks By-law, be approved.

The by-law was advertised for public comments. No public comments were received (See attached advertisement, **ANNEXURE A**).

6.2 Discussion

Currently the Department is guided by the By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces due to climate and environmental change, water shortage and structural and public demand. These factors have placed a demand for the need to amend the current By-law. Major changes include: changing of usage, introduction of outdoor play equipment, development guidelines and other community requests.

Stellenbosch Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa (as amended), read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000, as amended), has made the By-Law set out in the schedule below.

In terms of Section 152 (1) (b) of the Constitution of the Republic of South Africa, 1996, one of the main objectives of local government is to ensure the provision of services to communities in a sustainable manner. It is, therefore, incumbent upon Stellenbosch Municipality to ensure that essential and the minimum level of basic municipal services are maintained and that it has sufficient skilled and trained personnel to guarantee the uninterrupted delivery of the aforementioned services to the residents of the Greater Stellenbosch Municipal area.

All other terms use in this By-law shall, unless the context otherwise indicates, have the meaning assigned therefore in the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and the Forest Act, 1984 (act 122 of 1984).

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

Item 7.7.1 of Council meeting 2017-07-26.

6.7 Risk Implications

None

6.8 COMMENTS FROM SENIOR MANAGEMENT:

The Item already served before a Section 80 Committee.

6.8.1 Municipal Manager:

Agrees with the recommendation.

ANNEXURES

Annexure A: Advertisement

Annexure B: Revised By-law

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
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REPORT DATE	08 January 2019

ANNEXURE A&B



**MUNICIPALITY
OF
STELLENBOSCH**

**BY-LAW RELATING TO
PLANTATIONS, PLAY PARK,
GARDENS, RECREATION
FACILITIES, NATURE
RESERVES AND PUBLIC OPEN
SPACES.**

BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

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Definitions

1. In this By-law, unless inconsistent with the context –

“**commonage**” means land which is vested in the Council through purchase, grant, donation, or exchange;

“**Council**” ~~means the Municipal Council of the Stellenbosch Municipality in terms of the Municipal Ordinance, 1974 (Ordinance 20 of 1974);~~ means the council of the Stellenbosch Municipality, being a council as provided for in terms of section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any committee, any sub-council or councillor of council, acting under delegated or sub-delegated authority of the Council.

“**enclosure**” means any place fenced in or enclosed with any type of fence or obstruction whether being of wire, iron, wood, concrete or any other kind of fixed material;

“**nature reserve**” means a nature reserve, nature garden, veld-flower reserve, catchment-area or any reserve land or premises which has been established or reserved for this purpose;

“**nursery**” means any premises, building or structure or in which plan or related material is cultivated or housed;

“**open erf and space**” means any vacant property or premises vested in Council and situated within the municipal residential or industrial boundaries;

~~“**park public open space**” means any premises or public place as defined in Section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), which have been set aside for the use as a botanical garden, zoo, flower garden, pleasure resort, park, recreation ground, open space, unused or vacant municipal land or sports ground under the control of the Council. “**Play Park**” zoned as a Public Open Space and has play equipment or can be developed with play equipment for informal recreation purposes in the community. Excludes road reserve/street, sub-leased parks.~~

“**picnic area**” means any premises set aside for this purpose and includes all buildings and facilities;

“**plantation**” means a plantation of one or various kinds of trees either in their natural state or established by the Council, and includes all roads, fire-bells, buildings and land;

~~“**Town Clerk**” means the Town Clerk of the Stellenbosch Municipality in terms of the Municipal Ordinance 1974 (Ordinance 20 of 1974) –~~ “**Municipal Manager**” meansthe person appointed by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“**tree**” means any kind of tree in or on any pavement, island, Play park, garden, lawn, premises, nursery, plantation, nature reserve, commonage or open erf and space, either in its natural state or planted by the Council.

“**Peace officer**” means a law enforcement officer or traffic official of the Council who has been declared a peace officer in terms of section 334 of the Criminal Procedures Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

“beg” means any request made by a person for an immediate donation of money or some other thing of value or otherwise. The definition does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to an enquiry.

“motor vehicle” means any self-propelled vehicle and includes-

- a) a trailer; and
- b) a vehicle having pedals and a engine or electric motor as an integral part thereof attached and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such as pedals and engine or motor but does not include-
 - I. any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - II. any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and use solely by such person;

“heavy motor vehicle” includes a truck light truck, bus, horse-and-trailer caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing an unlawful act or conduct.

“municipality” means the Municipality of Stellenbosch established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“public amenity” means –

(a) any land, commonage, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

(b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not;

but excluding –

- (i) any public road or street;
- (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality; and
- (iii) any public amenity hired from the municipality;

Other terms

2. All other terms used in this By-law shall, unless the context otherwise indicates, have the meaning assigned thereto in the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and the Forest Act, 1984 (Act 122 of 1984).

General prohibitions

3. No person shall in or ~~on public amenity on premises, buildings, land, [plantations, a commonage, enclosures, nature reserve, parks, gardens, open erven and spaces, picnic areas, nurseries, trees, sport and recreation facilities~~ which are vested in or under control of the Council-

- (a) disfigure or deface any ~~equipment, furniture or structure by passing, post, railing, fence, seat, barrier, gate, noticeboard, plate, house, building, shed, urinal, closet, flag, mark or other article or thing by pasting, thereon or~~ affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever equipment, furniture, structure, building by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever;

~~remove, destroy, damage or deface any notice or sign;~~(c) start or keep a fire or commit any acts whereby a fire may be caused, except an official or person duly authorised to do so or acting in terms of the law or in an are designated by Council to do so.

- (~~ce~~) saw, cut, gather, remove, dig up, burn, pick or break any ~~timber, tree, natural~~ shrub, brushwood, fencing, pole, lawn, plants, fruit, flower or equipment, or climb therein or thereon or damage it in any way.

- (~~de~~) remove or disturb any soil or water at a place other than that specially provided by the Council;

- (~~ef~~) erect or cause to be erected any post, rail, fencing, tent, screen, stand, swing, building or construction of whatever nature without the written permission of the Council;

- (~~fg~~) park, drive, ride, pull or properly any type of vehicle/heavy motor vehicle except a manually operated wheelchair or perambulator when used for the conveyance of an invalid or a child;

- (~~gh~~) leave any refuse, building waste, rubbish, paper, materials or any object except in containers provided for that purpose;

- (~~hi~~) injure, kill, hunt, capture or disturb any animal or bird, or damage or destroy the nest or eggs of any bird or interfere with the animal life in any other way;

- (~~ij~~) break, damage, hurt, destroy, disfigure or remove any flora, fauna or nests of fauna or objects of historical or scientific interest or any property in the nature reserve;

- (~~jk~~) introduce any flora, fauna, weapon, trap, net, explosive or poison into the nature reserve, or be in possession thereof in the nature reserve;

(k) fire a fire-arm or an air-gun, alarm-gun, pistol, discharge any firework, unless discharged for s purpose and at a time and place approved in writing by Council keeping with provisions of any law applicable;

(lm) No person shall-

- I. Do anything which may endanger the life and/ or safety of any person or animal
 - II. use abusive or threatening language;
 - III. fight or act in a riotous or physical threatening manner;
 - IV. urinate or defecate, except in a toilet;
 - V. bath or wash himself or herself, except in a bath or shower or as part of a cultural initiation ceremony on an area where such a ceremony is taking place;
 - VI. spit
 - VII. perform any sexual act;
 - VIII. appear in the nude;
 - IX. consume any liquor or drugs;
 - X. be drunk or be under the influence of drugs
 - XI. solicit or impute any person for the purpose of prostitution or immorality;
 - XII. engage in gambling;
 - XIII. beg;
 - XIV. obstruct/ block or interfere with the safe or free passage of ~~pedestrian or motor vehicle users and patrons.~~
 - XV. ~~sleep~~ overnight or camp ~~overnight~~ or erect any shelter without the written consent of the Council;
 - XVI. cause a noise nuisance by causing or permit to cause a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplifies noise or sound;
 - ~~XVII. — catapult, sling or throw a stone, stick or other projectile with the intent to do harm or shoot a bow and arrow.~~
- (i) sell or offer for sale or hire, or hawk or exhibit any article or distribute any pamphlet, book, handbill or other matter.
 - (ii) present any public entertainment;
 - (iii) play a musical instrument; and

(iv) deliver or say any speech, public address or prayer of whatever nature or sing any song or hold or participate in any public meeting or function unless he has previously obtained the written permission of the ~~Council-Community Services~~ to do so;

enter upon any ablution or sanitary conveniences indicated as having been provided for persons of the opposite sex;

enter or leave other than by an entrance or exit provided for that purpose; or

refuse to leave when requested to do so by an authorized officer of the Council or a member of the South African Police.

(q) (i) dry or spread washing, bedding or other items in a park or nature reserve or on the fence; or

(ii) swim in ~~a dam or wash designated any clothes or other things~~ or pollute the water therein in any other manner; and

(iii) wash any article or animal under a tap, in a pond, fountain or in an ornamental pond or otherwise pollute water

(r) perform any act whatsoever which may injure persons, damage or destroy any property.

(s) Other than an official of the Council or an authorized person who administers legally approved weed-killers, herbicides, poisons or pesticides set or cast poison on any public open space or in any public road.

Powers of the Council

4. (1) where any private property abuts on any public Play park, garden, recreation ground, open space, plantation or other land vesting in the Council, except a public street or road, the Council may require the owner of such property to erect on the boundary common thereto a fence to the satisfaction of the Council. No person shall provide a gate or other opening in such fence giving access to any such Play park, garden, recreation ground, open space, plantation or other land except with the prior written consent of the Council.

(2) ~~Officialseers~~ of the Council are entrusted with the duty of ensuring that this By-law is duly observed and shall report any contravention thereof to the authorities charged with the prosecution of crime.

(3) The Council shall, at the discretion of the Municipal Manager, fix the deposit payable to it for any amenity, facility, entertainment, exhibition, performance or service established or provided by it and reserves the right to recover from the deposit compensation for damages suffered although indemnity shall not be limited to the amount of the deposit. The assessment of damages together with repayment of deposits vests in the Municipal Manager.

(4) The Council reserves the right of admission to any play park, garden, plantation, commonage, enclosed area, nature reserve, picnic area sport or recreation ground or part thereof and may from time to time, for any special purpose, set aside, close or let, or regulate traffic there or charge entry fees.

(5) The Council reserves the right to destroy forthwith any animal dog straying, entering or having been taken into a nursery, plantation, commonage, enclosure, and nature reserve or picnic area.

(6) All pets on council land-leashes.

Keeping of bees

5. (1) No person shall keep bees without the written permission of the Council. The Council may grant or refuse such permission. Where such permission is granted it shall be subject to the condition that the Council may at any time withdraw or modify such permission.

(2) Permission for the keeping of bees shall not be granted in any area where, in the opinion of the Council, the keeping of bees may be dangerous or constitute a nuisance to the inhabitants-users of such area.

(3) Any person applying for permission to keep bees shall satisfy the Council that he has a reasonable knowledge of the habits of bees.

(4) Any person keeping bees shall keep such bees in a bar-framed hive or hives. Such hive or hives shall be enclosed by means of screens or fences, or in such other manner as the Council may direct, so as to render them inaccessible to animals or unauthorized persons.

(5) No person shall destroy bees on any land under the control of the Council, nor shall any person remove bees, beeswax or honey from any land under the control of the Council without the written permission of the Council.

Liability of the Council

6. ~~_____~~ Any person making use of an open space, park, plantation, sport or relaxation facility public amenity shall do so at this own risk and the Council shall not be liable for the death of or any injury to persons or any loss of or damage to any property of visitors unless negligence can be proved on the part of the Municipality.

PenaltyPenalties

~~7. 7. Any person who contravenes any provision of this By-law shall be guilty of an offence and liable upon conviction to a fine as prescribed in Section 213(3) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974). Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to –~~

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~~(1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;~~

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(2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and

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(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

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Maximum number of visitors

3-8 (1) The municipality shall determine the maximum number of visitors who may be present at a specific time in or at a public amenity;

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(2) The number contemplated in subsection (1) shall be published by the municipality by means of a notice.

Admission to and sojourn in a public amenity

93. (1) A public amenity shall, subject to the provisions of this by-law, be open to the public on the times as determined by the municipality.

(2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

(3) The times and places contemplated in subsections (1) and (2), shall be made known by the municipality by means of a notice.

Entrance fees

104. (1) A visitor to a public amenity shall pay entrance fees as determined from time to time by the municipality and such entrance fees shall be published by means of a notice.

(2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

Nuisances

11. ~~5~~. No person shall perform or permit any of the following acts in or at a public amenity –

(a) the use of language or the performance of any other act which disturbs the good order;

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(b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;

(c) the burning of rubble or refuse;

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(d) the causing of unpleasant or offensive smells;

(e) the production of smoke nuisances;

(f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;

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(g) the begging for money, food, work or the offering of services;

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(h) in any other manner the causing of a nuisance, obstruction, disturbance or annoyance to the public;

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(i) the dumping, dropping or placing of any refuse, rubble, material or any object or thing or permitting it to be done, except in a container provided for that purpose in or at the amenity.

Structures

~~126.~~ No person shall without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by means of a notice by the municipality.

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Liquor and food

~~13.7.~~ No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of any nature whatsoever.

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Animals

~~148.~~ (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

(2) The directions contemplated in subsection (1) shall be published by means of a notice by the municipality.

Use of public amenities

~~159.~~ (1) No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent in or at a public facility –

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(a) arrange or present any public entertainment;

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(b) collect money or any other goods for charity or any other purpose from the general public;

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(c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;

(d) arrange, hold or address any meeting;

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(e) arrange or hold a public gathering or procession, exhibition or performance;

(f) conduct any trade, occupation or business;

(g) display, sell or rent out or present for sale or rent any wares or articles;

(h) hold an auction;

(i) tell fortunes for compensation.

(2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

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Safety and order

10. (1) No person shall, subject to subsection (2), in or at a public amenity –

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(a) damage, remove, excavate or disfigure anything;

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(b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;

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(c) light a fire or prepare food, except at a place indicated for that purpose by notice;

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(d) throw away any burning or smouldering object;

(e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;

(f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;

(g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;

(h) cause a disturbance;

(i) wash, polish or repair a vehicle;

(j) walk, stand, sit or lie in a flower bed;

(k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;

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(l) dig or remove soil, clay, sand, gravel or boulders;

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(m) walk, stand sit or lie on grass contrary to the provisions of a notice;

(n) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;

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(o) play or sit on play park equipment contrary to the provisions of a notice or prescription;

(p) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

(2) The municipality may, subject to such conditions and payment as it may deem necessary, authorise any of the actions contemplated in subsection (1).

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Water

11. ___ No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

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Laundry and crockery

12. ___ No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice by the municipality for that purpose.

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Vehicles

13. ___ (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality.

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(2) The municipality shall determine the speed limit applicable in a public amenity.

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(3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be published by the municipality by way of notice.

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Games

14. ___ No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice

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and in accordance with the directions of the municipality and which is made known by way of notice.

Repeal of by-laws

16. ___ The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

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Short title and commencement

17. ___ This by-law shall be known as the By-law relating to Public Amenities and shall come into operation on the date of publication thereof in the Provincial Gazette.

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Annexure A

By-Laws & Acts

1. National Water Act no 36 of 1998.
2. National Forest Act no 84 of 1998.
3. National Veld and Forest Fire Act no 101 of 1998.
4. Conservation of Agricultural Resources Act no 43 of 1983 and Notice 2485 of 1999 promulgated March 2001.
5. Municipal Ordinance of 1974. Franschhoek Municipality: By-Laws relating to the advisory board for the Mont Rochelle Nature Reserve: P.N 632/1983.
6. Stellenbosch Municipality: By-Laws relating to the advisory board for the Jan Marais Nature Reserve: P.N 1092/1966 and P.N 377/1976.
7. Environment Conservation Act 73 of 1989.
8. National Environmental Management Act 107 of 1998.
9. National Environmental Management: Protected Areas Act 57 of 2003.
10. National Environmental Management: Biodiversity Act 10 of 2004.
11. Munisipale Stelsel Wet, Wet 32 of 2000.
12. Verordeninge vir die bekamping van sekere oortredings in openbare plekke, PK 6011 van 7.5.2003.
13. Wet op Beroepsgesondheid en Veligheid, Wet 85 van 1993.
14. Stellenbosch Municipality: By-Laws relating to plantations, parks, gardens, recreation facilities and nature reserves.
15. Stellenbosch Transitional Local Council: By-Laws relating to the prevention and suppression of nuisances.

7.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
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7.7.1	DRAFT STELLENBOSCH JOBSEEKERS POLICY
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Collaborator No:

File No:

9/2/1/1/2/1 x 13/6/10

IDP KPA Ref No:

065

Meeting Date:

23 January 2019

1. SUBJECT: DRAFT STELLENBOSCH JOBSEEKERS POLICY

2. PURPOSE

To submit the Draft Stellenbosch Jobseekers Trading Policy (**ANNEXURE A**) to Council for consideration, whereafter it could be published for public participation as envisaged in sections 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate".

In this instance the Draft Stellenbosch Jobseekers Policy seeks to set out the management and implementation guidelines for employment opportunities in the Stellenbosch Municipal Area.

The item relates to a new policy to accommodate the change in focus of the unemployed database to a Jobseekers database in order to increase the scope and purpose of the current policy to include the unemployed as well as qualified employed people who are looking for better employment opportunities.

5. RECOMMENDATIONS

- (a) that Council, in principle, approves the Draft Stellenbosch Jobseekers Policy for the Stellenbosch Municipality; and
- (b) that the draft policy be published for public participation, and should any comments be received, same first be considered by Council prior to a final decision being made.

6. DISCUSSION / CONTENTS

6.1 Background

Since 2014 Stellenbosch Municipality initiated the unemployed database system for the purpose of unemployed community members to register on the system in order for them to have the opportunities for employment via the Expanded Public Works Programme and other municipal projects

Stellenbosch Municipality is now the custodian of the unemployed database system, putting the organisation in a position to create an enabling environment for the unemployed in the WCO24.

The unemployed database will now be extended to accommodate not only the unemployed and Expanded Public Works Program but also employed people looking for better working opportunities. Consequently, the database was renamed the Jobseekers Database and as such there is a need to revisit the policy in order to accommodate the change in focus.

6.2 Discussion

The issue of unemployment is of significant concern to the Stellenbosch Municipality. Unemployment has been steadily rising in the Stellenbosch municipal area over the last decade, with an unemployment rate of 11.3 per cent recorded in 2015. In 2016, the unemployment rate of the Stellenbosch municipal area was estimated to have increased to 11.9 per cent, which is marginally higher than that of the Cape Winelands District (11.6 per cent) but significantly lower than that of the Province (18.7 per cent in 2016).

It is against this backdrop that the Stellenbosch Municipality started working in earnest to examine the problem and look for solutions to effectively address unemployment.

One of the strategies is to track the unemployed in the Stellenbosch Municipal area, but to also look at the skills analysis and to match those skills with job opportunities, hence a need for a policy instrument. The purpose of the policy is to provide guidelines for the implementation and use of the Stellenbosch Municipality Jobseekers database in order to ensure consistency when employing persons as part of Stellenbosch Municipality's commitment towards the creation of work opportunities.

The policy also aims to ensure fair, transparent and accountable recruitment and selection practices for employment opportunities. In particular, it seeks to regulate the matching process of employment opportunities via Expanded Public Works Programme and/or any other job creation municipal projects. The policy further seeks to breathe life into the design and management of a central electronic database.

6.3 Financial Implications

Provision has to be made for a database developer to create the necessary design changes to the database and to manage the database development process in order to accommodate the change in focus of the previous unemployed data from purely unqualified unemployed to also include qualified and employed people.

6.4 Legal Implications

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

6.5 Staff Implications

The employment of at least 1 additional data capturer for the Jobseekers database.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Lack of resources to manage the database development process will impact the effectiveness and the envisaged purpose of the policy.

6.8 Comments from Senior Management:**6.8.1 *Legal Services***

Legal Services' comments and corrections are included in the policy.

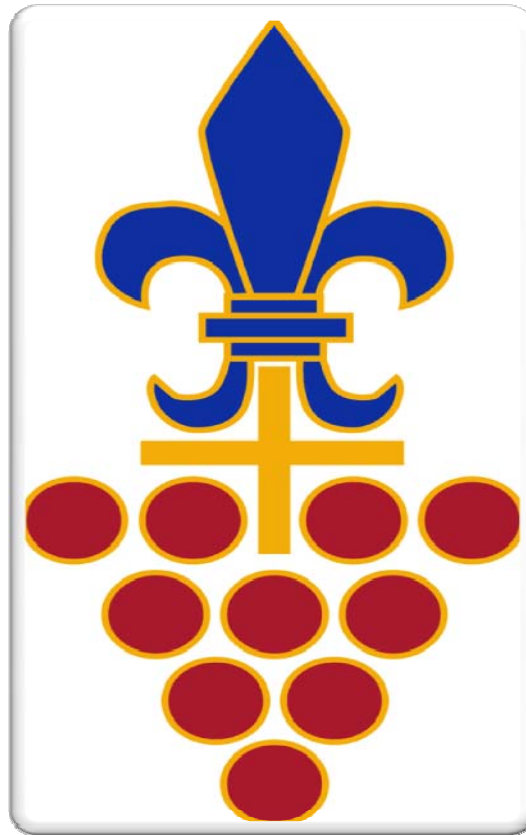
6.8.2 Municipal Manager:

Agrees with the recommendations

ANNEXURES**Annexure A: Stellenbosch Jobseekers Policy****FURTHER DETAILS CONTACT:**

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Report Date	18-06-2018

ANNEXURE A



STELLENBOSCH
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2. Acronyms

- 1) **EPWP**: Expanded Public Works Programme
- 2) **SCM**: Supply Chain Management
- 3) **WC024**: Stellenbosch Municipal area

3. Definitions

For the purpose of this policy the following interpretation shall apply:

- 3.1. **Jobseeker** - Any person living within WC024 who is not employed / seeking employment / persons who are deriving income from the informal sector.
- 3.2. **Employer** - Makes reference to:
 - 1) Any internal municipal department;
 - 2) Service provider / contractor or private company looking to employ persons for temporary or permanent positions other than positions for permanent employment at the municipality.
- 3.3. **Steering Committee** - Bound by specific terms of reference comprises the senior managers of all Directorates with a designated chairperson nominated from such body, and meeting every second month.
- 3.4. **Contact Details** – general contact email address for all EPWP related queries are.....

4. Purpose

- 4.1. The purpose of the policy is to provide guidelines for the implementation and use of the Stellenbosch Municipality Jobseekers database in order to ensure consistency when employing persons as part of Stellenbosch Municipality's commitment towards the creation of work opportunities.
- 4.2. The policy also aims to ensure fair, transparent and accountable recruitment and selection practices for employment opportunities. In particular it seeks to regulate the matching process of employment opportunities via EPWP and or any other job creation municipal projects.

- 4.3. The policy further seeks to breathe life in to the design and management of a central electronic database.

5. Scope

- 5.1. The policy document shall apply to all municipal departments making use of jobseekers people for temporary or permanent jobs.
- 5.2. The same guidelines will also apply to service providers appointed through the SCM process with the requirement to make use of local jobseekers persons as part of their contract.
- 5.3. The database can also be used by external stakeholders within the municipal area as part of their recruitment process.
- 5.4. In an effort to make employment creation transparent and in accordance with oversight requirements within the municipality, the policy and database allows for the Executive Mayor to register with viewing rights only.

6. Statutory regulations and supporting papers

- 6.1. The following statutory notices have relevance:
- 6.2. Basic Conditions of Employment Act (No. 75 of 1997)
- 6.3. National Development Plan
- 6.4. Ministerial Determination: EPWP
- 6.5. Code of Good Practice for EPWP
- 6.6. National EPWP Implementation Guidelines.
- 6.7. EPWP Implementation Protocol.
- 6.8. EPWP Incentive Grant Agreement.
- 6.9. EPWP Policy - Stellenbosch Municipality.
- 6.10. Recruitment and selection policy – Stellenbosch Municipality
- 6.11. Indigent Policy – Stellenbosch Municipality

7. Special provisions

- 7.1. The purpose of the jobseekers database is to provide access to work opportunities for all jobseekers persons within WC024, but special provision and care should be taken to allow for work opportunities for youth, women and people living with disability.
- 7.2. Any person/s wishing to be registered on the indigent list of Stellenbosch Municipality must also simultaneously be registered on the unemployment database. Conversely, requests to register on the jobseekers database must lead to simultaneous registration on the indigent database.
 - 7.2.1 Indigent is defined and subject to the rules contained in the Indigent policy S 1.2;

- 7.2.2 Income generated from EPWP projects – which restrict work opportunities to one member per family – minimum levels are below the threshold for indigent qualification, thus do not compromise such status as per Indigent policy S 1.5;
- 7.3. The municipality will establish a central electronic database which will be updated via regular visits by municipal officials at each ward for job seekers who are eligible to be absorbed in to municipal projects and programmes geared towards job creation and alleviating poverty.
- 7.4. The Executive Mayor, by virtue of oversight will assume overall custodial role for the jobseekers database policy.

8. Establishment of Database

8.1. Scope of Database

The Jobseekers database is intended to:

- 8.1.1. Provide the first port of call to source unskilled and skilled jobseekers people from within the municipal boundaries;
- 8.1.2. Provide the reference framework against which tenders are advertised in the municipality, as a compulsory starting point for prospective bidders to labour intensive projects requiring local content;
- 8.1.3. Be translated in to a cost efficient IT backbone system which can be utilized to manage the processes and procedures necessary to provide transparent work placements;
- 8.1.4. Provide a means of matching skills to project or programme needs;
- 8.1.5. Provide a means to ring fence a defined group of people who have been offered contracts;
- 8.1.6. Provide the necessary mechanisms to send update requests to maintain contact information as current;
- 8.1.7. Provide the necessary data for report manipulation.

8.2. Updates

- 8.2.1. Central to the success of the database is the need for quality information in the form of contact details;
- 8.2.2. The jobseekers database needs to provide the necessary bulk messaging system which will allow for contact to be made requesting updates with detail changes;
- 8.2.3. Monitoring of contact updates is the responsibility of the Local Economic Development Department (EPWP).

8.3. Exclusions

- 8.3.1. The database will have the necessary feature which will ring fence jobseekers persons who have been contracted on EPWP programmes;
- 8.3.2. The database ring fence facility will cross reference persons that have been employed in the past financial cycle so as not to disadvantage others for new contract opportunities.

8.4. Eligibility

To be eligible for inclusion on the database the job seeker needs to:

- 8.4.1. Be jobseeker at the time the opportunity becomes available;
- 8.4.2. Must be a South African citizen;
- 8.4.3. Must be residing within the Stellenbosch municipal area;
- 8.4.4. Must be of legal employable age;
- 8.4.5. Must be physically fit to be able to execute the required task;
- 8.4.6. Registration on the database does not guarantee work;
- 8.4.7. Registration on the database will be for a period of 12 months, where after the job seeker has to re-register.

9. Management of Database

9.1. Data Capturing

- 9.1.1. Data capturing will be completed by the duly assigned jobseekers database data capturers;
- 9.1.2. The Local Economic Development Department will make the necessary provision to carry the data capturers on its staff establishment, and second such staff to the necessary line departments;
- 9.1.3. Data capturing is the responsibility of the line department, as a first line of entry, and completed by the designated data capturers;
- 9.1.4. The Local Economic Development Department may assign a data capturer/s on a volumes-and-needs basis so as to ease the administrative burden of the line departments;
- 9.1.5. Completed captured data sheets need to be forwarded to the EPWP office;
- 9.1.6. Daily activity on the jobseekers database is to be checked against a duly signed off daily worksheet by the EPWP champion.

9.2. Data Analysis

- 9.2.1. The Local Economic Development Department (EPWP) will collate all duly captured data sheets;
- 9.2.2. The Local Economic Development Department (EPWP)e will transcribe the collated data to report format;
- 9.2.3. The Local Economic Development Department (EPWP) will utilize such data reports for all stakeholder engagements.

10. Beneficiaries

10.1. Access Registration as user

10.1.1. Access to the Database:

10.1.2. All persons, line departments or other stakeholders / employers wanting to make use of the jobseekers database must register as:

- 1) An jobseekers ;
- 2) An employer or
- 3) Executive Mayor by virtue of an oversight role.

10.1.3. Upon registration they will receive a username and password. All activities on the database will be recorded against the username.

10.1.4. Persons can register on the database by making contact with the Department Local Economic Development.

10.2. Rights of different users

<i>User</i>	<i>Access Rights</i>
Systems Administrator	View, register, select and edit all
EPWP Coordinator	View, register, select and edit all
EPWP Admin Support	Upload of new people, shortlist as per request and archive documents.
Employer	View own history of projects View registered jobseekers persons identified in their search results, employee search and selection of persons for a project
Executive Mayor	View projects and serve as the go to person in the different wards

11. Implementation Process and Principles

11.1. Governance

11.1.1. Oversight authority rests with the Steering Committee reporting to the Executive mayor.

11.1.2. Functional discharge of the database rests with the EPWP office;

11.1.3. Daily execution and maintenance rests with the line department;

11.1.4. In the case of the Expanded Public Works Programme the database will automatically exclude people who have enjoyed employment over a 24 month period from the current EPEP 5 year cycle until the next EPWP 5 year cycle occurs.

11.2. Roles and Responsibilities

11.2.1. Jobseekers

Jobseekers persons register on the database by completing a jobseekers database registration form.

This form must be accompanied by:

- 1) a certified copy of the persons ID;
- 2) driver's license (if any);
- 3) educational qualification/s;
- 4) proof of address; and
- 5) Proof of disability (when applicable);
- 6) CV's or alternatively completed templates as attached to jobseekers database.

Should anyone not be able to provide this information as requested, a sworn affidavit, signed by a Commissioner of Oaths or by South African Police Services must be submitted for the purpose of giving truthful and eligible information.

The registration process can be done at the office of the Department Local Economic.

The database will generate a reference number for the person. This reference number will be prefixed by the letter "P" for a person pending verification.

Once all the required information and all the supporting documentation has been loaded into the database against the abovementioned reference number the prefix changes to a V and the person is eligible for employment opportunities.

An SMS will be sent to the prospective beneficiary confirming registration on the database once the process is completed.

The database will provide names for registered projects using the following criteria:

- 1) Specified requirements indicated by the employer for a specific project. (eg. skill set, qualification, age, gender, ward)
- 2) The person who has been registered on the database first will become eligible first.

- 3) The jobseekers database will rank the person on the database in terms of date of application to join the database;
- 4) Persons who have benefited from the jobseekers database will be moved to the bottom of the list.

An SMS will be sent to the registered persons on a quarterly basis to renew their registration in order to ensure that the database contains relevant and up to date information regarding people looking for employment. If they do not re-register, their information will be archived.

11.2.2. Employers

Employers register on the jobseekers database by contacting the Department Local Economic Development.

An employer registers as a municipal department or a contractor/ external employer and receives a username and password. Private employers are to be encouraged to register on the system in tender and bid requests by the municipality;

Every employment opportunity for which people from the database is required needs to be registered as a project under the name of the employer.

Projects can be registered in the following categories on the database:

Project Categories	Activities
Municipal Department	EPWP Projects
	Non EPWP Projects
Contractor / External Employer	Project as part of tender or FQ with requirement to use persons from database
	Recruitment for own purpose

Once the project is registered, the employer selects the qualifying requirements and the number of persons needed and the database will select persons against that project.

These persons are still available for other employers to use, but will be indicated as short listed.

The database will select persons using the principles explained above.

It is the responsibility of the potential employer to contact the persons and then select them for the project or deselect them as the case may be.

Where a person is not selected the employer must indicate the reason why they are not suitable. With every de-selection, the database will supply further candidates.

In the case of the Expanded Public Works Programme de-selection on the basis of exclusions due to lack of skills or compromising of quality will not be allowed as it is the overarching intention of the EPWP protocols that skills be imparted by the employer.

The employer will be able to draw from all persons registered on the database for projects, but will only be able to view their own project / employment history. They will however, not be able to view any potential employees' names until they have entered the search criteria and the number required.

Human Resources Department are obligated to advise the EPWP office in terms of persons who have either completed the projects, or who have been dismissed for disciplinary reasons so that the necessary changes can be effected on the database. All activities against the username will be recorded.

12. Selection and recruitment

- 12.1.1. The onus of recruitment and selection, interviews of prospected candidates is with the LED Department – the EPWP office will supply a list of possible candidates for a specific project to end user departments and the latter will report back within a period of five (5) working days on finding suitable candidates, before the process is repeated.
- 12.1.2. The database contains information as provided by the jobseekers / unskilled / unqualified / qualified person. It is the responsibility of the employer to verify information and references.
- 12.1.3. This policy provides the scope for monitoring and reporting on employment creation as much as it provides the process for recruitment and selection of persons to benefit from any work opportunities generated by the municipality.
- 12.1.4. Any other way of recruitment and selection for this kind of work opportunity, will be deemed outside the approved process through which Stellenbosch Municipality contributes towards employment creation.
- 12.1.5. Provision of Ward-Based Beneficiaries identity documents to be generated through the utilization of the registration process at the relevant ward office.
- 12.1.6. Provision of Project Based Beneficiaries is to be recorded in accordance with the qualifying criteria.

13. Daily Management of Jobseekers

- 13.1.1. The overall management of the workers drawn from the jobseekers database is to be in terms of the project charter as recorded in terms of the project categories in 8.1 above;
- 13.1.2. The daily management of the workers drawn from the jobseekers database rests with the line department or employer registered in terms of the project protocols flowing from 8.12 above;
- 13.1.3. Training requirements or upskilling of the workers drawn from the jobseekers database pool are to be determined as part of the project protocols flowing from 8.12 above, and instituted and coordinated by the relevant line department or employer;
- 13.1.4. Skills Development and training are to be accorded as recorded in the Stellenbosch Municipality Expanded Public Works Programme Policy Section 8.4.
- 13.1.5. All training courses attended and certificates acquired are to be logged against the individual files of the workers drawn from the jobseekers database for future referencing;
- 13.1.6. All beneficiaries who have completed the full employment term in terms of the EPWP contract are to be issued employment certificates, as duly completed by the Directorates who have created the work opportunity and referenced in a manner to the EPWP central office for clear reference referral inquiries.

14. Disciplinary Procedures

- 14.1.1. Categories of users in terms of 8.1 above of the jobseekers database will subject the workers drawn from the Jobseekers database in the following manner:
- 14.1.2. Municipal Projects - Subject to the disciplinary codes and procedures of the Stellenbosch Municipality as managed and driven by the Human Resources Department as line custodians of the function;
- 14.1.3. Employer projects - Subject to the disciplinary codes and procedures of the respective employers, as managed by the employer.
- 14.1.4. Any disciplinary procedures levied against a worker from the jobseekers database is to be recorded against the file of the individual as held by the relevant line department;
- 14.1.5. Any workers dismissed as an outcome to disciplinary procedures from either a municipal project or by an employer are to be removed from the jobseekers database immediately and flagged so as to not be eligible for reinstatement on the database.

7.7.2	DRAFT STELLENBOSCH INFORMAL TRADING POLICY
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Collaborator No:

File No:

7/4/2/2/1 x 7/4/2/2/1-9

IDP KPA Ref No:

065

Meeting Date:

23 January 2019

1. SUBJECT: DRAFT STELLENBOSCH INFORMAL TRADING POLICY

2. PURPOSE

To submit the Draft Stellenbosch Informal Trading Policy to Council for consideration, whereafter it could be published for public participation as envisaged in sections 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate".

In this instance the Draft Stellenbosch Informal Trading Policy seeks to set out the strategic objectives, planning and management guidelines for informal trading in the Stellenbosch Municipal Area.

The Draft Stellenbosch Informal Trading Policy (**Annexure A**) is one of two related documents. The Policy sets the strategic direction for the municipality's developmental response to the informal trading sector. The reasons for having an Informal Trading Policy can be summarized as follows:

- It clarifies Council's policy to all relevant stakeholders;
- It forms the basis for the By-laws that regulate Informal trading in the Stellenbosch Municipal area;
- It provides a basis for resource allocation decisions;
- It establishes the basis for a monitoring and evaluation process, with clearly defined key objectives.

5. RECOMMENDATIONS

- (a) that Council approves the Draft Stellenbosch Informal Trading Policy for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Draft Stellenbosch Informal Trading Policy for public comment, after which it be submitted to Council for final consideration.

6. DISCUSSION / CONTENTS**6.1 Background**

This policy is submitted in preparation for the creation of a single set of guidelines for informal trading in the WC024.

The Constitution of the Republic of South Africa 1996 provides that municipal authorities are responsible for "trading regulations" and "street trading" within its area of jurisdiction, and a municipal authority's objective to promote social and economic development.

6.2 Discussion

The Draft Stellenbosch Informal Trading Policy, as one of two related pieces of legislation, sets the strategic direction for the municipality's developmental response to the informal trading sector and operationally spells out the resources, sequencing, roles and responsibilities of the various services, relevant departments and stakeholders in the Stellenbosch Municipality as these relate to the informal sector.

The second piece of legislation is the Informal Trading By-Law, which is an enforceable law on informal trading, will serve at Council for adoption once the Draft Informal Trading Policy has been approved.

The aforementioned policy therefore informs the strategic objectives, the planning, management guidelines and stakeholder's roles for informal trade in the Stellenbosch Municipal.

With its alignment to other policies such as the Local Economic Strategy, IDP and the Spatial Development Framework, it seeks to leverage Stellenbosch Municipality's fixed assets, such as land and properties, to promote economic growth and the development of the informal economy and, in particular, the informal trading sector.

6.3 Financial Implications

The proposed policy provides for the collection of fees, which has to be included in the tariff book as issued by Council.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation including the provisions of Schedule 5 Part B of the Constitution of South Africa.

6.5 Staff Implications

Provision has been made in the new approved organogram for an additional staff member to assist with the implementation phase of the policy.

6.6 Previous / Relevant Council Resolutions:

No previous Council resolutions in regard to the Draft Stellenbosch Informal Trading Policy.

6.7 Risk Implications

Risk relates to the absence of an approved policy on informal trading, which would impact negatively on how informal trading as part of the informal economy is harnessed to contribute toward economic growth, job creation and the increase of household income.

6.8 Comments from Senior Management:**6.8.1 Director: Planning and Economic Development**

Supports the recommendations

6.8.2 Legal Services

Agrees with the recommendations

6.8.3 Director Human Settlements and Property Management

Agrees with the recommendations

ANNEXURES

Annexure A: Draft Stellenbosch Informal Trading Policy

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**INFORMAL TRADING POLICY
(POLICY NUMBER)**

MAY 2018

Version: Draft

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Definitions and Acronyms

The terms explained below are used in the policy environment of the Stellenbosch Municipality.

"Council"	means the Municipal Council of Stellenbosch Municipality established by Provincial Notice 479 of 2000 issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998); and includes any committee or official carrying out any duty or function, or exercising any power in terms of this policy.
Delegation"	means in relation to a duty includes an instruction to perform the duty, and "delegate" has a corresponding meaning.
"Employees"	means persons working in establishments that employ less than five employees, who do not deduct income tax from their salaries/wages as adapted from the Quarterly Labour Force Survey (Statistics South Africa),
"Employers"	refers to own-account workers who are not registered for either income tax or value-added tax; and persons helping unpaid in their family business who are not registered for income tax as adapted from the Quarterly Labour Force Survey (Statistics South Africa),
Director"	means a person appointed by the Council to head a Directorate in the municipality and shall include any person acting in that position.
"Executive Mayor"	means the person elected in terms of section 55 of the Municipal Structures Act to be the Executive Mayor of the municipality and shall include any person acting in that position.
"Historically	Means a South African citizen who – is a black person, is a woman and/or has a Disadvantaged disability Individual"
"Informal Trader"	means a person engaging in informal trade, whether employer or employee
"Informal Sector"	means an employer: own-account workers who are not registered for either income tax or value-added tax; and persons helping unpaid in their family business. In relation to employees, means persons working in establishments that employ less than five employees, who do not deduct income tax from their salaries/wages;
"Informal Trade"	means the trading in goods and services in the informal sector by an informal trader.
"Own-account	Means workers who, working on their own account or with one worker "or more partners, old the type of job defined as a self-

employed job, and have not engaged on a continuous basis any employees to work for them during the reference period.

- “Formal” means businesses which are registered with the national business registration authority as a business and with the tax authority in terms of tax.
- “Formalisation” means the process of becoming a formal business (as implied in the term formal), however, the term includes additional registration imposed by provincial or local government legislation or membership with sectoral bodies.
- “Seasonal Traders” Means traders who respond to seasonal or once-off/short term trading opportunities.
- “Market” means a demarcated area within a trading area which is designated as such in a trading plan and which is managed in a co-ordinated manner.
- “Municipality” means the “Stellenbosch Municipality”: a Municipality Constituted in terms of the Local Government: Municipal Structures Act, 1998, read with the Province of the Western Cape: Provincial Notice 479/2000 dated 22 September 2000
- “Public Place” Includes:
- (a) public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has been provided, reserved or set apart for use by the public; or been dedicated to the public;
 - (b) public transportation operated by service providers for the municipality, but does not include public land that has been leased by the municipality;
- “Trading Plan” Means a plan adopted by the municipality to govern informal trading within a trading area.
- “Trading area” Means an area for informal trading governed by a trading plan.

1. BACKGROUND

1.1 Approach

- 1.1.1. This policy document is designed to apply across the organisation, the Stellenbosch Municipality, and its geographical boundaries.
- 1.1.2. It is intended to reflect the needs, and requirement of the key stakeholders. However, legally it enjoins the Stellenbosch Municipality. The readership and target audience is nevertheless the informal sector, the Stellenbosch Municipality, the business community and the public. This document applies to the informal sector, where trading takes place in public places.

1.2 Informal Trade Policy and Related Documents

- 1.2.1. The Informal Trading Policy is one of two related documents; the Policy sets the direction for the municipality's developmental response to the informal trading sector and it is operational and spells out the resources, sequencing, roles and responsibilities of the various services and departments in the Stellenbosch Municipality as it relates to the informal sector.
- 1.2.2. The Informal Trading By-Law, is the second document, it is an enforceable law within the Stellenbosch Municipality municipal area.

1.3 Purpose of the Policy

- 1.3.1. The policy thus seeks to set out a) the strategic objectives for the development of the informal trade sector, b) the planning and management guidelines for informal trade in the Stellenbosch Municipal Area c) and the stakeholder roles regarding the informal trade sector.

2. PROBLEM STATEMENT

2.1 Problem Statement

- 2.1.1. Identifying and addressing the development priorities of the sector, at any given time period, has been limited and fragmented.
- 2.1.2. The mainstreaming of policy directives and the coordination of services across the Stellenbosch Municipality has been a challenge. Matters pertaining to the sector have for the most part been seen as the responsibility of one or two departments in the municipality.
- 2.1.3. Discussion among different stakeholder groupings has been fragmented. As a result issues that could be resolved via regular and consistent engagement have remained unresolved.
- 2.1.4. Institutions, such as representative stakeholder bodies are weak or absent in both the formal and informal business sectors. This makes it difficult for the informal sector to agree and decide on crucial matters affecting the sector. Regular multi-stakeholder and engagement simply does not take place.
- 2.1.5. The problem, as it may be viewed from the stakeholder's perspective is arranged according to the four key groups, formal and informal business, the public and local government.

Table 1: Problem Statement: Stakeholder Perspectives

Informal Traders and Employees	<ul style="list-style-type: none"> • Soft consumer demand • Influx of competitively priced goods • Uncertain and insecure employment condition • Unclear or hostile policy or regulatory environment • Low level of technical and business skills • Fractured and numerous trader organisations • Limited infrastructure and space
Formal Business Sector	<ul style="list-style-type: none"> • Soft consumer demand • Fixed and rising overhead cost • Compliance with formal regulations/laws/policies • Competition from informal traders • Congestion pedestrian walkaways
Stellenbosch Municipality	<ul style="list-style-type: none"> • Large organisation to coordinate service delivery • Multiple policies applicable to the sector • Lack of single access point to the informal sector • Contravention of by-laws • Cost of infrastructure delivery and ongoing maintenance cost

Consumers	<ul style="list-style-type: none"> • Poor understanding of the sector • Weak economic climate • Limited choice of goods/services • Lack of quality assurance • Congested pedestrian walkways
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3. STRATEGIC INTENT AND REGULATORY CONTEXT

- 3.1. This policy aligns with the LED strategy, IDP and the Spatial Development Framework.
- 3.2. It seeks to leverage Stellenbosch Municipality's fixed assets, such as land and properties to promote economic growth and the development of the informal economy and in particular the informal trading sector.
- 3.3. Informal trade is influenced and governed by a number of laws and policies at National, Provincial and Local level.

Table 2: National Legislation

ACT	APPLICABILITY	WHAT IT DOES IN RESPECT OF INFORMAL TRADING
Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)	All organs of state	<p>Section 22 of the Constitution of the Republic of South Africa (the Constitution) provides for the freedom of trade, occupation and profession. It provides that "every citizen has the right to choose their trade, occupation or profession freely." It is accepted that this freedom extends to informal trading. Section 22 of the Constitution further provides that "[t]he practice of a trade, occupation or profession may be regulated by law."</p> <p>Section 36(1) of the Constitution also provides that rights contained in the Bill of Rights may be limited "...in terms of a law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors. The effect of this Limitation Clause on the right to choose a trade is simply an acknowledgment that the right to trade is not a right that cannot be limited and must be considered and interpreted taking into</p>

		account other competing rights and obligations.
The Businesses Act 71 of 1991 (as amended by Act No 186 of 1993)	The state and all persons (natural or juristic person)	Prohibits the conduct of any business without the possession of a requisite license. Makes specific provision for the licensing of businesses
The Public Health by-Laws	The state and all persons (natural or juristic person)	Which outlines the permit requirements for the rendering of specific services
The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)	The state and all persons (natural or juristic person)	Prohibits the state or any person from discriminating unfairly against any person on the grounds of race or gender through the denial of access to opportunities for rendering services or by failing to take steps to reasonably accommodate the needs of such persons.
Promotion of Administrative Justice Act	The state and all persons (natural or juristic person)	Establishes the standards which ensure just, fair administrative action.
Regulation 918 promulgated under The Health Act 63 of 1977	The state and all persons (natural or juristic person)	Establishes the manner for the application and issue of Certificates of Acceptability.
The Atmospheric Pollution Prevention Act 45 of 1965	The state and all persons (natural or juristic person)	Establishes the framework for the prevention of pollution in the atmosphere and provides for matters incidental thereto.
The National Building Regulations and Building Standards Act 103 of 1977,	The state and all persons (natural or juristic person)	Provides for standards for the regulation and enforcement of issues connected therewith.
Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)	Municipalities and municipal entities	Establishes a regulatory framework for supply chain management which includes procurement within municipalities and municipal entities.
Local Government	Local sphere of government	Establishes a framework for the establishment of service delivery

Municipal Systems Act, 2000 (Act No 32 of 2000)		agreements involving competitive bidding processes
Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).	Procurement provisions apply to all organs of state.	Establishes a code of good practice to inform the: <ul style="list-style-type: none"> • Development of qualification criteria for the issuing of licenses or concessions, the sale of state owned enterprises and for entering into partnerships with the private sector; and • Development and implementation of a preferential procurement policy.
Prevention and Combating of Corrupt Activities Act, 2004. (Act No. 12 of 2004).	Public and private Sector	Makes corruption and related activities an offence. Establishment a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; and Places a duty on certain persons holding a position of authority to report certain corrupt transactions.
The Conventional Penalties Act (Act 15 of 1962)	The state and all persons (natural or juristic person)	Provides for the enforceability of penalty stipulations, including stipulations based on pre-estimates of damage.
Arbitration Act (Act 42 of 1965)	The state and all persons (natural or juristic person)	Provides for the settlement of disputes by arbitration tribunals in terms of written arbitration agreements and for the reinforcement of the awards of such tribunals
Promotion of Access to Information Act (Act 2 of 2000)	The state and all persons (natural or juristic person)	Gives effect to the rights provided for in the Bill of Rights in Section 32 of the Constitution (Act 108 of 1996), namely that everyone has the right of access to information held by the state and any information that is held by another person that is required for the exercise or protection of any rights. Sets out the procedures pertaining to the obtaining of records in the public and private sector, the grounds for refusal of access to information, mandatory disclosures in the public interest, and appeals against decisions of information officers of certain public bodies.

4. VISION, MISSION, SCOPE

4.1 Vision and Mission

4.1.1. The vision for informal trade in the Stellenbosch Municipality is as follows:

“A thriving informal trading sector that is valued and integrated into the economic life, urban landscape and social activities within the Stellenbosch Municipality.”

4.1.2. While the Mission is:

“Through a developmental approach, the Stellenbosch Municipality seeks to facilitate the access to job and entrepreneurial opportunities within the informal trading sector. Nurturing a positive relationship with the formal business sector and consumers by providing a stable regulatory and flexible management environment that is predictable, empowering and sustainable.”

4.2 Scope: Policy Parameters

4.2.1. This policy applies to all informal trading as defined in section 2 which takes place on public space, or private land where it is included in a trading plan. Implementation agents may vary according to land/assets they are responsible for. The types of trading governed by this policy are as follows:

- A. Seasonal Traders (traders who respond to seasonal or once-off/short term trading opportunities)
- B. Street/kerbside trading
- C. Trading in pedestrian malls
- D. Containers and fix units or permanent structures
- E. Public Markets (i.e. markets operating on public land, such as flea & craft markets, etc.)
- F. Trading at road intersections (as permitted in terms of Regulation 322 of the National Road Traffic Regulations, 2000)
- G. Trading in Public Open Spaces (including parks, cemeteries, etc.)
- H. Trading at Events and basking
- I. Mobile Traders:
 - i. Vehicle based: such as fish, ice-cream, prepared food, soft drink, fruit and veg, or other agricultural produce traders who trade from their vehicles and respond to opportunities by relocating their trading station periodically.)

- ii. Pedestrian based: roving traders- who sell their wares in streets, and public spaces and respond to trading opportunities by engaging their target market directly
- iii. Trading from a bicycle, a caravan, light delivery vehicle, any other vehicle or mobile and/ or removable kiosk; specially designed and constructed for trading purposes.

5. DEVELOPMENTAL APPROACH

The policy aims to improve conditions for informal trading, assisting it to thrive by focusing on 1) planning and development, 2) policy issues, and 3) institutional arrangements. To realise the policy aims all Directorates within the Stellenbosch Municipality must, within their functional areas, adopt a developmental approach to matters relating to informal trading.

5.1 Development and Planning

- 5.1.1. This section sets out the approach to the problems related primarily to the informal trader. The issues of space, infrastructure, planning and skills are addressed below.
- 5.1.2. **Role of the Informal Economy:** Stellenbosch Municipality acknowledges the legitimacy and role of the informal economy, in terms of its employment and economic growth prospects. Urbanising cities and towns globally are experiencing growth in the number of entrants to the informal sector. The informal economy also has low barriers to entry and serves as a social safety net; it also often sustains the livelihoods of foreign nationals who seek refuge from war torn countries. The informal economy is thus important socially and economically. The response to the sector will determine how well it thrives.
- 5.1.3. **Development:** development interventions will need to be localised, industry-based and tailored to the individual trader. The focus will be on improving sustainability of enterprises, growth and profitability, or the return to the trader.
- 5.1.4. **Partnerships:** The development of the sector cannot happen without key actors. Developing partnerships, with for example private sector developers and land owners, or other development organisations and other government departments will be key to providing solutions that benefit the informal sector and private sector, consumers and the Stellenbosch Municipality alike.
- 5.1.5. **Variation and Flexibility:** no single approach will be sufficient for the development requirements of such a diverse sector. A varied and flexible approach is required, depending on the trader, the industry, and the local level social and economic environment.
- 5.1.6. **Formalisation:** Entrepreneurs will be encouraged to formalise incrementally, as per their needs, and as the business and entrepreneurs develop over time. Aspects to formalisation include proper zoning and land use, business registration, health certificates, sector body registration, tax registration, other.

- 5.1.7. **Spatial Planning:** The forward planning function will play an important role of identifying suitable trading areas that support the viability and sustainability of informal trade. These areas may be of municipal and district significance, identified new growth areas, spatial structural elements that would reinforce informal trading, such as public transport systems, transport interchange hubs, commercial centres and pedestrian routes.
- 5.1.8. **Infrastructure:** flexible and the appropriate level of infrastructure, shall be provided over time to foster sustainability of the traders while improving the environment for all stakeholders. It must be stressed that all infrastructure delivery must be accompanied by a maintenance plan in the medium to long term. A stakeholder approach will determine the type and location of infrastructure required, as well as which stakeholder will deliver and maintain the infrastructure.

5.2 Policy Issues

- 5.2.1 **Policy Environment:** The policy environment, especially a strategic coherent strategy for the sector to respond to these issues is lacking and is a challenge to the development of this sector. It is anticipated that this element together with the institutional arrangements below will address
- 5.2.2. **Policy Development:** The appropriate level of regulation will be adopted to promote the sector; appropriateness will be determined by area and industry factors and agreed upon in engagement forums. Policy needs to encourage and support informal trade; it also, however; will take into account the interests of relevant stakeholders such as the public, Stellenbosch Municipality and formal business. It will be the responsibility of local implementation agents to broaden and deepen the response required to local needs, under the strategic objectives.
- 5.2.3. **Policy Review:** Policy implementation will be monitored annually, objectives be evaluated every two years and the overall policy reviewed every five years.
- 5.2.4. **Policy Alignment:** All related policies will need to be aligned to achieve the desired outcomes of this align with the Informal Trade Policy. It is expected that policy alignment will take place progressively over time.

5.3 Development Organisations and Forums

- 5.3.1. The challenges faced by all stakeholders will be addressed by establishing sector engagement forums. In addition, institutions dedicated to the representation and development of the informal trade sector will be necessary to realise the outcomes in the development and planning section above. This section introduces the operational mechanism required for development.
- 5.3.2. **Engagement Forums:** A multi-stakeholder engagement forum shall be established by the Stellenbosch Municipality and serve to identify problems, solutions and set the direction for the development of the sector in the respective areas. These forums will also serve to spread information to sector via the representative organisations.

- 5.3.3. **Representative Organisations:** Support to and assistance with the establishment of trader associations as well as other stakeholder bodies shall be offered. These organisations will represent their constituents at the engagement forums.
- 5.3.4. **Industry Development Organisations:** Industry-specific intermediaries (private sector firms or purpose-built development organisations) can play a development and business support role. They perform functions on behalf of informal traders such as, product design, mentorship, contract negotiation, and a business interface role with respect to informal enterprises. Establishment, support and expansion of either existing, industry or purpose specific intermediaries will be explored.

6. PRINCIPLES

The principles below shall be used to operationalize the approach especially the development planning process.

6.1 Economic Principles

6.1.1. Economic growth in the informal trading sector will be facilitated through the following:

Reinforcing business zones: Link new and existing trading areas to business areas to create viable hubs of business activity.

Business support: Link traders to a range of business support services that caters for the different types and levels of traders.

Use of Municipal or State property: Ensuring that the buildings and property owned by the Stellenbosch Municipality or the State are leveraged for maximum economic return.

High Demand Areas: Targeting highly accessible and visible locations for value-added trading in order to derive benefit for informal traders, consumers and formal business alike.

6.2 Spatial Principles

6.2.1. Informal trading contributes to the value of public places and has the potential to be a catalyst for generating positive public spaces through:

- a. **Prioritised Areas:** Developing those areas that will have most significant impact on the largest number of people, i.e. areas with large flows of pedestrian traffic.
- b. **Spatial Allocation:** Allocating space for informal trading areas in accordance with the Spatial Planning Framework of Stellenbosch Municipality or any other spatial related policy.
- c. **Infrastructure Provision:** Providing the appropriate level of infrastructure for informal trading, this would vary depending on the type of activity.

6.3 Engagement Principles

6.3.1. The following principles will govern the manner in which stakeholder engagement will take place and information will be managed:

- a. **Communication:** Communicate widely, accessibly, in different forms (print, electronic media) to improve the targeting and reach of information to the sector stakeholders
- b. **Equity and Inclusion:** include all relevant stakeholders in the appropriate forums at the appropriate level

6.4 Social Principles

- 6.4.1 The promotion of equity within Stellenbosch Municipality to create a dignified society through:
- a. Spreading public spending in an equitable manner throughout Stellenbosch with an emphasis on the poorer parts of Stellenbosch that have not historically benefited from public sector investment.
 - b. Viewing the location of public sector investment as an opportunity to integrate communities that have historically been spatially separated.
 - c. Using the development of the informal trading infrastructure as an opportunity to improve the general environmental condition of the Historically Disadvantaged Areas of Stellenbosch.
 - d. Providing basic services such as water and refuse facilities to all areas where public health and/or public safety is at risk.

7. STRATEGIC OBJECTIVES

- 7.1. The strategic objectives will have a maximum lifespan of 5 years. A review process should follow this period (as set out in the Monitoring and Evaluation section) after which the strategic objectives should once more be deliberated and informed by the stakeholders in the multi-stakeholder platforms.
- 7.2. Considering the current challenges in the sector regarding informal trading, the following strategic policy objectives, informed by the principles and approach, will guide action over the medium term. It must be stressed that these are overall objectives, and that each trading area (representing a site or more than one site), together with Stellenbosch Municipality should develop area and sector specific objectives.
- 7.3. Moreover, the implementation of these objectives can be split into broadly two functions
- (a) **Trader development and engagement processes** and b) **infrastructure provision and maintenance.**
- a. Stellenbosch Municipality will play a facilitation role, sourcing resources from partners and external role players and making the services or resources available in Stellenbosch Municipality; while in part
- b. Infrastructure, provision will be dependent on budget provision.
- 7.4. Lastly, where applicable, a gendered approach to the training and development of the sector shall be encouraged.

Table 3: Strategic Objectives and actions

Objectives	Actions
Strategic Objective 1	<ul style="list-style-type: none"> • Plan for and Initiate Development Activities in Support of the Sector • Make available, via partners, commercial and business skills opportunities (including marketing, communication, finance, other) as required • Engage in a strategic spatial planning exercise to determine the best trading locations and layouts for existing and new sites
Strategic Objective 2	<ul style="list-style-type: none"> • Promote innovation through new product development, process innovation, packaging, design, and organisational improvements, etc. •

Strategic Objective 3	<ul style="list-style-type: none"> • Support Representative Institutions and Establish Stakeholder Engagement Forums • Establish one municipal-wide multi-stakeholder engagement platform for the sector • Establish multi-stakeholder engagement forums at local level such as the trading area (or at the appropriate scale) • Support and mentor trader associations and other stakeholder organisations where feasible, assist with the establishment of new associations where required
Strategic Objective 4	<ul style="list-style-type: none"> • Engage in Policy Development, Review and Mainstreaming Processes • Ensure annual monitoring, bi-annual evaluation of the strategic objectives and 5-year review of the policy in the multi-stakeholder dialogue forum • Through stakeholder engagement and the policy alignment process, ensure the adequate mainstreaming of the policy and policy practice across the municipality and stakeholders

8. STAKEHOLDERS: ROLES AND RESPONSIBILITIES

8.1. It is expected of the stakeholders to perform the following roles and responsibilities, either directly or through representative bodies.

Table 4: Role Players, Roles and Responsibilities

Role Player	Role	Responsibilities
1. Informal Trader and Employee	Trade in quality goods/services desired by the public Trade goods/services at strategic locations and competitive prices	Abide by laws for the comfort health and safety of the public Engage other stakeholders directly via dialogue institutions or via representatives such as trader associations
2. Stellenbosch Municipality	Policy formulation and revision Regulation and enforcement Provide and facilitate developmental services Management / operations	Various line departments will take up the relevant roles below
	1. Economic Development Department	Policy Implementation and management Coordinate development services (provided by partners) Regulate and Administer Trading Convene multi-stakeholder forums Identify and facilitate the use of land for trading in appropriate manner
	2. Spatial Planning and	Location, layout and forward planning Site specific planning (linked to development applications) Infrastructure specification and project packaging

	3. Land Use Planning Department	Screening of possible developments for integration of trading facilitate appropriate zoning for trading
	4. Events Management	Incorporate and promote trading in and adjacent to event footprints
	5. Safety and Security Department	Developmental Law Enforcement
	6. Traffic Services	Enforce law on roads and intersections
	7. Engineering department	Incorporate informal trading planning at public transport hubs/terminals and interchanges
	8. Finance Department	Investigate and implement funding mechanisms for reinvesting permit fees into urban management
	9. Health Department (District)	Issue and enforce health certificates for food traders Improve hygiene practices through training
	10. Engineering Services	Plan, spec and provide water, sanitation, and electricity. Municipality infrastructure where appropriate.
	11. Property Management	Provide a facility management services
3. Formal Business	Provide goods/services desired by the public; provide quality goods and services to the public	Trade Abide by laws for the comfort, health and safety of the public. Engage other stakeholders directly via at dialogue institutions or via representatives such as trader associations.
4. Public Consumer	Exercise preference through purchasing goods/services Consumer watchdog	Engage in dialogue forums Abide by laws Inform regulator of infractions of the law

9. PLANNING AND MANAGING INFORMAL TRADE

From an operational perspective this policy aims to achieve sustainable urban management. To this end, planning and design is required to accommodate informal trading in designated streets, public open spaces and markets. The full integration of informal trading into the planning, design and management of the Municipality is therefore necessary in order to enhance Stellenbosch Municipality, promote economic development and expand employment opportunities.

9.1 Policy Tools

9.1.1. The four implementation levers are planning, registration, bay allocations and the permit fee structure.

9.1.2. **Planning:** New markets and trading opportunities must be properly planned, bearing in mind the economic needs of all stakeholders, such as the need for more vibrant land use and the need for orderly town, spatial and transport planning, as well as health and safety. Existing markets should be managed properly and new trading sites or market developments must be informed by a spatial and economic rationale.

9.1.3. **Registration:** For management purposes (space, equity and trader/employee development, rental collection) registration of all informal traders is required. Registration gives permission to operate, and provides access to services and support. Data on registration will be kept in the centralised information system, which will link where traders are, the sectors they work in, with registration, permit-fee payment status, environmental health and the enforcement function.

9.1.4. **Allocations:** The aim of the allocations policy is to support sustainable growth and provide opportunities for new entrants, in an economically sustainable and socially useful way. The criteria for allocations will be negotiated locally with stakeholders; the allocation of sites will then be done by Municipal officials. The allocations policy shall be used to balance access to opportunities between established traders and new entrants.

9.1.5. **Permit:** Fee structures: Value is placed on sites through a system of differentiated tariffs. Fees will be linked to site size, desirability of location and the level of services provided. Levels will be determined by considering the cost to local government of providing the facility, bearing in mind the need to subsidise opportunities in appropriate areas. Certain areas may be discounted depending both a) on the nature of the good/service traded and b) the socio-economic conditions of the surrounding area.

9.2 Planning For Informal Trade: Optimal Locations

9.2.1. Strategic Planning Exercise

9.2.1.1. Stellenbosch Municipality, as well as other stakeholders, will play an important role of identifying future or potential suitable trading areas that are either regionally or locally strategic for informal trading. A strategic spatial planning exercise (forward planning and pre-emptive) will identify components of the urban landscape that

would reinforce informal trading and vice versa, both current and future opportunities; such as, the public transport system, transport interchange hubs as well as identifying the interaction between formal and informal economic activities.

Planning should aim to ensure the sustainability and growth of the enterprise while taking into account the needs of other users/stakeholders. The output of the strategic planning process will feed into the trading plan processes and the identification of high demand zones.

9.2.2. High Demand Zones

9.2.2.1. In the course of the strategic spatial planning exercise for the identification of high demand zones within any one of the economic centres; areas may be identified as current, or future potential high demand zones. These areas will be managed, periodically, with a regime that reflects their demand; in other words, price, time and permit holder will be flexible to match demand. Allocations will be made on a shorter term basis, and space will be priced according to its value (see pricing below) and allow for maximum rotation of traders (for both equity and trading mix) while maintaining the quality and integrity of the High Demand Zone.

9.2.3. The Trading Plan

9.2.3.1. Stellenbosch Municipality must adopt trading plans where required. This is particularly important in areas where there is an overlap among various stakeholders, business, public or municipal uses.

9.2.3.2. The trading plan must set the geographical boundary for the trading area and allocate bays where trading can take place.

9.2.3.3. The plan can include among others:

Specific trading conditions or criteria

- Set out development priorities, whether for the local economy or industry specific development plans and including trader and employee development
- Allowance for environmental and heritage protection
- Cater for markets and high demand zones
- Set out third party arrangements and responsibilities for managing trade in the area
- Guidelines for the regularity in which the stakeholders will meet to discuss matters pertaining to the trading area (or the need for engagement forums)

9.2.4. Spatial Planning Framework

9.2.4.1. Taking into account the differing economic, spatial and infrastructural elements of the Stellenbosch Municipality, the following guidelines will inform the development of current and future trading areas in the municipal area:

9.2.4.2. Public Spaces in Central Business District

In the central business district centres informal trading would be permitted to provide a range of trading possibilities linked to opportunities for growth and diversity:

- In pedestrian malls
- In designated trading areas
- At appropriate markets, and public squares/space

9.2.4.3. Public Spaces in Secondary Economic Centres:

In Secondary Economic Centres the Municipality will have:

- Designated trading bays located along major pedestrian traffic routes.
- Open trading areas that allow flexibility for traders as well as formal market spaces.

9.2.4.4 Public Spaces in Primary Economic Centres:

Each type of economic centre must allow an increase in the municipality's developmental and facilitative role. There for in primary economic centre like estates and townships the following is practical:

- Demarcated trading bays will only be allowed in high pedestrian traffic flow areas where congestion is not problematic
- Flexible market structures must be built at key transport nodes that will allow for the integration of a number of services ensuring regular pedestrian traffic flows. In these areas cognisance must be taken of the lack of quality urban environments and appropriate physical infrastructure and therefore the approach needs to be in terms of a more physically structured response.

Table 5: Summary of trading areas appropriate for the three types of economic centres.

	Pedestrian Malls	Designated open Trading Areas	Designated Trading Bays	Mobile Trading	Trading in public place	Stationary & Fix containers	Roving Trading	Basking	Special events	Markets
Stellenbosch Trading	X	X	X	X	X	X	X	X	X	X
Groendal		X	X		X	X			X	X
Franschhoek		X	X	X	X	X	X	X	X	X

Klapmuts		X		X	X	X	X	X		X
Jamestown		X		X	X	X	X	X	X	X
Pniel		X			X	X	X	X	X	X
Kayamandi		X	X	X	X	X	X	X	X	X
Idas Valley		X	X	X	X	X	X	X	X	X
Cloetesville		X	X	X	X	X	X	X	X	X
Mooiwater		X	X			X	X	X	X	X
Kylemore		X	X		X	X		X	X	X

9.2.4.5. Informal and Marginalised Residential Areas

In informal settlement and township areas the provision of trading spaces should be clearly linked to "place-making" strategies, as trading may have the potential to generate new forms of public space. Appropriate facilities need to be provided in these environments that will allow a range of trading levels, structures that are flexible to change and upgrading and access to utility services.

9.3. Organisations and Forums Supporting Development

9.3.1. Multi-stakeholder engagement platform

9.3.1.1. Planning and development of the sector requires engagement of all stakeholders, each stakeholder may require its own forum to discuss issues internally before it is brought to a multi-stakeholder platform. Stellenbosch Municipality will establish, with its stakeholders, one multi-stakeholder platform for engagement around matters relating to the informal trade sector.

9.3.2. Trade Associations and Development Organisations

9.3.2.1. Specific organisations and engagement platforms may be required to address the needs of specific groups (employees and employers). Support to establish and sustain trader associations should be offered. The support of and, where feasible, the establishment of new industry specific organisations (intermediaries), shall be undertaken.

9.4 Development Support

9.4.1. Direct Support

9.4.1.1. Direct support offered to traders and their employees may include business or technical training and mentorship, depending on the need. These will be piloted

and provided by stakeholders and partners. The development support required will be determined at an area level, linked to the trading plan and developed by the stakeholders in the area.

9.4.1.2. New traders will be encouraged to join a trader association in the trading area

9.4.1.3. Traders will be assessed at the permit application stage and encouraged to register at one of the industry-development organisations related to the trader's goods/service (should those be available)

9.4.2. Indirect Support

9.4.2.1. A range of indirect support will continue to be provided to the sector through Stellenbosch Municipality and other stakeholder with input and involvement of the sector. This could include:

- Planning (spatial, land use, other)
- Site identification, preparation and development
- Contract development and legal services
- Management and regulatory services

9.5 Criteria for the Allocation of Trading Bays

9.5.1. Central to equitable allocation of trading bays, is the compilation by Stellenbosch Municipality of a database of all street traders in a particular area, which will include for each trader: ID number or any recognised form of identification, address, goods being sold, trading location and any other relevant information.

9.5.2. It is acknowledged that the following basket of criteria will form the broad basis of decision to allocate bays. As the process is ultimately to be managed on an area basis (a combination of geographic criteria and category of economic centre criteria), it is required that the criteria following are a guideline. In the implementation stage it will be the right of all traders to be fully aware of exactly which criteria are being used in respect of allocation of trading bays.

9.5.3. In the event of traders wishing to appeal a municipal official's decisions which are deemed to impact on the rights of traders, the appeals will follow the Appeal Procedures as outlined in section 62 in the Municipal Systems Act, No.32, of 2000.

9.5.4. Subject to and in compliance with Section 6A (1), (2) and (3) of the Businesses Act No. 71 of 1991, allocation of trading bays will be based on the following criteria and considerations:

Applicants must be:

- Existing informal traders, or

- desire to become informal traders (provided they comply with the requirements below, and may be for example, informal employees, seeking to establish their own business)
 - The nature of the goods and services should not conflict with or unduly compete with:
 - the type of goods/services sold by formal businesses in the trading area/ or close to the bay
 - the type of goods/services, sold informally, in the same trading area;
 - Unemployed people will get preference;
 - Where bays are available, traders operating more frequently will get preference over occasional/casual traders within the trading area;
 - The applicants ability to meet the trading hours set for the trading area;
 - Preference will be given to Historically Disadvantaged Individuals;
 - Consideration shall be given to new traders to the municipality's database;
 - Only one bay will be allocated per trader;
 - Preference will be given to traders who do not trade in any other trading area;
 - Preference will be given to those who do not share the same household with an existing permit holder, provided that:
 - There are more trading bays than applicants;
 - The applicant is not economically dependent on the existing permit holder.
 - **Preference will be given to applicants who reside in, or close to, the trading area for which the permit is applied;**
 - The trader must be in possession of a valid South African identity document or relevant documents allowing the individual to working permit;
 - In the case of foodstuffs being processed and traded, the trader must be in possession of the required Business License (and Certificate of Acceptability);

9.5.5. Other Conditions

New applicants will be required to undergo an information session regarding the informal trading policy and by-law.

Applicants will be assessed to determine training and development needs, which may include registration with an industry development organisation.

Council will reserve the right to withdraw summarily the allocation of a bay in the event of evidence proving that (i) a trader has wilfully supplied incorrect information related to permit conditions; (ii) a trader has failed to update the information annually; (iii) a trader, who is allocated a bay, has sublet or sold such a bay to a third party without the approval of Council; (iv) a trader is behind payment on the permit fee (for two consecutive months); (v) a trader does not comply with the Informal Trading by-law.

When events permitted by Stellenbosch Municipality occur, the right to the event supersedes the trading right. Stellenbosch Municipality will have the right to summarily cease (without any compensation for loss of earnings) all trading in bays which the Municipality deems are affected by the special event. (traders affected by the event can approach the event organiser to trade within the event footprint) The Municipality will encourage trading in areas surrounding the event, where possible.

In high demand zones, alternative allocation models will be piloted to enhance the trading mix and provide for new entrants.

9.5.6. Special Circumstances for Allocation of Bays

9.5.6.1. It is recognised that the following special circumstances may warrant the transfer of the permit to an assistant or family member such as in the case of:

- Death of Principal Trader – where the inability to trade would place undue hardship on the family of the Principal Trader, permission may be granted to another family member/assistant trader to continue trading until the end of the trading period as stipulated on the permit for the bay.
- Personal reasons; such as, illness, pregnancy, family responsibility, religious or cultural matters, or any other personal matter, provided it is for a period no longer than 6 months, and provided that:
- Proof from a medical practitioner is provided to the municipality which certifies that the permit-holder is unable to trade; and
- A written affidavit is provided to the municipality stating the nature and period for which the permit holder requires the permit transfer

9.5.7. If the Principal Trader or his/her family chooses not to make application for special consideration as outlined above, the permit for the bay must be returned to the municipality to be allocated to the next person meeting the criteria on the waiting list.

9.6 Law Enforcement

9.6.1. All laws will be enforced related to conduct, health and safety and the trading in prohibited areas. The policy, including by-laws will be work-shopped with all new permit holders, when they receive the permit, and with existing permit holders. The following, among others, pertain:

- No trader will be permitted to carry on such business in a manner, which creates a nuisance, is a danger or threat to public health and safety, or damages or defaces any Council property.
- A criminal act will be dealt with through the appropriate criminal procedures.
- Where a trader violates the permit conditions, he/she will be informed in writing of the violation and course of action. A 'three-strike system' will be employed whereby two (2) written warnings will be issued before punitive action is taken. Permit fees will not be refundable if the permit is revoked or suspended.
- Punitive measures could include suspension for a specified period, or the total withdrawal of such trading permit.
- The trader will have the opportunity to put his/her case forward at an inquiry and he/she will be permitted to call any witnesses to testify on his/her behalf. Minutes will be kept of all inquiries and will be available to all interested parties.
- In the case of a trader being refused a permit or having his permit revoked, the complaints procedure will be conducted.
- In the event of traders wishing to appeal a municipal official's decisions which are deemed to impact on the rights of traders, the appeals will follow the Appeal Procedures as outlined in section 62 in the Municipal Systems Act, No.32, of 2000.

9.7 Management of Trading Areas

9.7.1. Different trading environments will require alternate management models and depending on the characteristics of the market or informal trading areas and the desired outcomes for trade in the area.

9.7.2. Formal Market Sites

9.7.2.1. The management of these sites will be granted on a competitive tendering basis for those Formal Markets (including Craft Markets) identified by the Stellenbosch Municipality for outsourced management. The successful tenderer will be granted the management contract for a reasonable period after which it will once again be open for competitive tendering. Management agents will be required to sign Service Level Agreements with the municipality clearly spelling out each party's responsibilities and penalties for non-compliance. Included in the Agreements will be provision of ablution and storage facilities.

9.7.2.2. The legal arrangements that will govern the management of the markets can take the following forms:

- Head lease with a commercial operator who is responsible for all aspects of the market, including security, cleansing and maintenance. The operator would pay the municipality a market related rental.
- Head lease with an association of traders/crafters (usually a common law voluntary association not for gain) who is responsible for all aspects of the market, including security, cleansing and maintenance. The rental payable to the municipality would range from nominal to market related, depending on the location of the market.
- A management contract with the service provider to manage aspects of the market, such as ablution facilities, storage facilities, cleansing and security. The municipality will issue permits to the individual traders.
- Lease with local, civic or community associations to manage trading areas, with individual permits issued by the municipality.
- In the case of municipal run markets, traders would be issued permits for areas or leases for structures such as containers or kiosks.

9.7.3. Individual Fixed Trading Sites

9.7.3.1. These permits will be granted against the criteria established in the section entitled "Criteria for Allocating Permits". Permits will be granted for between 1 day (for high demand zones) and (1) to (3) years, depending on the area, after which application must again be made, subject to compliance to conditions. Permit fees will be divided into twelve equal payments which will be payable on a monthly basis.

9.7.4. Events

9.7.4.1. Examples of events include, sporting fixtures, concerts and national state events. These events are by their nature temporary and arrangements will depend upon the type of event and the geographical area in which it is taking place. When permitting a special event, the municipality grants full right to the event organiser to manage the entire event footprint, in turn; the event organiser accepts full liability for all risks.

9.7.4.2. For this reason, the trade to trade is revoked for the period of the event. The municipality will encourage event organisers to accommodate informal traders and where feasible allow trading to take place around the event footprint.

9.7.5. Transport Interchanges

9.7.5.1. Any trading in the vicinity of Transport Interchanges must not obstruct vehicular or other traffic. The establishment of any trading zones at Transport Interchanges would require the approval of the Interchange Management Authority.

9.8 Pricing and Funding Mechanisms

9.8.1. Basic Price Determination

9.8.1.1. The economic value of location and space will be incorporated into the pricing linked to tariffs and leases. At a metropolitan scale, a costing exercise will be undertaken at a sample each type of trading areas to determine the full cost of trading with varying urban management, locational and infrastructure attributes (e.g. utilities-water, sanitation, electricity, management services, infrastructure-shelter, storage, etc.). Differentiated tariffs for different levels of service provision will be introduced. A sample of different trading sites will be selected for the costing exercise, on completion of the investigation, price bands per trading class will be determined and each trading area will be assigned a trading class and the associated price band.

9.8.1.2. A tariff structure will be linked to:

- Desirability of location (demand)
- Site size
- Level of services
- Infrastructure
- Management services
- Discounting (the true cost)

9.8.2. Pricing Variations

9.8.2.1. Pricing will vary according to a number of factors, as mentioned above, in practice this may mean prices vary along the following lines:

a. Economic Centres

Tertiary, secondary and primary economic centres may influence the price.

b. Markets

In the case of markets, tariffs will vary according to type of market and the services available at the market. Where the market is operated by a lease holder, price setting is determined by the lease holder.

c. Socio-Economic Infrastructure

Transport hubs and interchanges, commercial/shopping centres, public facilities such as libraries, civic centres, among others.

d. Third Party Management

In areas that are managed by parties other than the municipality (e.g. adjacent to shopping centres) and where services are supplied that are supplementary to those provided by the municipality, an alternative tariff structure may apply in order to reflect the value of the additional services provided in the area.

e. High Demand Zones

In the course of the strategic spatial planning exercise for the identification of high demand zones within any one of the economic centres, areas may be identified as current, or future potential high demand areas

9.9 Funding Management

9.9.1. The municipality, with the relevant stakeholders, will seek out alternatives mechanisms to provide for the management; management may include safety and security services (e.g. officers of the peace), infrastructure maintenance and services (cleansing, sanitation, water, other). Funding mechanisms may include, inter alia:

1. Dedicated Budget Allocations

Streaming revenue collected from informal trading and assigning it directly to the management of informal trading

2. Leasing or Management Agreements

3. Advertising Sponsorships

4. Partnerships with Stakeholders

9.9.2. Developing a fair, equitable and transparent pricing and effective funding mechanisms will be an important step forward towards the development of the informal trade sector.

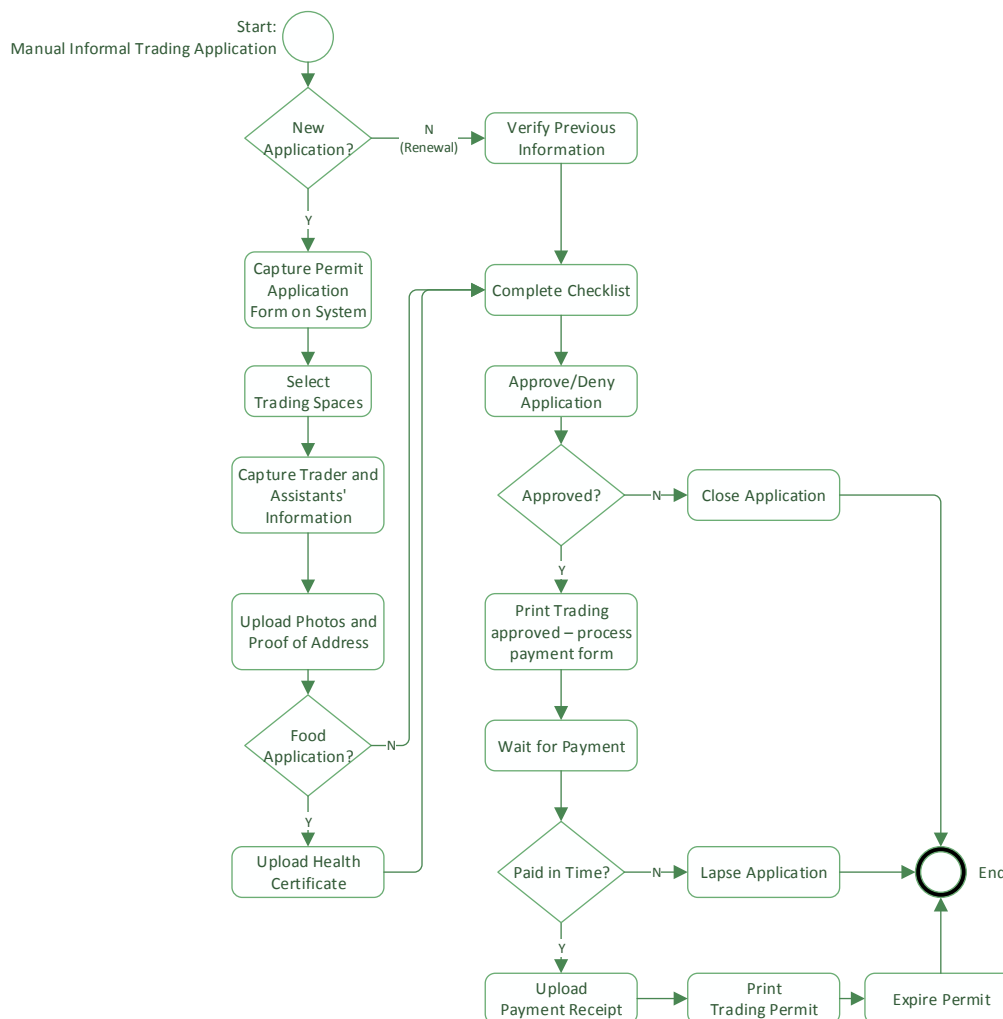
10 INFORMAL TRADING APPLICATION PROCESS

10.1 Enclosed Structures

- Only applications received on or before the closing date of advertised bricked structures will be considered/ evaluated based on a set criteria;
- Applicants whose application forms and business plan meet the criteria will be shortlisted;
- Shortlisted applicants will be invited for an interview to determine the suitability and sustainability of their proposed informal business;
- The interview panel will draft a recommendation memorandum to the Director Planning & Economic Development
- The Director Planning & Economic Development will review the recommendations and forward the final applicants names to the Municipal Manager for approval;
- The Municipal Manager review and provide a final approval;
- Successful applicants will be informed about the outcomes of their applications and invited to review and sign lease agreements; and
- Relevant information is captured on the central database.

10.2 Open Trading Bays and any other type of informal trading

The process below will be followed in terms of open trading bays:



10. MONITORING AND EVALUATION

10.1. Coordinated by the Economic Development Department:

10.1.1. Annual monitoring of the policy implementation shall take place and,

10.1.2. Bi-annual evaluation shall be undertaken via the multi-stakeholder engagement platform

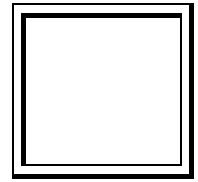
10.1.3. At the end of five years, the policy shall be reviewed against the problem statement, and the policy directives set out in this policy. A new problem statement and set of objectives should be determined by all the stakeholders.

10.1.4. Alternative forms of monitoring shall also be used such as surveys, focus group discussion or workshops. The municipality shall also investigate, as part of a monitoring system, a telephone hotline be established to provide information, register queries or log issues relating to the sector.

10.1.5. In addition, the monitoring system shall be established in order to:

- Provide a centralised hub of data to allow the stakeholders to utilise the informal trading data and incorporate the informal economy into their planning processes and strategies
- Conduct trend analyses and anticipate the growth of the sector over time
- Identify the needs of the sector
- Map of informal trading areas and trading bays and any shifts over time

REGISTRATION / APPLICATION FORM FOR INFORMAL TRADING IN THE GREATER STELLENBOSCH



CONTACT DETAILS

Title	
First names	
Surname	
Identity number	
Physical address	
Postal address	
Email	
Cell number	
Telephone number	
Fax number	

AREA OF INTEREST

Food (eg boerewors rolls, hot chips, burgers, etc.)	
Beverages (eg. cool drinks, juice, water, etc.)	
Sweets (eg candy floss, chips, biltong, etc.)	
Toys/gifts	
Crafts/curios	
Clothing	
Other Please specify	

TRADING OPTIONS (DAYS)

Monday to Saturday (Permanent traders)	
Saturday traders	
Daily based on availability of permits	

PREMISES

Stellenbosch (Please mark appropriate with x)	Pick & Pay		Strand Road	
	Braak		Checkers	
	Bergzicht Market		Flower Alley (steeg)	
Franschhoek	Opposite Groendal community hall		Town Hall	
	Opposite BP Garage		FNB	
	Museum			
Klapmuts	4 way stop opposite church			

OFFICE USE: _____

APPROVED BY: _____

COMMENTS: _____**CONTACT DETAILS OF ASSISTANTS**

Title	
First names	
Surname	
Identity number	
Physical address	
Postal address	
Email	
Cell number	
Telephone number	
Fax number	

CONTACT DETAILS OF ASSISTANTS

Title	
First names	
Surname	
Identity number	
Physical address	
Postal address	
Email	
Cell number	
Telephone number	
Fax number	

CONTACT DETAILS OF ASSISTANTS

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Surname	
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Email	
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Telephone number	
Fax number	

7.7.3	REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW
--------------	--

Collaborator No:

File No:

1/3/1/15

IDP KPA Ref No:

065

Meeting Date:

23 January 2019

1. SUBJECT: REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW

2. PURPOSE

To submit the Reviewed Stellenbosch Liquor Trading Hours By-law (**ANNEXURE A**) to Council for consideration, whereafter it could be published for public participation as envisaged in section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

In terms of Section 156 (2) of Constitution of the Republic of South Africa, “a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate”.

In this instance, the Reviewed Liquor Trading Hours By-law seeks to regulate liquor trading hours in the Stellenbosch Municipal area, and to rectify various shortcomings in the current Liquor Trading Hours By-law. These shortcomings, amongst others, relate to the jurisdiction of power and delegated powers to enforce the aforementioned By-law.

5. RECOMMENDATIONS

- (a) that Council approves the Reviewed Stellenbosch Liquor Trading Hours By-law for public consultation purposes; and
- (b) that the Administration be mandated to advertise the Reviewed Stellenbosch Liquor Trading Hours By-law for public comment, after which it be submitted to Council for final consideration.

6. DISCUSSION / CONTENTS

6.1 Background

The current Liquor Trading Hours By-law was promulgated on 15 January 2016 in the Provincial Government Gazette 7753. Due to certain shortcomings, the aforementioned policy has now been reviewed.

Section 156 (2) of Constitution of the Republic of South Africa, 1966 reads as follows:
“a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate.

In this instance it refers to the days and hours during which liquor may be sold by licensees and for matters related thereto.

6.2 **Discussion**

Due to certain flaws in the current Liquor Trading Hours By-law (See **ANNEXURE B: Current Liquor Trading Hours By-law with track changes**) the Administration was compelled to review the By-law.

The reviewed policy with the Schedule for Admission of Guilt Fines addresses deficiencies relating to:

- A nodal approach to Liquor Trading Hours;
- Powers to the municipal law enforcement officers to enforce the By-law;
- Regulations on electronic selling of alcohol like the internet;
- The jurisdiction in which the By-law will be applicable;
- Consumer friendly language and easier enforceable By-law;
- Setting of maximum permissible trading hours with no provision for extension of hours to prevent administrative red tape.
- Maximum fines for transgressors of the By-law irrespective of the size of the business.

6.3 **Financial Implications**

The proposed By-law provides for penalties and this should be included in the tariff book as issued by Council.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

Adequate human resources will be needed to enforce the By-law.

6.6 **Previous / Relevant Council Resolutions:**

No previous Council resolutions in regard to this Reviewed Stellenbosch Liquor Trading Hours By-law, but the joint sitting of the Economic Development and Protection Services Committee: 2017-11-10 resolved as follows:

“that this matter be referred back to allow the Administration to prepare an accurate item (with correct appendices).”

6.7 Risk Implications

Risk relates to weak mechanisms to enforce the By-law if it is not well written.

6.8 Comments from Senior Management:**6.8.1 Director: Planning and Economic Development**

Supports the recommendations

6.8.2 Legal Services

Supports the recommendations, with the proviso that the liquor trading hours be incorporated into the By-law.

6.8.3 Director: Community and Protection Services

Supports the recommendations

ANNEXURES

Annexure A: Reviewed Stellenbosch Liquor Trading Hours By-law

Annexure B: Current Stellenbosch Liquor Trading Hours By-law

FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	<i>widmark.moses@stellenbosch.gov.za</i>
REPORT DATE	18-06-2018

ANNEXURE A



STELLENBOSCH MUNICIPALITY

REVIEWED LIQUOR TRADING HOURS BY-LAW

To provide for days on which and hours during which liquor may be sold by licensees and for matters related thereto.

PREAMBLE

Stellenbosch Municipality, by virtue of the powers vested in it by **section 156 (2)** of the **Constitution of the Republic of South Africa** as amended, read with **section 13** of the **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**, herewith publish the By-law set out below.

In this by-law, words used in the masculine gender include the feminine. All singular meanings shall include the plural interpretation and vice versa.

The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

INDEX

1. Definitions
 2. Application
 3. General prohibition
 4. Trading days and hours for sale and consumption of liquor on licensed premises
 5. Trading days and hours for sale and consumption of liquor off licensed premises
 6. Display of licenses, certificates and information
 7. Compliance and enforcement
 8. Offences and penalties
 9. Vicarious responsibility
 10. Transitional provisions
 11. Short title
- Schedule

1. DEFINITIONS

In this by-law unless the context otherwise indicates –

“Act” means the **Western Cape Liquor Act, 2008 (Act No 4 of 2008)**

“agricultural area” means an area predominantly zoned for agriculture or any other equivalent such as a small holding, zoning with the purpose of promoting and protecting agricultural activity on a farm as an important economic, environmental and cultural resources, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resources;

“authorised official” means a law enforcement officer appointed by the Municipality, and/or a member of the South African Police Service.

“Council” means the Municipal Council of Stellenbosch Municipality.

“guest accommodation establishment” means premises used as temporary residential accommodation, and includes but not limited to the provision of meals for transient guests for compensation, also including backpackers’ lodges, a bed-and-breakfast establishment, guest farm or lodge(s), as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“guesthouse” (gastehuis) means a commercial residential establishment of 15 or less bedrooms, accommodating no more than 30 guests at a time, for compensation, which:-

- (a) Primary source of business and purpose is the supply of tourist accommodation, meals and beverages (which may include liquor) for transient guests;
- (b) May include facilities for business meetings or training sessions of guests on the property;
- (c) A wellness center and conference facility for transient guests with necessary consent of Council limited to service of guests only; and
- (d) May consist of one or a group of buildings which are designed as a harmonious architectural entity.

“hotel” (hotel) is a commercial residential establishment of 16 or more bedrooms, accommodating more than 30 guests at a time, for compensation, and may include:-

- (a) A restaurant or restaurants forming part of the hotel;
- (b) Conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;
- (c) Premises which are licensed to sell liquor for consumption on or off the property together with or without meals to guests and/or the public;
- (d) May consist of one or a group of buildings which are designed as a harmonious architectural entity;

but excludes a backpacker’s lodge, a bed-and-breakfast establishment, guesthouse, guest farm or lodge(s), as well as facilities for business meetings, conferences, events or training sessions of resident guests of on-consumption facilities.

“Industrial area” means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

“license” means a license referred to in section 33 of the Act and reference to “license” includes “temporary license”¹;

“internet sales” means the sale of liquor to a purchaser who does not attend the licensed premises from which the liquor is sold but instead orders the delivery of liquor electronically through e-mail, internet websites, interactive digital TV or like manner and such sales will be deemed to occur at the time of delivery of the ordered liquor to the purchaser.

“licensee” means the person to whom a liquor license has been issued in terms of the Act;

¹ Section 33 of the Act provides for the following categories of licenses –

- (a) a license for the micro-manufacture and sale of liquor for consumption both on and off the premises where the liquor is sold;
- (b) a license for the sale of liquor for consumption on the premises where the liquor is sold;
- (c) a license for the sale of liquor for consumption off the premises where the liquor is sold;
- (d) in exceptional circumstances, a license for the sale of liquor for consumption both on and off the premises where the liquor is sold;
- (e) a license for the sale of liquor for consumption on or off the premises upon which liquor is sold at special events; and
- (f) a temporary liquor license for the sale of liquor for consumption on or off the premises upon which liquor is sold.

“licensed premises” means the premises specified in the liquor license or certificate or temporary license issued in terms the Act;

“liquor” means any liquid or substance which contains or is intended to contain more than 1% of alcohol by volume or mass, but excluding—

- (a) methylated spirits;
- (b) medicine which is subject to registration in terms of the Medicines and Related Substances Act, 1965 (Act 101 of 1965); and/or
- (c) products which are not intended for human consumption

“liquor authority” means the Western Cape Liquor Authority established by section 2(1) of the Act;

“manufacture” means to produce or bottle liquor with the intention of selling it;

“Municipality” Stellenbosch Municipality, a local authority established in terms of section 12 of the Local Government: Municipal Structures Act, 117 of 1998 by Provincial Notice 489/2000 (Establishment of the Stellenbosch Municipality (WC024) promulgated in the Provincial Gazette dated 22 September 2000, as amended by Provincial Notice PN675/2000 (Stellenbosch Municipality (WC024 Establishment Amendment Notice) promulgated in the Provincial Gazette of 4 December 2000.

;

“person” includes –

- (a) any natural person;
- (b) any organ of state;
- (c) any company or close corporation incorporated or registered as such under any law;
- (d) anybody of persons corporate or unincorporated; and
- (e) any trust;

“premises” means a place, land, building, part of a building, vehicle or vessel which is mainly used for the conveyance of tourists;

“residential area” means an area, predominantly zoned informal, general residential or any equivalent zoning, with the purpose to predominantly house single family dwelling houses in low to medium density

neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“room service facility” means a mini bar or self-help facility for the consumption of liquor in guest rooms or a hotel room, and includes a call-up service for resident guests;

“sell” includes supply, exchange, offer for sale, display for the purpose of sale or authorise, direct or allow a sale, supply, exchange, offer for sale or display for sale and “sale” and “sold” have corresponding meanings.

“sparkling wine” means a wine made effervescent by carbon dioxide gas, whether introduced artificially or produced naturally through secondary fermentation.

“supply” means to place a person in possession or control thereof;

“temporary license” means a temporary license referred to in section 48 of the Act;

“the Act” means the Western Cape Liquor Act 4 of 2008, as amended;

“trading days” means the days on which liquor may be sold during trading hours;

“trading hours” means the hours during which liquor may be sold on trading days;

“wine” means wine as defined in Section 1 of the Liquor Products Act 60 of 1989;

2. APPLICATION

This By-law applies to all licensees that sell liquor within the area of jurisdiction of the Municipality.

3. GENERAL PROHIBITION

No licensee may sell liquor outside of the hours permitted in terms of this By-law.

4. TRADING DAYS AND HOURS FOR SALE AND CONSUMPTION OF LIQUOR ON LICENSED PREMISES

- (1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:
 - (a) On any day; and
 - (b) during the hours of trade as set out in the Schedule.
- (2) A licensee may not allow the consumption of liquor on the licensed premises more than 30 minutes after the time set out in the Schedule as the time at which the sale of liquor is to cease.
- (3) Despite subsection (1), a hotel or guest accommodation establishment or guest house licensed to sell liquor may offer a room service facility at any time of the day on any day.
- (4) Despite subsection (1), a licensee may sell sparkling wine outside of the hours of trade set out in the Schedule from 08:00 on any day provided it is sold with a meal.
- (5) Despite subsection (1) a licensee, licensed to manufacture liquor, may operate a tasting facility to offer the sampling of liquor manufactured on the licensed premises on the following days and hours:
 - (a) On any day; and
 - (b) from 08:00 and until the time set out in the Schedule as the time at which the sale of liquor is to cease.

5. TRADING DAYS AND HOURS FOR SALE OF LIQUOR OFF LICENSED PREMISES INCLUDING INTERNET SALES

- (1) A licensee may sell liquor for consumption off the licensed premises on the following days and hours:-
 - (a) Monday to Saturday from 09:00 – 20:00
 - (b) Sunday from 11:00-18:00.
- (2) Despite the provisions of subsection (1) a licensee, licensed to manufacture liquor, may sell liquor manufactured on the licensed premises on the following days and hours:-

- (a) Monday to Saturday from 08:00 – 20:00
- (b) Sunday from 09:00 - 18:00

6. DISPLAY OF LICENSES, CERTIFICATES AND INFORMATION

- (1) A licensee must, to the satisfaction of the authorised official, ensure that the following are prominently displayed inside the licensed premises:
 - (a) The liquor license issued to the licensee;
 - (b) The current renewal certificate alternatively proof of payment of renewal fee for current year;
 - (c) The certificate issued by the Municipality stating the zoning or land use in respect of the licensed premises;
 - (d) The business license and/or certificate issued by the Municipality to the licensee.
- (2) A licensee must, to the satisfaction of the authorised official, ensure that the following information is prominently displayed on the front door or window of the premises in characters not less than five centimeters in height:
 - (a) The liquor license number under which liquor may be sold; and
 - (b) The hours during which liquor may be sold.

7. COMPLIANCE AND ENFORCEMENT

- (1) An authorised official –
 - (a) may at all reasonable times enter any licensed premises for purposes of monitoring compliance with this By-law;
 - (b) shall have the power to issue an admission of guilt fine or a compounding notice as provided for in terms of section 57(5)(a) or 341(5) of the Criminal Procedure Act 51 of 1977.
- (2) A person who hinders an authorised official in the execution of his or her duties commits an offence.

8. OFFENCES AND PENALTIES

- (1) A person who contravenes any provision of this By-law commits an offence.
- (2) A licensee who commits an offence referred to in subsection (1) is, on conviction, liable for a fine as the court may deem fit to impose or to a term of imprisonment, or both such fine or imprisonment.
- (3) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.
- (4) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

9. VICARIOUS RESPONSIBILITY

- (1) If an agent or employee of a licensee does or omits to do anything, which, if it were done or omitted by the licensee, would be an offence in terms of this By-law, the licensee is deemed to have done or omitted to do that act, except where-
 - a. the licensee neither connived at, permitted or allowed the act or omission;
 - b. the licensee took such steps as he or she was reasonably able to take in order to prevent the act or omission; and
 - c. the act or omission did not fall within the scope of the employment or authority of the manager, agent or employee.
- (2) The fact that a licensee has issued instruction prohibiting an act or omission is not in itself sufficient to prove that he or she took the steps required by subsection 1(b).

10. TRANSITIONAL PROVISIONS

The trading hours in respect of any license for premises upon which liquor may be sold for consumption either on or off the licensed premises, or both on and off licensed premises, issued prior to the commencement of this By-law will be replaced by the provisions of this By-law from the date of publication of this By-law.

11. SHORT TITLE

This By-law is called the “Stellenbosch Liquor Trading Hours By-Law” and shall **come** into operation on the date of publication in the Provincial Gazette.

SCHEDULE**TRADING HOURS FOR ON CONSUMPTION LICENSED PREMISES:**

LAND USE / ZONING TYPE (as determined by zoning certificate)	MAXIMUM PERMITTED TRADING HOURS
1. Residential area	Monday – Saturday from 11:00 to 00:00 Sunday from 11:00 to 21:00
2. Local or neighborhood business 3. Central business district 4. Industrial area (Including mixed use area) 5. Agricultural area / Rural area 6. Other ad hoc locations	11:00 to 00:00 Monday – Saturday from 10:00 to 02:00 Sunday from 10:00 to 02:00 Monday – Saturday from 10:00 to 02:00 Sunday from 11:00 to 02:00 11:00 to 02:00
Special events	10:00 – 02:00 or as determined by event permit whichever is more restrictive
Vehicle or vessel mainly used for the conveyance of tourists	11:00 – 02:00

Stellenbosch Municipality

STELLENBOSCH MUNICIPALITY LIQUOR TRADING HOURS BY-LAW 2017**ADMISSION OF GUILT FINES**

The following Admission of Guilt fines for the enforcement of the Stellenbosch Municipality Liquor Trading Hours By-law 2017 are approved in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act 51 of 1977 for the magisterial district of Stellenbosch.

SECTION	OFFENCE	FINE
Section 3 read with section 8(1).	Selling liquor outside of permitted hours.	R5 000.00
Section 6(1)(a) read with section 8(1).	Failing to display liquor license.	R500
Section 6(1)(b) read with section 8(1).	Failing to display the current renewal certificate alternatively proof of payment of renewal fee for current year.	R500
Section 6(1)(c) read with section 8(1).	Failing to display the certificate issued by the Municipality stating the zoning or land use in respect of the licensed premises.	R500
Section 6(1)(d) read with section 8(1).	Failing to display the business license and/or certificate issued by the Municipality to the licensee.	R500

Section 6(2)(a) read with section 8(1).	Failing to display the liquor license number under which liquor may be sold.	R500
Section 6(2)(b) read with section 8(1).	Failing to display the hours during which liquor may be sold.	R500
Section 7(2).	Hindering an authorised official in the execution of his or her duties.	R1500

I hereby certify that the admission of guilt fines listed above as submitted by the Municipality of Stellenbosch have been approved by me in terms of section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1877, for the magisterial district of Stellenbosch. This determination replaces any previous determination for the said magisterial district.

Magistrate

ANNEXURE B



STELLENBOSCH MUNICIPALITY

LIQUOR TRADING HOURS BY-LAW

PREAMBLE

Stellenbosch Municipality, by virtue of the powers vested in it by **section 156 (2)** of the **Constitution of the Republic of South Africa** as amended, read with **section 13** of the **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000-)**, herewith publish the By-lawset out below.

In this by-law, words used in the masculine gender include the feminine. All singular meanings shall include the plural interpretation and vice versa.

The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

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- 9. Appeal
- 8. Offences and Penalties

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40.9. Vicarious responsibility



41.10. Transitional pProvisions



42.11. Short title

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1. DEFINITIONS

1.

In this by-law unless the context ~~o~~ otherwise indicates –

“Act” means the **Western Cape Liquor Act, 2008 (Act No 4 of 2008)**

“**agricultural area**” means an area predominantly zoned for agriculture or any other equivalent such as a small holding, zoning with the purpose of promoting and protecting agricultural activity on a farm as an important economic, environmental and cultural resources, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resources;

“**authorized official**” means ~~a member of the South African Police Service, and / or a Liquor Inspector of the Western Cape Liquor Authority appointed as Peace Officer in a notice issued under Section 334(1) of the Criminal Procedure Act~~ law enforcement officer appointed by the Municipality;

“**business premises**” ~~(besigheidsperseel) means a place from which business is conducted and may include a restaurant, pub, bar or tavern, spa or wellness centre, special function venue or other building for similar uses, but excludes a place of entertainment, quest accommodation establishment, hotel, sports and community club;~~

“**Council**” means the Municipal Council of Stellenbosch Municipality.

“**general business area**” ~~means an area predominantly zoned for general business or any other equivalent zoning, with the purpose of promoting activity in a business district and development corridor;~~

“**guest accommodation establishment**” means premises used as temporary residential accommodation, and includes but not limited to the provision of meals for transient guests for compensation, also including backpackers’ lodges, a bed-and-breakfast establishment, guest farm or lodge(s), as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“**guesthouse**” (gastehuis) means a commercial residential establishment of 15 or less bedrooms, accommodating no more than 30 guests at a time, for compensation, which:-

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(a) Primary source of business and purpose is the supply of tourist accommodation, meals and beverages (which may include liquor) for transient guests;

(a)

(b) May include facilities for business meetings or training sessions of guests on the property;

(b)

(c) A wellness ~~center~~ and conference facility for transient guests with necessary consent of Council limited to service of guests only; and

(c)

(d) May consists of one or a group of buildings which are designed as a harmonious architectural entity.

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“**hotel**” (hotel) is a commercial residential establishment of 16 or more bedrooms, accommodating ~~more than 30 guests at a time~~, for compensation, and may include:-

- (a) A restaurant or restaurants forming part of the hotel;
 (a)
 (b) Conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;
 (b)
 (c) Premises which are licensed to sell liquor for consumption on or off the property together with or without meals to guests and/or the public;
 (c)
 (d) May consist of one or a group of buildings which are designed as a ~~harmonious architectural~~ entity;
 (d)

But excludes a backpacker’s lodge, a bed-and-breakfast establishment, guesthouse, guest farm or lodge(s), as well as facilities for business meetings, conferences, events or training sessions of resident guests of on-consumption facilities.

“**Industrial area**” means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

“**license**” means a license referred to in section 33 of the Act and reference to “license” includes “temporary license”¹;

“**licensee**” means the person ~~to whom who has a valid liquor license~~¹ has been issued in terms of the Act;

“**licensed premises**” means the premises specified in the liquor ~~license~~ or certificate ~~or temporary license~~ issued in terms the Act;

¹ Section 33 of the Act provides for the following categories of licenses –

- (a) a license for the micro-manufactured and sale of liquor for consumption both on and off the premises where the liquor is sold;
 (b) a license for the sale of liquor for consumption on the premises where the liquor is sold;
 (c) a license for the sale of liquor for consumption off the premises where the liquor is sold;
 (d) in exceptional circumstances, a license for the sale of liquor for consumption both on and off the premises where the liquor is sold;
 (e) a license for the sale of liquor for consumption on or off the premises upon which liquor is sold at special events; and
 (f) a temporary liquor license for the sale of liquor for consumption on or off the premises upon which liquor is sold.

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“**liquor**” means any liquid or substance which contains or is intended to contain more than 1% of alcohol by volume or mass, but excluding—

- (a) methylated spirits;
- (a) medicine which is subject to registration in terms of the Medicines and Related Substances Act, 1965 (Act 101 of 1965); and/or
- (b) products which are not intended for human consumption

“**liquor authority**” means the Western Cape Liquor Authority established by section 2(1) of the Act;

“**manufacture**” means to produce or bottle liquor with the intention of selling it;

~~“**mixed use development**” means any urban, suburban or village development, or even housing a single building, that blends a combination of residential, commercial, cultural, institutional or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections.~~

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⁺Section 33 of the Act provides for the following categories of licences—

- (a) a licence for the micro-manufacture and sale of liquor for consumption both on and off the premises where the liquor is sold;
- (b) a licence for the sale of liquor for consumption on the premises where the liquor is sold;
- (c) a licence for the sale of liquor for consumption off the premises where the liquor is sold;
- (d) in exceptional circumstances, a licence for the sale of liquor for consumption both on and off the premises where the liquor is sold;

~~“municipalityMunicipality”~~ means Stellenbosch Municipality established in terms of section 12 of the Local Government-: Municipal Structures Act, 1998 (Act 117 of 1998), published in Provincial Notice 5643 dated 4 December 2000 and includes any political office- bearer, ~~councillorcouncilor~~, or any employee ~~therefore acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political office-bearer, councillor, or employees~~acting in terms of delegated or sub-delegated authority;

~~“person” includes –~~

~~(a) any organ of state;~~

~~(b) any company or close corporation incorporated or registered as such under any law;~~

~~(c) any body of persons corporate or unincorporated; and~~

~~(d) any trust;~~

~~“place of entertainment” (vermaaklikheidsplek) is a place used predominantly for commercial entertainment where patrons participate in the activities or observe performances, which may on a regular basis attract large numbers of people, and may generate noise from music or revelry, and where alcohol may be consumed, such as a night club, pub, cinema, theatre, amusement arcade;~~

~~“place of sport and recreation” (buitemuurse ontspanningsplek) means land which may be public or privately owned and which is set aside for outdoor sport and recreation such as sports grounds and fields, sports stadiums, putt-putt, miniature golf, golf courses, and where the following buildings are permitted only with Council’s additional consent, ablution facilities, clubhouse, stores, gatehouses and related administrative buildings;“premises” means a place, land, building, part of a building, vehicle or vessel which is mainly used for the conveyance of tourists;~~

~~“residential area” means an area, predominantly zoned informal, single or general residential or any equivalent zoning, with the purpose to predominantly house single family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;~~

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“**room service facility**” means a mini bar or self-help facility for the consumption of liquor in guest rooms or a hotel room, and includes a call-up service for resident guests;

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“**sell**” includes supply, exchange, offer for sale, display for the purpose of sale or authorise, direct or allow a sale, supply, exchange, offer for sale or display for sale and “sale” and “sold” have corresponding meanings;

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“**sparkling wine**” means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process, and includes Champagne;

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“**specific business**” (spesifieke besigheid) means a business use of a particular nature, but within the compass of section 10(7) that is prescribed for a specific site by the Council

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“**sports and community club**” means premises or a facility used for the gathering of community and civic organizations or associations, sports clubs or other social or recreational clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club; “**supply**” means to place a person in possession or control thereof;

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“**temporary license**” means a temporary license referred to in section 48 of the Act;

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“**the Act**” means the Western Cape Liquor Act 4 of 2008, as amended;

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“**trading days**” means the days on which liquor may be sold during trading hours;

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hours; “**trading hours**” means the hours during which liquor may be sold on trading days;

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(1) a licence for the sale of liquor for consumption on or off the premises upon which liquor is sold at special events; and
(2) a temporary liquor licence for the sale for consumption on or off the premises upon which liquor is sold.
2 Definitions of Stellenbosch Zoning scheme regulations

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“wine” means wine as defined in Section 1 of the Liquor Products Act 60 of 1989;

~~“winery” means premises or facilities which are used in the production of wine and such premises or facilities include facilities for crushing grapes and fermentation and aging of wine, tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine and accessible by the public, which may include:-~~

- ~~(a) A restaurant and other food services; or~~
- ~~(b) A subsidiary retail facility to tours or visitors selling wines of the specific winery excluding any other form of liquor.~~

~~“wine industry”(wynbedryf) means a site or building, or portion of a site or building utilized or intended to be utilized for the manufacture of liquor in the form of wine or spirits from grapes.~~

2. APPLICATION

2. OF THIS BY-LAW

~~This By-law applies to all licensees that sell liquor within the area of jurisdiction of the Municipality.~~

~~Licensees, their managers, their employees and any other person selling Liquor within the geographical area of the Municipality, limited to those falling within the jurisdiction of the Magistrates’ Court of Stellenbosch.~~

3. INTERPRETATION GENERAL PROHIBITION

3.

~~Any authorising in terms of this by-law, should not be interpreted as the sanctioning of any trade, which had not been approved in terms of relevant legislation. No licensee may sell liquor outside of the hours permitted in terms of this By-law.~~

4. TRADING DAYS AND HOURS FOR SALE AND CONSUMPTION OF LIQUOR

4. ON LICENSED PREMISES

(1) A licensee may sell liquor for consumption on the licensed premises

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on the following days and hours:

(1)

(a) ~~On all days any day; and~~

(a) ;

(b) ~~During~~during the hours of trade as set out in the Schedule.

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~~(b)(2)~~ A licensee may not allow the consumption of liquor on the licensed premises more than 30 minutes after the time set out in the Schedule as the time at which the sale of liquor is to cease.

(3) ~~Despite~~ subsection (1), a hotel or guest accommodation establishment or guest house licensed to sell liquor may offer a room service facility at any time of the day.

~~(2)~~

(4) ~~Despite~~ subsection (1), a licensee may serve sparkling wine, ~~as part of a meal on the following days and hours;~~

~~(3)~~

(a) ~~On any day; and~~

(b) ~~from 8.00 to 23.00 for 7 days a week and until the time set out in the Schedule as the time at which the sale of liquor is to cease.~~

(5) ~~Despite subsection (1) a licensee, licensed to manufacture liquor, may operate a tasting facility to offer the sampling of liquor manufactured on the licensed premises on the following days and hours:~~

(a) ~~On any day; and~~

~~(a)(b)~~ ~~from 08.00 and until the time set out in the Schedule as the time at which the sale of liquor is to cease;~~

~~(b) as part of a meal; and~~

~~(c) to guests who are part of an organized function where admittance is controlled.~~

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5. TRADING DAYS AND HOURS FOR SALE OF LIQUOR OFF LICENSED PREMISES

5.

(1) A licensee may sell liquor for consumption off the licensed premises on the following days and hours:-

(1) :-

(a) Monday to Saturday from 09.00 – 20.00

(a)

(b) Sunday from 09.11.00 - 18.00.

(b)

(2) Despite the provisions of subsection (1) ~~a Winery or any other licensee within the boundaries of Stellenbosch agriculture area (included, but not limited, to wineries) will be permitted to trade~~ a licensee, licensed to manufacture liquor, may sell liquor manufactured on the licensed premises on the following days and hours:-

(2)

(a) Monday to Saturday from 08.00 – 20.00

(a)

(b) Sunday from 09.00 - 18.00

6. EXTENSION OF TRADING TIMES

~~Application for extended trading days and hours pertaining to Tourism facility, Special Events, private functions or any other event or facility motivated by the applicant:-~~

~~(1) Council has authority to approve or decline, or to approve with special terms and conditions as it may resolve any applications for extension of trading days and/or hours.~~

~~(2) A licensee may, upon payment of the required fee, submit a written application referred to in (a) to the office of the Municipal Manager.~~

~~(3) The Municipal Manager will prepare the application in the form of an item to Council for final decision, taking in consideration the following factors:-~~

~~(a) Outcome of community consultation;~~

~~(b) Public interest and impact on the environment;~~

~~(c) The risks to the surrounding community;~~

~~(d) Nuisance on the surrounding community;~~

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- (e) ~~The possible benefits of extended liquor trading hours and days on the surrounding community;~~
- (f) ~~Any other relevant factor.~~

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7. OBLIGATIONS ON THE LICENSEE DISPLAY OF LICENSES, CERTIFICATES AND INFORMATION

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6.

(1) Display of signage and certificates

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~~(a)~~(1) A licensee must, to the satisfaction of the ~~authorized~~ ~~authorised~~ official, ensure that ~~the~~ following ~~certificates~~ are prominently displayed inside the licensed premises:

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~~(a)~~ The certificate issued by the Municipality stating the zoning or land use in respect of the premises ~~for purposes of this by-law~~;

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~~(i)~~

~~(b)~~ The population certificate in respect of ~~the~~ premises ~~issued~~ in terms of the Fire Safety ~~B~~by-law of the ~~Municipality~~ ~~Municipality~~;

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~~(ii)~~

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~~(iii)~~(c) ~~The B~~business license and/or certificate issued by the Municipality.

(2) A licensee must, to the satisfaction of the authorized official, ensure that the following information are prominently displayed on the front door or window of the premises in characters not less than five centimetres in height:

(b)

(a) The liquor license number under which liquor may be sold; and

(i)

(ii)(b) The hours during which liquor may be sold.

(2) **Safety and Security**

(a) A licensee must ensure compliance with all applicable legislation.

(b) A licensee must ensure that reasonable and adequate safety and security measures are in place for the protection of patrons by ensuring, amongst others but not limited to, that:

(i) the storage of goods and equipment and the condition of the premises and any structure thereon do not endanger the lives of patrons inside the premises; and

(ii) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

7. COMPLIANCE AND ENFORCEMENT COMPLIANCE AND ENFORCEMENT

8.

(1) An authorized official

(1) may, in the performance of his or her functions in terms of this by-law or the Act, at all reasonable times enter-

(a) any licensed premises for purposes of monitoring compliance with this By-law;

(b) shall have the power to issue an admission of guilt fine in the amount as determined by a magistrate of the district of Stellenbosch from time to time in terms of section 57(5)(a) or 341(5) of the Criminal Procedure Act 51 of 1977;

(a)

(b) any premises in respect of which a liquor license application is pending;

(c) any premises on which he or she on reasonable grounds

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~~suspects that liquor is being sold contrary to the provisions of this by-law of the Act; and make such investigation, enquiries or inspections as he or she may deem necessary.~~

~~(2) When entering premises in terms of this section, the authorized authorised official must on request identify himself or herself to the person in charge of the premises.~~

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~~(a) identify himself or herself to the person in charge of the premises;~~

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~~(b) explain the authority in terms of which the inspection is being conducted; and~~

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~~(c) conduct the inspection with the least possible inconvenience to the licensee or his or her customers and with the least possible disruption of the licensed business.~~

~~(2) —~~

~~(3) An authorized official may issue and serve a notice of non-compliance, on the licensee or any person in control of licensed premises, calling upon such person to comply with the provisions of this by-law, a condition of the license or the Act within a specified but reasonable time.~~

~~(4) A compliance notice must stipulate:-~~

~~(a) the provisions of the by-law, license condition or the Act that must be complied with;~~

~~(b) the act or omission constituting non-compliance;~~

~~(c) the measures which must be taken to comply;~~

~~(d) the date or time by which compliance must be achieved, where applicable;~~

~~(e) the possible consequences of non-compliance.~~

~~(5)(3) An authorized official may issue the licensee or any person in control of licensed premises with a fine as provided—A person who hinders an authorised official in the execution of his or her duties shall commit an offence in the fines list of this by-law or the Act.~~

9. APPEAL

A person or judicial entity whose rights are affected by a decision of the Municipality in terms of delegated authority may appeal that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) to the Municipal Manager within 21 days of the date of notification of the decision.

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8. OFFENCES AND PENALTIES

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- (1) A person who contravenes any provision of this By-law commits an offence.
- (2) A licensee who commits an offence referred to in subsection (1) is, on conviction, liable for a fine as the court may deem fit to impose or to a term of imprisonment, or both such fine or imprisonment.
- (3) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.
- (4) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

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A licensee who contravenes or fails to comply with any

- (1) Provision of this by-law;
- (2) Condition or instruction in connection with this by-law; or
- (3) Notice from an authorized official;

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shall be guilty of an offence and is liable to pay a fine as determined by the Magistrate's Court or authorised accordingly in the fine list from time to time, by the Magistrate in the area, or the fine list in terms of the Act, whichever is applicable at the time concerned, or to imprisonment as determined by a Court, or both, or any other punishment which the Court may find appropriate in the circumstances.

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9. VICARIOUS RESPONSIBILITY

(1) If an agent or employee of a licensee does or omits to do anything, which, if it were done or omitted by the licensee, would be an offence in terms of this By-law, the licensee is deemed to have done or omitted to do that act, except where-

a. the licensee neither connived at, permitted or allowed the act or omission;

b. the licensee took such steps as he or she was reasonably able to take in order to prevent the act or omission; and

c. the act or omission did not fall within the scope of the employment or authority of the manager, agent or employee.

(2) The fact that a licensee has issued instruction prohibiting an act or omission is not in itself sufficient to prove that he or she took the steps required by subsection 1(b).

10. TRANSITIONAL PROVISIONS

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The trading hours in respect of any license for premises upon which liquor may be sold for consumption either on or off the licensed premises, or both on and off licensed premises, issued prior to the commencement of this ~~by~~By-law will be replaced by the provisions of this ~~b~~By-law from the date of publication of this ~~b~~By-law.

11. SHORT TITLE

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This ~~b~~By-law is called the "Stellenbosch Liquor Trading Hours By-Law" and shall come into operation ~~as soon as it is published on the date of publication~~ in the Provincial Gazette.

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SCHEDULE

TRADING HOURS FOR ON CONSUMPTION LICENSED PREMISES Trading hours for selling liquor on licensed premises is according to the certificate provided for in 4(1)(a)(i) and (ii) are:

<p>LOCATION CATEGORY & LICENSED PREMISES TYPE (zoning) LAND USE / ZONING TYPE/NODE (as determined by zoning certificate)</p>	<p>MAXIMUM PERMITTED TRADING HOURS</p>
<p>1. RESIDENTIAL AREA Residential area</p>	<p>Monday – Saturday from 11.00 to 00:00 Sunday from 11.00 to 21.00</p>
<p>2. LOCAL OR NEIGHBOURHOOD BUSINESS Local or neighborhood business</p>	<p>11.00 to 00.00 the following day</p>
<p>3. GENERAL BUSINESS AREA Central business district</p>	<p>Monday – Saturday from 10.00 to 01.00 the following day Sunday from 10.00 to 01.00</p>
<p>4. INDUSTRIAL AREA Industrial area (Including mixed use area)</p>	<p>Monday – Saturday from 10.00 to 01.00 the following day Sunday from 11.00 to 21.00</p>
<p>5. Agricultural area / Rural area</p>	<p>11.00 to 01.00 the following day</p>
<p>6. OTHER AD HOC LOCATIONS</p>	

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<u>Special events</u>	<u>10.00 – 00.00 or as determined by event permit whichever is more restrictive</u>
<u>Vehicle or vessel mainly used for the conveyance of tourists</u>	<u>11.00 – 0.00</u>
(a) <u>Industrial area including mixed-use area</u>	
(b) <u>Business premises/ Specific business</u>	

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No application will be considered or processed for approval by the city during the period starting December 1 and ending January 15 of the following year."

Note : Determine of application of applicable location category

Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogenously (e.g. a business zoned premises in the middle of a residential area) then the actual zoning, consent use or departure rights of the subject licensed premises will take precedence in order to determine the category, and in terms of Section 6(1)(a)(i) above.

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Stellenbosch-Munisipaliteit, uit hoofde van die gesag aan hom verleen deur **artikel 156**
(2) van die **Grondwet van die Republiek van Suid-Afrika** soos gewysig, gelees

tesame met **artikel 13** van die **Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 of 2000)**, publiseer hiermee die Verordening hieronder uiteengesit.

In hierdie Verordening sluit woorde in die manlike geslag die vroulike in.

Alle enkelvoudige betekenisse sluit die meervoudige vertolking in, en omgekeerd.

Die Engelse teks geniet voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, tensy die konteks anders aandui.

INDEKS

1. Definisies
 2. Toepassing van hierdie verordening
 3. Interpretasie
 4. Handelsdae en ure vir die verkoop en verbruik van drank binne gelisensieerde persele
 5. Handelsdae en ure vir die verkoop en verbruik van drank buite gelisensieerde persele
 6. Verlenging van handeldsure
 7. Verpligtinge van die lisensiehouer
 8. Nakoming en toepassing
 9. Appèl
 10. Oortreding en strawwe
 11. Oorgangsbepalings
 12. Kort titel
- Skedule

1. DEFINISIES

In hierdie verordening, tensy die konteks anders aandui, beteken—

“algemene besigheidsgebied” beteken ’n gebied hoofsaaklike gesoneer vir algemene besigheid of enige ander ekwivalente sonering, met die doel om aktiwiteit in ’n sakegebied of ontwikkelingskorridor te bevorder;

“besigheidsperseel” beteken ’n plek waar sake gedoen word en mag ’n restaurant, kuierplek, kroeg of taverne, spa of gesondheidsentrum, spesiale funksie-lokaal of ander gebou vir soortgelyke gebruik insluit, maar sluit ’n plek van vermaak, gasteakkommodasie, hotel, sport- of gemeenskapsklub uit;

“buitemuurse ontspanningsplek” beteken grond wat in publieke of privaatbesit mag wees en wat opsygesit is vir buitemuurse sport en ontspanning, soos sportterreine en velde, sportstadions, putt-putt, mini-gholf, gholfbane, en waar die volgende geboue toegelaat word slegs met bykomende verloop van die Raad: ablusiefasiliteite, klubbuis, store, hek-huise en verwante administratiewe geboue;

“drank” beteken enige vloeistof of stof wat 1% alkohol per volume of massa bevat of bedoel is om te bevat, maar uitsluitend—

- (a) brandspiritus;
- (b) medisyne wat onderhewig is aan registrasie in terme van die Wet op Medisyne en Verwante Stowwe, 1965 (Wet 101 van 1965); en/of
- (c) produkte wat nie bedoel is vir menslike verbruik nie;

“drankowerheid” beteken die Wes-Kaapse Drankowerheid wat ingestel is deur artikel 2(1) van die Wet;

“landbougebied” ’n gebied hoofsaaklike gesoneer vir landbou of enige ander ekwivalent soos ’n kleinhoewe, sonering met die doel om landbou-aktiwiteit op ’n plaas te bevorder en beskerm as belangrike ekonomiese, omgewings- en kultuurhulpbron, waar beperkte voorsiening gemaak word vir nie-landboudoeleindes om eienaars die geleentheid te voorsien om die ekonomiese potensiaal van hul eiendom te verbeter, sonder om ’n beduidende negatiewe impak op die primêre landbouhulpbronne te hê;

“gasteakkommodasie-instansie” beteken perseel wat gebruik word as tydelike residensiële akkommodasie, en sluit in maar is nie beperk nie tot die verskaffing van maaltye vir tydelike gaste teen vergoeding, ook insluitend “backpackers’ lodges”, bed-en-ontbyt-instansies, gasteplase of lodge(s), sowel as fasiliteite vir sakevergaderings, konferensies, funksies of opleidingsessies vir inwonende gaste, met uitsluiting van ’n hotel;

“gastehuis” beteken ’n kommersiële residensiële instansie van 15 of minder slaapkamers, wat nie meer as 30 gaste nie op ’n keer huisves, teen vergoeding, waar—

- (a) Die primêre bron van besigheid en doelstelling die voorsiening is van toeriste-akkommodasie, maaltye en drankies (wat alkoholiese drank mag insluit) aan tydelike gaste;
- (b) Dit fasiliteite vir sakevergaderings of opleidingsessie vir gaste op die perseel mag insluit;
- (c) ’n Gesondheidsentrum en konferensiefasiliteite vir tydelike gaste met nodige verloop van die Raad beperk word tot diens aan gaste alleenlik; en

(d) Dit mag bestaan uit een of 'n groep geboue wat ontwerp is as 'n harmonieuse argitektoniese eenheid.

“gelisensieerde perseel” beteken die perseel gespesifiseer in die dranklisensie- of sertifikaat uitgereik in terme van die Wet;

“gemagtigde beampte” beteken 'n lid van die Suid-Afrikaanse Polisie diens, en / of 'n Drankinspekteur van die Wes-Kaapse Drankowerheid aangestel as Vredesbeampte in 'n kennisgewing wat uitgereik is onder Artikel 334(1) van die Strafproseswet;

“gemengde gebruik ontwikkeling” beteken enige stedelike, voorstedelike of dorpsontwikkeling, of selfs behuising in 'n enkele gebou, wat 'n kombinasie van residensiële, kommersiële, kulturele, institusionele of industriële gebruike vermeng, waar daardie funksie fisies en funksioneel geïntegreer is, en wat voetgangerverbinding verskaf;

“handelsdae” beteken die dae waarop drank verkoop mag word tydens handelsure;

“handelsure” beteken die ure waartydens drank verkoop mag word op handelsdae

“hotel” is 'n kommersiële residensiële instansie van 16 of meer slaapkamers wat huisvesting verskaf aan meer as 30 gaste op 'n keer, teen vergoeding, en mag insluit:-

- (a) 'n Restaurant of restaurante wat deel vorm van die hotel;
- (b) Konferensie en vermaaklikheidsfasiliteite wat ondergeskik en aanvullend is tot die dominante gebruik van die perseel as 'n hotel;
- (c) Persele wat gelisensieer is om drank vir verbruik binne of buite die perseel te verkoop met of sonder maaltye vir gaste en/of die publiek;
- (d) Mag bestaan uit een of 'n groep geboue wat ontwerp is as 'n harmonieuse argitektoniese entiteit;

Maar sluit “backpacker's lodge(s)”, bed-en-ontbyt instansies, gastehuisse, gasteplase of lodge(s), sowel as fasiliteite vir sakevergaderings, konferensies, funksies of opleidingsessies vir inwonende gaste of verbruik op die perseel uit.

“Industriële gebied” beteken 'n gebied hoofsaaklik gesoneer vir algemene nywerhede of enige ander ekwivalente sonering, met die doel om alle vorme van nywerhede te akkommodeer insluitend vervaardiging en verwante prosessering, maar sluit skadelike of gevaarlike aktiwiteite uit;

“kamerdiensfasiliteit” beteken 'n mini-kroeg of selfhelp-fasiliteit vir die verbruik van drank in gastekamers of 'n hotelkamer en sluit 'n beldiens vir residensiële gaste in.

“lisensiehouer” beteken die persoon wat 'n geldige dranklisensie⁺ hou wat uitgereik is in terme van die Wet;

⁺ Artikel 33 van die Wet maak voorsiening vir die volgende kategorieë lisensies—

- (a) 'n lisensie vir die mikro-vervaardiging of verkoop van drank vir verbruik sowel binne of buite die perseel waar die drank verkoop word;
- (b) 'n lisensie vir die verkoop van drank vir verbruik binne die perseel waar die drank verkoop word;
- (c) 'n lisensie vir die verkoop van drank vir verbruik buite die perseel waar die drank verkoop word;
- (d) in buitengewone omstandigheid, 'n lisensie vir die verkoop van drank vir verbruik sowel binne of buite die perseel waar die drank verkoop word;
- (e) 'n lisensie vir die verkoop van drank vir verbruik binne of buite die perseel wat verkoop word by spesiale geleenthede, en
- (f) 'n tydelike dranklisensie vir die verkoop vir verbruik binne of buite die perseel waar drank verkoop word.

~~“municipaliteit” beteken Stellenbosch Munisipaliteit gestig in terme van artikel 12 van die Plaaslike Regering: Wet op Munisipale Strukture, 1998 (Wet 117 van 1998), gepubliseer in Provinsiale Kennisgewing 5643 gedateer 4 Desember 2000 en sluit enige politieke ampsdraer, raadslid, of enige werknemer in, wat dus optree in verband met hierdie Verordening uit hoofde van ’n bevoegdheid wat setel in die munisipaliteit en gedelegeer of gesubdelegeer tot so ’n politieke ampsdraer, raadslid of werknemers;~~

~~“Raad” beteken die Municipale Raad van Stellenbosch Munisipaliteit;~~

~~“residensiële gebied” beteken ’n gebied, hoofsaaklike gesoneer vir informele, enkel of algemene residensiële gebruik of ekwivalente sonering, met die doel om hoofsaaklik enkel-familiewoonhuise in lae tot medium digtheid buurte te verskaf, sowel as hoër digtheid woonakkommodasie en wat insluit beheerde geleentheid vir tuisindiensneming, addisionele wooneenhede en lae intensiteit gemengde gebruik ontwikkeling;~~

~~“spesifieke besigheid” beteken ’n besigheidsgebruik van ’n spesifieke aard, maar binne die bestek van artikel 10(7) wat deur die Raad spesifieke perseel;~~

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“sport- en gemeenskapsklub” beteken die perseel of 'n fasiliteit wat gebruik word vir die byeenkoms van gemeenskap en burgerlike organisasies of assosiasies, sportklubs of sosiale of ontspanningsklubs wat meestal nie winsgewend is en mag gemeenskapsdiensklubs en gemeenskapsentrums of soortgelyke geriefsfasiliteite insluit, maar sluit 'n nagklub uit;

“vermaaklikheidsplek” is 'n plek wat hoofsaaklik gebruik word vir kommersiële vermaak waar besoekers deelneem aan die aktiwiteite, of vertonings waarnaem, wat op 'n gereelde basis groot getalle mense mag trek, en geraas van musiek of joligheid mag veroorsaak, en waar alkohol verbruik word, soos 'n nagklub, kuierplek, bioskoop, teater, – vermaaklikheidsarkade;

“vonkelwyn” beteken 'n bruiswyn wat ontstaan uit die fermentasie van druiwe, hetsy deur 'n natuurlike of kunsmatige proses, en sluit Sjampanje in;

“Wet” die Wes-Kaapse Drankwet, 2008 (Wet Nr. 4 van 2008) soos gewysig;

“wyn” beteken wyn soos gedefinieer in Artikel 1 van die Wet op Drankprodukte, Wet 60 van 1989;

“wynmakery” beteken persele of fasiliteite wat gebruik word in die produksie van wyn en sulke persele of fasiliteite sluit in fasiliteite vir die pars van druiwe en die fermentasie en veroudering van wyn, – proelokale, – vat – en – pakkamers, bottelerykamers, tenkkamers, laboratoriums of kantore en ander bykomende of aanvullende fasiliteite verbode aan die produksie van wyn en toeganklik vir die publiek, wat mag insluit:-

- (a) 'n Restaurant en ander voedseldienste; of
- (b) 'n Ondergeskikte kleinhandelsfasiliteit vir toere of besoekers waar wyne van die spesifieke wynmakery verkoop word, met uitsluiting van enige ander vorm van drank.

“wynbedryf” beteken 'n perseel of gebou, of deel van 'n perseel of gebou wat benut word vir, of bedoel is om benut te word vir die vervaardiging van drank in die vorm van wyn of spiritus van druiwe.

²Definisies van Stellenbosch-Soneringeskema-regulasies

2. ~~TOEPASSING VAN HIERDIE VERORDENING~~

~~Hierdie verordening is van toepassing op alle—~~

~~Lisensiehouers, hul bestuurders, hul werknemers en enige ander persoon wat Drank verkoop binne die geografiese gebied van die Munisipaliteit, beperk tot diegene wat val binne die jurisdiksie van die Landdroshof van Stellenbosch.~~

3. ~~INTERPRETASIE~~

~~Enige magtiging in terme van hierdie verordening, sal nie geïnterpreteer word as bekragtiging van enige handel, wat nie goedgekeur is in terme van relevante wetgewing nie.~~

4. ~~HANDELSDAE EN URE VIR DIE VERKOOP EN VERBRUIK VAN DRANK BINNE GELISENSIEERDE PERSELE~~

~~(1) 'n Lisensiehouer mag drank vir verbruik **binne gelisensieerde persele** verkoop op die volgende dae en ure:~~

~~(a) Op alle dae,~~

~~(b) Tydens die handelsure soos uiteengesit in die Skedule.~~

~~(2) Ten spyte van **subartikel (1)**, mag 'n hotel of gasteakkommodasie-instansie of gastehuis wat gelisensieer is om drank te verkoop, 'n kamerdiensfasiliteit te enige tyd van die dag bied.~~

~~(3) Ten spyte van **subartikel (1)**, mag 'n lisensiehouer vonkelwyn bedien,~~

~~(a) van 8.00 tot 23.00 vir 7 dae per week;~~

~~(b) as deel van 'n maaltyd; en~~

~~(c) aan gaste wat deel is van 'n georganiseerde funksie waar toegang beheer word.~~

5. ~~HANDELSDAE EN URE VIR DIE VERKOOP VAN DRANK BUITE GELISENSIEERDE PERSELE~~

~~(1) 'n Lisensiehouer mag drank vir gebruik **buite gelisensieerde persele** verkoop op die volgende dae en ure:-~~

~~(a) Maandae tot Saterdag van 09.00—20.00~~

~~(b) Sondag van 09.00—16.00~~

~~(2) Ten spyte van die bepalings van subartikel (1) sal 'n Wynmakery of enige ander lisensiehouer binne die grens van Stellenbosch ~~landbougebied~~ (ingesluit maar nie beperk nie tot wynbedryf) toegelaat word om handel te dryf op die volgende dae en ure:-~~

~~(a) Maandae tot Saterdag van 08.00—20.00~~

~~(b) Sondag van 09.00—18.00~~

6. — UITBREIDING VAN HANDELSURE

Aansoeke vir verlengde handelsdae en ure rakende 'n Toerismefasiliteit, Spesiale Geleentheid, private geleentheid of enige ander geleentheid of fasiliteit gemotiveer deur die aansoeker:-

- (1) Die Raad het die gesag om enige aansoek vir verlenging van handelsdae en/of ure goed of af te keur, of goed te keur met spesiale terme en voorwaardes soos besluit mag word.
- (2) 'n Lisensiehouer mag, by die betaling van die vereiste fooi, 'n geskrewe aansoek by die kantoor van die Munisipale Bestuurder indien waarna verwys word in (a).
- (3) Die Munisipale Bestuurder sal die aansoek in die vorm van 'n item vir die Raad voorberei vir finale besluitneming, met inagneming van die volgende faktore:-
 - (a) Uitkoms van gemeenskapskonsultasie;
 - (b) Openbare belang en impak op die omgewing;
 - (c) Die risiko vir die omringende gemeenskap;
 - (d) Oorlas vir die omringende gemeenskap;
 - (e) Die moontlike voordele van verlengde drankhandelsure en dae op die omringende gemeenskap;
 - (f) Enige ander relevantefaktor.

7. — VERPLIGTINGE OP DIE LISENSIEHOUER

(1) — Vertoon van kennisgewings en sertifikate

- (a) 'n Lisensiehouer moet, tot die bevrediging van die gemagtigde amptenaar, verseker dat die volgende sertifikate prominent vertoon word binne die gelisensieerde perseel:
 - (i) Die sertifikaat uitgereik deur die Munisipaliteit wat die sonering of grondgebruik verklaar rakende die perseel vir die doel van hierdie verordening;
 - (ii) Die bevolkingsertifikaat rakende die perseel wat uitgereik is in terme van die Brandveiligheidsverordening van die Munisipaliteit;
 - (iii) Besighedslisensie en/of sertifikaat uitgereik deur die Munisipaliteit.
- (b) 'n Lisensiehouer moet, tot die bevrediging van die gemagtigde amptenaar, verseker dat die volgende inligting prominent vertoon word in die voordeur of -venster van die perseel in karakters nie kleiner nie as vyf sentimeter hoog:
 - (i) Die dranklisensienommer waaronder drank verkoop mag word; en
 - (ii) Die ure waartydens drank verkoop mag word.

(2) — Veiligheid en Sekuriteit

- (a) 'n Lisensiehouer moet nakoming van alle toepaslike wetgewing verseker.

(b) 'n Lisensiehouer moet verseker dat redelike en toereikende veiligheid en sekuriteitsmaatreëls in plek is vir die beskerming van klante deur onder andere, maar nie slegs nie, te verseker dat:

- (i) die stoor van goedere en toerusting en die toestand van die perseel of enige strukture daarop nie die lewens van klante binne die perseel bedreig nie; en
- (ii) daar genoegsame beligting buite die perseel is waar klante en personeel die gelisensieerde perseel binnekom en verlaat.

8. — NAKOMING EN TOEPASSING

- (1) 'n Gemagtigde Amptenaar mag, in die uitvoering van sy of haar pligte in terme van hierdie verordening of die Wet, te alle redelike tye die volgende persele binnegaan—
- (a) enige gelisensieerde perseel;
 - (b) enige perseel waar 'n dranklisensie aansoek hangende is;
 - (c) enige perseel waar hy of sy redelike gronde het om te verhoed dat drank verkoop word strydig met die bepalings van hierdie verordening of die Wet; en enige ondersoek, navrae of inspeksies uitvoer soos wat hy of sy nodig mag ag.
- (2) Wanneer 'n perseel in terme van hierdie artikel binnegegaan word, moet die gemagtigde amptenaar op versoek homself of haarself identifiseer aan die persoon in bevel van die perseel.
- (3) 'n Gemagtigde amptenaar mag 'n kennisgewing van nie-voldoening uitreik en dien op die lisensiehouer of enige persoon in beheer van die gelisensieerde perseel, en 'n beroep doen op hierdie persoon om die bepalings van hierdie verordening, 'n voorwaarde van die lisensie of die Wet binne 'n spesifieke maar redelike tydperk na te kom.
- (4) 'n Voldoeningskennisgewing moet die volgende stipuleer—
- (a) die bepalings van die verordening, lisensievoorwaarde of die Wet wat nagekom moet word;
 - (b) die handeling of nalating wat op nie-voldoening neerkom;
 - (c) die maatreëls wat getref moet word om voldoening te verseker;
 - (d) die datum of tyd waarteen voldoening bereik moet word, waar toepaslik;
 - (e) die moontlike gevolge van nie-voldoening.
- (5) 'n Gemagtigde beampte mag 'n boete opleë aan die lisensiehouer of enige persoon in beheer van gelisensieerde persele soos voorsien in die boete tye van hierdie verordening of die Wet.

9. — APPÈL

'n Persoon of juridiese entiteit wie se regte geraak word deur 'n besluit van die Munisipaliteit in terme van gedelegeerde magte mag appelleer teen die besluit deur aan die Munisipale Bestuurder binne 21 dae van die kennisgewing van die besluit skriftelike kennis te gee van die appèl en die redes daarvoor in terme van artikel 62 van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000).

10 — OORTREDING EN STRAF

~~'n~~ 'n Licensiehouer wat die volgende oortree of nie daaraan voldoen nie—

- ~~(1)~~ (1) Bepaling van hierdie verordening;
- ~~(2)~~ (2) Voorwaarde of instruksie rakende hierdie verordening; of
- ~~(3)~~ (3) Kennisgewing van 'n gemagtigde beampte;

~~sal skuldig wees aan 'n oortreding en is strafbaar om 'n boete te betaal soos vasgestel deur die Landdroshof of gemagtig volgens die boete lys van tyd tot tyd deur die Landdros in die gebied, of die boete lys ingevolge die Wet, wat ook al toepaslik is op die betrokke tyd, of tot tronkstraf soos bepaal deur 'n Hof, of albei, of enige straf wat die Hof toepaslik mag vind onder die omstandighede.~~

11 — OORGANGSBEPALINGS

~~Die handelsure rakende enige lisensie vir 'n perseel waar drank verkoop mag word vir binneverbruik of buiteverbruik of beide binne en buiteverbruik, wat uitgereik is voor die aanvang van hierdie verordening, sal vervang word deur die bepalings van hierdie verordening van die datum van publikasie van hierdie verordening.~~

12 — KORT-TITEL

~~Hierdie verordening is genaamd die “Stellenbosch Verordening op Drankhandele” en word van krag sodra dit in die Provinsiale Gazette gepubliseer is.~~

SKEDULE

Handelsure vir die verkoop van drank op gelisensieerde persele ingevolge die sertifikaat voorsien in 4(1)(a)(i) en (ii) is:

LIGGING-KATEGORIE & GELISENSIEERDE PERSEEL-TIPE (sonering)	MAKSIMUM TOEGELATE HANDELSURE
1. RESIDENSIELE GEBIED	
(a) Gasteakkommodasie-instansie / Gastehuis	Maandae – Saterdag van 11.00 tot 24.00 Sondae van 11.00 tot 21.00 met inbegrip van Artikel 4 hierbo- waar van toepassing.
(b) Besigheidsperseel/Spesifieke besigheid	
(c) Vermaaklikheidsplek/Ontspanningsplek/ Vergaderplek	
(d) Sport- en gemeenskapsklub-uitsluitend- spesiale geleentheid waar 'n tydelike lisensie- vereis word	
(e) Hotel / Restaurant / Funksie-lokaal	
2. PLAASLIKE OF BUURTBSIGHEID	
(a) Gastehuis / Gasteakkommodasie- instansie	11.00 tot 24.00 met inbegrip van Artikel 4 hierbo- waar van toepassing.
(b) Besigheidsperseel/Spesifieke besigheid/ Vergaderplek	
(c) Vermaaklikheidsplek/Ontspanningsplek	
(d) Sport- en gemeenskapsklub-uitsluitend- spesiale geleentheid waar 'n tydelike lisensie- vereis word	
(e) Hotel / Restaurant / Funksie-lokaal	
3. ALGEMENE SAKEGEBIED	
(a) Algemene sakegebied insluitend gemengde- gebruiksegebiede	Maandag – Saterdag van 10.00 tot 02.00 die- volgende dag Sondag van 10.00 tot 24.00 Met inbegrip van Artikel 4 hierbo- waar van- toepassing.
(b) Gastehuis / Gasteakkommodasie- instansie	
(c) Besigheidsperseel / Spesifieke besigheid	
(d) Vermaaklikheidsplek/ Ontspanningsplek/Vergaderplek	
(e) Sport- en gemeenskapsklub-uitsluitende- spesiale geleentheid (vereis tydelike lisensie)	
(f) Hotel / Restaurant / Funksie-lokaal	
4. INDUSTRIËLE GEBIED	
(a) Industriële gebied insluitend gemengde- gebruiksegebied	
(b) Besigheidsperseel/ Spesifieke besigheid	

(e) Vermaaklikheidsplek/ Ontspanningsplek/Vergaderplek	Maandag – Saterdag van 10.00 tot 02.00 die volgende oggend
(d) Sport- en gemeenskapsklub uitsluitend spesiale geleenthede waar 'n tydelike lisensie vereis word	Sondag van 11.00 tot 21.00
5. LANDBOUGEBIED/LANDELIKE GEBIED	
(a) Gasteakkommodasie-instansie	11.00 tot 02.00 die volgende dag met inbegrip van Artikel 4 en/of Artikel 5(2) hierbo waar van toepassing.
(b) Besigheidspersele/Spesifieke besigheid/Vergaderplekke	
(c) Vermaaklikheidsplek/Ontspanningsplek	
(d) Sport- en gemeenskapsklub uitsluitend spesiale geleenthede waar 'n tydelike lisensie vereis word	
(e) Wynmakery/Wynbedryf	
(f) Hotel / Restaurant / Funksie-lokaal	
6. ANDER AD-HOC LIGGINGS	
Spesiale geleenthede of tydelik gelisensieerde persele	Aansoek vir afwyking van die voorgeskrewe tye. Soos bepaal deur spesiale aansoek vir afwyking.

Nota : Bepaling van toepaslike liggingskategorie van aansoek

Waar die liggingskategorie soos hierbo uiteengesit onduidelik is of in dispuut is of moeilik is om te bepaal, of in gebiede wat nie homogeen gesoneer is nie (bv. 'n perseel met besigheidsonering in die middel van 'n residensiële gebied), sal die werklike sonering, vergunningsgebruik of afwykingsregte van die betrokke gelisensieerde perseel voorkeur geniet ten einde die kategorie te bepaal, in terme van Artikel 6(1)(a)(i) hierbo.

7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
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NONE

7.9	YOUTH, SPORTS AND CULTURE: (PC: M PIETERSEN)
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7.9.1	STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)
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Collaborator No: 617418
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. SUBJECT: STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)

2. PURPOSE

To inform Council of the status quo of all the sport facilities in the Greater Stellenbosch (WC024).

3. DELEGATED AUTHORITY

COUNCIL

FOR INFORMATION

4. EXECUTIVE SUMMARY

A Facilities Audit must be conducted on all municipal sport facilities in order to inform Council of the current status and condition of the municipal sport facilities.

5. RECOMMENDATION

that Council takes note of the current status of all the sport facilities in the Greater Stellenbosch (WCO24).

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality has sixteen sport facilities. Nine of the sixteen sports facilities have stadia which include club houses and ablution facilities.

Sport Councils are in the process of signing 12-month lease agreements with the Municipality. Part of the agreement is that the Sport Councils be responsible for the maintenance of the interior of the municipal buildings. Therefore, it is important to compile a status quo report on the facilities.

6.2 Discussion

The following table is a breakdown of current municipal sport facilities:

FACILITY	TOWN	ADDRESS	WARD
Cloetesville	Stellenbosch	Long Street, Cloetesville	16
Franschhoek	Franschhoek	La Provance Street, Groendal	2
Ida's Valley	Stellenbosch	Bloekom Avenue, Ida's Valley	6
Jamestown	Stellenbosch	Jamestown	21
Jonkershoek	Stellenbosch	Jonkershoek Road	5
Kayamandi	Stellenbosch	George Blake Street, Kayamandi	12
Klapmuts	Klapmuts	Adam Street, Klapmuts	18
Koelenhof	Stellenbosch	Simonsig Farm, Koelenhof	6
Kylemore	Kylemore	School Street, Kylemore	4
La Motte	Franschhoek	La Motte	2
Lanquedoc	Pniel	Main Street, Lanquedoc	3
Pniel	Pniel	Main Street, Pniel	4
Raithby	Raithby	Watson Street, Raithby	20
Van der Stel	Stellenbosch	Du Toits Street, CBD	10
Vlottenburg	Stellenbosch	Vlottenburg	20
Wemmershoek	Franschhoek	Wemmershoek	3

All Municipal sport facilities are frequently used for various functions and events which result in constant maintenance and repairs. Vandalism and theft contribute to the maintenance and repairs of municipal facilities.

ANNEXURE A is a detailed summary of the current status of our municipal sport facilities.

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

If repairs are not done timeously, it can lead to an increase in risks for the organization.

6.8 COMMENTS FROM SENIOR MANAGEMENT**6.8.1 Director: Community and Protection Services**

Supports the item.

6.8.2 Municipal Manager

Supports the item.

ANNEXURES

Annexure A: Detailed summary of the current status of all municipal sport facilities in the Greater Stellenbosch (WCO24)

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Albert van der Merwe
<i>POSITION</i>	<i>Manager: Community Services</i>
<i>DIRECTORATE</i>	<i>Community and Protection Services</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8161</i>
<i>E-MAIL ADDRESS</i>	<i>albert.vandermerwe@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>14-11-2018</i>

ANNEXURE A



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT
Department: Community Services
Departement: Gemeenskapsdienste

ANNEXURE A:

Detailed summary of the current status of our municipal sport facilities

APPENDIX 1

MUNICIPAL SPORT FACILITIES ASSESSMENTS

- Ida's Valley Sports Ground
- Cloetesville Sports Ground
- Jamestownsports Ground
- Pniel Sports Ground
- Kylemore Sports Ground
- Klapmuts
- Raithby Sports Ground
- Groendal Sports Ground
- Wemmershoek Sports Ground
- La Motte Sports Ground
- Lanquedoc

FACILITY ASSESSMENT: IDA'S VALLEY SPORTS GROUND						
SPORT FIELD INFORMATION						
NAME OF FACILITY	Ida's Valley, Ward 6					
SPORT COUNCIL	Ida's Valley Sport Council					
ADDRESS/ERF	Bloekom Avenue					
MUNICIPAL ACCOUNT NO.						
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement					
USERS	Clubs, schools, community, federations, etc					
STADIUM	1 X Stadium					
SEATING CAPACITY	1800					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments	
FIELD	2 x Fields	Yes		Fair - rugby side ±30m fencing to be replaced. Grass dry due to water restrictions.	Used for multi purpose functions	
ENTRANCE / EXIT GATES	x 2 Main entrance/exit gates	YES		Fair	Upgrading required	
PAY POINT	x 2 Pay points	Yes		Requires repairs	Paypoint (1 -school side) - gates to be turned and gate locks needs attention. Both paypoints needs attention.	
MASS POLES	8 x mass poles with 3 spotlights on each	Yes		Good		
RUGBY FIELD	1 x rugby field 5 gates	Yes		Poor	Grass dry due to water restrictions	
SOCCER FIELD		Yes		Poor	Grass dry due to water restrictions	
TUNNEL	Good condition	Yes		Good	Newly installed	
CRICKET FIELD	x 2 cricket pitches	Yes		Poor	Grass dry due to water restrictions	
SIGHT SCREEN	X 2	Yes		Good		
CRICKET PRACTICE NETS	Yes	Yes		Not usable due to hockey astro upgrades	6 new practice nets planned to replace existing nets damaged by astro hockey project	
HOCKEY FIELD	Astro-turf hockey field	Yes		Upgrade of existing grass field in progress	Upgrade of existing hockey field to astro turf	
NETBAL COURT	x 5 courts	Yes		Fair	Courts to be resurfaced and courtlines need to be repainted	
TENNIS COURT					Courts were upgraded	
	x 4	Yes		Courts to be resurfaced and courtlines need to be repainted	Tennis clubhouse occupied by Law Enforcement	
BMX-TRACK		Yes		Good		
STORE ROOM		Yes		Good		
STAFF ROOM		Yes		Good	Needs to replace light bulb	
FENCING OF MAIN FIELD	Vibracrete fencing	Yes		Fair	Vibes are constantly being removed at a certain area (tennis side). To be replaced.	
NOTICE BOARDS		Yes		Good	Entrances	

RAMP	2 x ramps at Rugby clubhouse	Yes		Fair	Requires attention due to surface damage caused by rugby boots studs.
FIRE HYDRANTS		Yes		Good	
CARETAKER HOUSE	Yes	Yes		Good	Occupied
PRE-PAID ELECTRICITY	Yes	Yes		Good	
LOCKER ROOM AND PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Good condition	Yes		Good	
Doors, handles and keys	No door, only safety gate			Request to install a door	A door is requested to prevent wind blowing refuse.
Female toilets	x 3	Yes			
Toilet seating	1 x seat to be replaced 1 x top cover to be replaced	Yes		Requires repairs	1 x seat to be replaced 1 x top cover to be replaced
Toilet system(flush)	Good condition	Yes			
Wash basin (tapes)	x 4 wash basins			Poor condition	Taps needs attention
Male toilets	x 3				
Toilet seating		Yes		Good	
Toilet system(flush)	1 x system			Unsatisfactory	System needs to be replaced
Wash basin (tapes)	Good condition	Yes		Good	
Showers	x 4	Yes		Requires attention	2 x Tap heads to be replaced
Urinals	6 x urinals	Yes		Good	
Doors, handles and keys	Good	Yes		Good	
RUGBY CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Ramp	x 2 ramps (1 x clubhouse entrance and x 1 cloakroom)	Yes		Requires repairs	Holes in surface
Safety gates and locks	4 x safety gates	Yes		Good condition	
Doors, handles and keys	4 x glass doors 1 x roll-up door	Yes		Requires repairs	2 x door needs attention - replace glass Doors needs repairs
Windows /glass		Yes		Good	Windows equipped with burglar bars.
Fire Extinguisher(seal)		Yes		Good	
Plugs	Plugs inside and outside building	Yes		Good	Electrical box outside needs cover
Light bulbs		Yes		Good	
Female toilets	x 2 toilets	Yes			
Toilet seating	Good	Yes		Good	
Toilet system(flush)	Good	Yes		Good	
Wash basin (tapes)	1 x wash basin	Yes		Requires repairs	Floor tiles against walls Cracks in wall
Male toilets	x 2 toilets	Yes		Good	
Toilet seating	Good	Yes		Good	
Toilet system(flush)	Good	Yes		Good	
Wash basin (tapes)	x 1	Yes		Good	
Urinals	x 1	Yes		Good	
FUNCTION AREA					
Dishwasher taps	Yes, taps needs attention			Requires repairs	Dishwasher good - taps needs attention

Counter	Yes	Yes	Good	
Cupboards	Yes	Yes	Fair	Requires repair work
Windows /Glass	Yes	Yes	Good	
Fire Extinguisher(seal)	Yes x 2	Yes	Good	
Plugs	Good	Yes	Good	
lights (bulbs)	Good	Yes	Good	
Bar facility	yes - good	Yes	Requires repairs	Plugs needs attention
Small room	Small room	Yes	Requires repairs	Plugs needs attention
LOCKER ROOM (1) Rugby				
Doors, handles and keys		Yes	Requires repairs	Locks and handles needs attention
Windows /Glass			Good	
Showers	4 x Showers		Requires repairs	2 shower heads to be replaced Roof damaged, needs attention and to be paint
LOCKER ROOM (2) Rugby				
Toilets	x 2 toilets	Yes		
Doors, handles and keys		Yes	Requires repairs	Locks and handles needs attention
Windows /Glass		Yes	Good	
Toilet seating			Good	
Toilet system(flush)		Yes	Good	
Wash basin (taps)	1 x wash basin	Yes	Good	
Seating(locker rooms)	Good	Yes	Good	
Showers	4 x showers	Yes	Requires repairs	Shower heads to be replaced Roof damaged, needs attention and to be painted
OLD RUGBY CLUB HOUSE				
Safety gates and locks		Yes	Requires repairs	Windows needs attention
Doors, handles and keys	Front door - glass needs to be replaced	Yes	Requires repairs	Glass needs to be replaced
Windows /glass	9 x windows with cages	Yes	Good	Good
Under clubhouse (store)	Needs attention	Yes	Requires repairs	Glasses to be replaced and painting work.
Female toilets	1 x toilet	Yes	Requires repairs	Door needs attention
Toilet seating	good	Yes	Good	
Toilet system(flush)	Good	Yes	Good	
Wash basin (tapes)	1 x wash basin	Yes	Requires repairs	Needs attention
Male toilets	1 x toilet	Yes	Requires repairs	Door needs attention
Toilet seating	good	Yes	Requires repairs	System needs attention
Toilet system(flush)	Ball	Yes	Requires repairs	Toilet needs attention
Wash basin (taps)	1 x wash basin	Yes	Good	
Urinals	1 x urinal	Yes	Good	
PUBLIC TOILETS				
Female toilets	4 x toilets	Yes	Requires repairs	Toilets needs attention
Toilet seating		Yes	Good	
Toilet system(flush)		Yes	Good	
Wash basin (tapes)	2 x wash basins	Yes	Good	
Male toilets	4 x toilets	Yes	Requires repairs	Toilets needs attention
Toilet seating		Yes	Good	
Toilet system(flush)		Yes	Good	
Wash basin (tapes)	2 x wash basins	Yes	Good	

FUNCTION AREA		Yes	No	Condition	Comments
Dishwasher taps	Yes	Yes		Requires repairs	Good, tiles needs attention
Safety gates and locks		Yes		Good	
Doors, handles and keys	Front door - glass needs to be replaced	Yes		Requires repairs	
Counter		Yes		Good	Good
Cupboards		Yes		Requires repairs	Fair
Windows /Glass	4 x windows	Yes		Requires repairs	2 x glass to be replaced
Fire Extinguisher(seal)		Yes		Good	
Plugs		Yes		Good	Good
lights (bulbs)		Yes		Requires repairs	Lights needs attention
Bar facility		Yes		Good	Good
Small room		Yes		Requires repairs	Windows needs to be replaced
SOCCER CLUB HOUSE		Yes	No	Condition	Comments
Safety gates and locks	No safety gates	Yes		Requires repairs	Needs safety gates and burglar bars
Doors, handles and keys	x 2 doors needs attention	Yes		Requires repairs	2 x Window glass to be replaced
Geyser	Geyser broken	Yes		Requires repairs	Needs to be replaced
Roof	Needs attention	Yes		Requires repairs	Roof damaged - needs attention
Female toilets	1 x toilet	Yes		Good	
Toilet seafing	Good	Yes		Good	
Toilet system(flush)	Good	Yes		Good	
Wash basin (tapes)	1 x basin	Yes		Good	
Male toilets	x 2 toilets.	Yes		Good	
Toilet seating	Good	Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	x 2	Yes		Good	
Urinals	x 2	Yes		Good	
FUNCTION AREA		Yes	No	Condition	Comments
Dishwasher taps	Broken	Yes		Requires repairs	Needs critical attention - water not connected Counter broken due to security vandalism, counter used to sleep on by security .
Safety gates and locks		Yes		Good	
Doors, handles and keys		Yes		Good	
Counter	Good	Yes		Good	
Cupboards		Yes		Good	
Windows /Glass		Yes		Good	
Fire Extinguisher(seal)		Yes		Good	
Plugs	Good	Yes		Good	
lights (bulbs)	Good	Yes		Good	
STADIUM		Yes	No	Condition	Comments
Down pipes		Yes		Requires repairs	Down pipes require attention
Media area	Plugs needs attention	Yes		Requires repairs	Plugs needs attention
Braai area	Area needs attention	Yes		Requires repairs	Needs attention and painting work
Fire hydrants	Yes	Yes		Requires repairs	Fire hydrant needs attention
Signage in place(fire extinguisher) ext.		Yes		Good	
Plugs		Yes		Good	

Light bulbs	14 x lights	Yes				x 9 to be replaced 1 x light Infront of cloak rooms to be replaced
Channel	infront of staduim	Yes		Requires repairs		Covers needs attention
Windows /Glass (back)	8 x meduim size glass to be replaced	Yes		Requires repairs		8 x meduim size glass to be replaced Needs burglar bars
Fire Extinguisher(seal)		Yes		Requires repairs		
Railing	Railing of staduim	Yes		Requires repairs		Railing of staduim needs attention
Paving	infront of staduim needs serious attention	Yes		Requires repairs		infront of staduim needs serious attention
SOCCER CLOAK ROOM (1)	Description / Quantlly	Yes	No	Condition		Comments
Safety gates and locks		Yes		Good		Cloak rooms were upgraded
Doors, handles and keys		Yes		Good		
Windows /glass	Needs burglar bars	Yes		Good		
Geyser		Yes		Good		
Seating	Good, but needs attention	Yes		Requires repairs		Loose
Roof	Good	Yes		Good		
Toilets	x 3 toilets	Yes		Requires repairs		Toilet system to be upgraded
Toilet seating	Good	Yes		Good		
Toilet system(flush)	Good	Yes		Good		
Wash basin (tapes)	x 2	Yes		Good		
Showers	x 4	Yes		Good		
SOCCER CLOAK ROOM (2)		Yes		Requires repairs		Glas of window to be replaced
Toilets	x 3 toilets	Yes		Good		
Toilet seating		Yes		Good		
Toilet system(flush)		Yes		Good		
Wash basin (tapes)	x 2 wash basins	Yes		Good		
Showers	x 4 showers	Yes		Good		1 x shower head to be replaced
Doors, handles and keys	Door handle needs attention	Yes		Requires repairs		Door handle needs attention
Plugs	Good	Yes		Good		Good
Light bulbs	1 x light needs attention	Yes		Requires repairs		2 x light needs attention
SOCCER CLOAK ROOM (3)						
Toilets	x 3 toilets	Yes		Good		
Toilet seating		yes		Good		
Toilet system(flush)		Yes		Good		
Wash basin (tapes)	x 2 wash basins	Yes		Good		
Showers	x 4 showers	Yes		Good		
Doors, handles and keys	Good	Yes		Requires repairs		Door handle needs attention
Plugs	Good	Yes		Good		Good
Light bulbs	1 x light needs attention	Yes		Requires repairs		2 x light needs attention
Windows /glass	Glass	Yes		Requires repairs		Replace glass
SOCCER CLOAK ROOM (4)						
Toilets	x 3 toilets	Yes		Good		
Toilet seating		Yes		Good		

Toilet system(flush)		Yes	Good	
Wash basin (tapes)	x 2 wash basins	Yes	Good	
Showers	x 4 showers	Yes	Good	
Doors, handles and keys	Good	Yes	Requires repairs	Door lock needs attention
Plugs	Good	Yes	Good	Good
Light bulbs	2 x light	Yes	Requires repairs	2 x light needs attention
SOCCER CLOAK ROOM (5)				
Toilets	x 3 toilets	Yes	Good	
Toilet seating		Yes	Good	
Toilet system(flush)		Yes	Good	
Wash basin (tapes)	x 2 wash basins	Yes	Good	
Showers	x 4 showers	Yes	Good	
Doors, handles and keys	Good	Yes	Good	
Plugs	Good	Yes	Good	
Light bulbs	1 x light needs attention	Yes	Good	
SOCCER CLOAK ROOM (6)				
Toilets	x 3 toilets	Yes	Good	
Toilet seating		Yes	Good	
Toilet system(flush)		Yes	Good	
Wash basin (tapes)	x 2 wash basins	Yes	Good	
Showers	x 4 showers	Yes	Good	
Doors, handles and keys	Good	Yes	Good	
Plugs	Good	Yes	Good	
Light bulbs	1 x light needs attention	Yes	Good	
Windows /glass		Yes	Replace glass	
Water leakage		Yes	Water leakage needs attention	
Referee Room			Good	
NETBALL				
PUBLIC TOILETS				
Female toilets			Poor	Needs upgrading due to vandalism
Toilet seating			Poor	Needs upgrading due to vandalism
Toilet system(flush)			Poor	Needs upgrading due to vandalism
Wash basin (tapes)			Poor	Needs upgrading due to vandalism
Showers			Poor	Needs upgrading due to vandalism
Male toilets			Poor	Needs upgrading due to vandalism
Toilet seating			Poor	Needs upgrading due to vandalism
Toilet system(flush)			Poor	Needs upgrading due to vandalism
Wash basin (tapes)			Poor	Needs upgrading due to vandalism
Showers			Poor	Needs upgrading due to vandalism
Urinals			Poor	Needs upgrading due to vandalism
NETBALL CLOAK ROOMS				
Doors, handles and keys			Requires repairs	Locks needs replacing
Plugs			Good	
Light bulbs			Good	

Windows /glass			Requires repairs	Glass needs replacing
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FACILITY DEFECTS: CLOETESVILLE SPORTS GROUND					
SPORT FIELD INFORMATION					
NAME OF FACILITY	Cloetesville, Ward 16				
SPORT COUNCIL	Cloetesville Sport Council				
ADDRESS/ERF	Langstraat, Cloetesville				
MUNICIPAL ACCOUNT NO.	10409596				
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	Yes				
SEATING CAPACITY	1000				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments
FIELD	3 x Fields Fenced with building blocks and vibes - barbwire	Yes			Used for multi purpose functions
ENTRANCE / EXIT GATES	x 2 Main entrance/exit gates	YES		Good	
PAY POINT	x 2 Pay points	Yes		Requires repairs	1 x Door needs to be replaced Requires a safety gate
MASS POLES	8 x mass poles with 3 spotlights on each	Yes		Good	
RUGBY FIELD	1 x rugby field 5 gates	Yes		Requires repairs	Grass dry due to water restrictions
SOCCER FIELD	1 x Soccer field	Yes		Requires repairs	Grass dry due to water restrictions
CRICKET FIELD	x 2 cricket pitches	Yes		Requires repairs	Grass dry due to water restrictions
CRICKET PRACTICE NETS	x 2	YES		Good	
NETBALL COURT	x 3 courts	Yes		Fair	Courts to be resurfaced and courtlines need to be repainted
CONTAINER (NETBALL CLOAKROOM)	1 X Container			Requires repairs	Requires serious repairs
TENNIS COURT	x 4	Yes		Fair	Courts to be resurfaced and courtlines need to be repainted
BOREHOLE		Yes			
STORE ROOM	1 x Storeroom	Yes		Requires repairs	Roof needs attention (inside) 1 x light needs attention Break-in occurred in February 2018. Roof was damaged.
STAFF ROOM		Yes		Good	
FENCING OF MAIN FIELD		Yes		Good	
NOTICE BOARDS		Yes		Good	
RAMP		Yes		Good	

FIRE HYDRANTS	2 x ramps at Rugby clubhouse	Yes		Needs attention	Needs attention
CARETAKER HOUSE		Yes		Currently occupied	
PRE-PAID ELECTRICITY		Yes		Good	
LOCKER ROOM AND PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Safety gate	Yes		Requires repairs	1 x Safety gate all mens toilet needs attention
Lights	2 x lights	Yes		Requires repairs	Replace 2 x lights (female) Replace 3 x lights (female)
Windows /Glass	Window	Yes		Requires repairs	2 x windows to be repaired (front) 3 x windows to be repaired (side)
Female toilets	5 x toilets	Yes		Not good	Requires repairs
Toilet seating	5 x Toilet seating	Yes		Not good	Replace 1 x seat
Toilet system(flush)	5 x Toilet system	Yes		Not good	Requires repairs
Wash basin (tapes)	4 x Wash basin	Yes		Not good	2 x wash basins to be repaired (with fittings)
Male toilets	3 x toilets	Yes		Not good	Requires repairs
Toilet seating	3 x Toilet seating	Yes		Not good	Requires repairs
Toilet system(flush)	3 x Toilet system	Yes		Requires repairs	2 x Toilet system + cover to be replaced
Wash basin (tapes)	4 x Wash basin	Yes		Requires repairs	1 x Wash basin needs attention 1 x soap dispenser to be replaced
Urinals	6 x urinals	Yes		Requires repairs	
Disabled toilet	1 x Disabled toilet	Yes		Requires repairs	Toilet has never worked. Needs attention
Referee Room (left)		Yes		Good	
Toilet seating	1 x Toilet	Yes		Good	
Toilet system(flush)	Toilet system	Yes		Good	
Wash basin (tapes)		Yes		Good	
Shower	1 x Shower	Yes		Requires repairs	1 x Shower head to be replaced
Doors, handles and keys	1 x Door	Yes		Requires repairs	Door needs attention
Lights	Light	Yes		Requires repairs	Light bulb to be replaced Light bulb in hall way to be replaced
CLOAK ROOM (1 Right)	Description / Quantity	Yes	No	Condition	Comments
Toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system(flush)	Yes		Good	
Wash basin (tapes)	1 x Wash basin (tapes)	Yes		Good	
Showers	5 x Showers	Yes		Good	
Doors, handles and keys	1 x Door			Requires repairs	1 x Door lock requires attention
Seafing				Good	
Plugs				Good	
Light bulbs				Good	
CLOAK ROOM (2)	Description / Quantity	Yes	No	Condition	Comments
Toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system(flush)	Yes		Not good	1 x Toilet system to be replaced
Wash basin (tapes)	1 x Wash basin (tapes)	Yes		Good	
Doors, handles and keys	1 x Door			Requires repairs	1 x Door lock requires attention
Seafing				Good	
Plugs				Good	

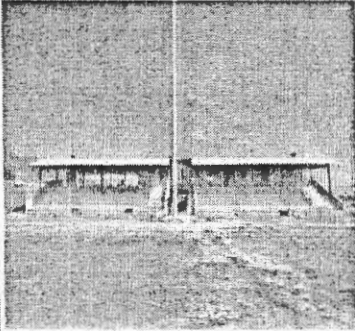
Light bulbs	Bulbs			Requires repairs	Light needs attention
CLOAK ROOM (3)	Description / Quantity	Yes	No	Condition	Comments
Toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system(flush)	Yes		Good	
Wash basin (tapes)	1 x Wash basin (tapes)	Yes		Good	
Showers	5 x Showers	Yes		Good, but requires repairs	1 x Shower head to be replaced
Doors, handles and keys	1 x Door			Requires repairs	1 x Door lock requires attention
Seating	Seating			Good	
Plugs	Plugs	Yes		Good	
Light bulbs	Light bulbs	Yes		Requires repairs	Light needs attention (shower)
Windows /glass	Windows /glass	Yes		Good	
CLOAK ROOM (4)	Description / Quantity	Yes	No	Condition	Comments
Toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system(flush)	Yes		Requires repairs	1 x Toilet system to be replaced
Wash basin (tapes)	1 x Wash basin (tapes)	Yes		Good	
Showers	5 x Showers	Yes		Good	1 x Shower head to be replaced
Doors, handles and keys	1 x Door	Yes		Good	
Seating	Seating	Yes		Good	
Plugs	Plugs	Yes		Requires repairs	Plug needs attention
Light bulbs	Light bulbs	Yes		Good	
STADIUM	Description / Quantity	Yes	No	Condition	Comments
Ramp	Ramp	Yes		Good	
Signage in place(fire extinguisher) ext.	1x Fire hydrant 2 x fire extinguishers	Yes		Good	
Plugs	Plugs	Yes		Good	
Light bulbs	Lights	Yes		Requires repairs	12 x Lights to be replaced (infront) 7 x Lights to be replaced (back)
Fire Extinguisher(seal)	1x Fire hydrant 2 x fire extinguishers	Yes		Request attention	2 x fire extinguishers to be replaced - stolen
SOCCER CLUB HOUSE	Description	Yes	No	Condition	Comments
Safety gates and locks	Safety gate	Yes			
Doors, handles and keys	1 x Glass door	Yes		Requires repairs	1 x Glass door - glass to be replaced
Windows /glass	Windows	Yes		Requires repairs	Repairs of glass
Dishwasher taps	Dishwasher taps	Yes		Good	
Safety gates and locks	Dishwasher taps	Yes		Good	
Counter	1 x Kitchen counter 1 x Bar counter	Yes		Good	
Cupboards		Yes		Good	
Fire Extinguisher(seal)	1 x fire extinguisher	Yes		Good	
Plugs	Plugs	Yes		Good	
Lights (bulbs)	Light bulbs	Yes		Good	
Braai area	1 x Indoor braai	Yes		Good	
Female toilets	2 x toilet	Yes		Good	
Toilet seating	Toilet seating	Yes		Good	
Toilet system(flush)	Toilet system(flush)	Yes		Good	
Wash basin (tapes)	2 x Wash basin	Yes		Good	
Doors, handles and keys	Doors, handles and keys	Yes		Good	

Lights	Lights	Yes		Good	
Disabled toilet	1x toilet	Yes		Requires repairs	1 x Toilet system to be replaced
Male toilets	1x toilet	Yes		Requires repairs	1 x Toilet system to be replaced
Toilet seating	Toilet seating	Yes		Good	
Toilet system(flush)	Toilet system	Yes		Requires repairs	1 x Toilet system to be replaced
Wash basin (tapes)	2 x Wash basin	Yes		Good	
Urinals	3 x Urinals	Yes		Good	
Doors, handles and keys	Doors, handles and keys	Yes		Good	
Lights	Lights	Yes		Good	
Roof	Roof	Yes		Requires repairs	Roof tiles needs to be replaced
RUGBY CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Gates	Yes		Good	
Fence	Fenced	Yes		Good	
Doors, handles and keys	Doors	Yes		Good	
Windows /glass	Windows	Yes		Requires repairs	2 x glass repair in kitchen
Dishwasher taps		Yes		Good	
Ramp	1 x Ramp	Yes		Good	
Stoop	Stoop	Yes		Requires repairs	Resurface of stoop requires attention
Fire Extinguisher(seal)	Fire extinguisher.	Yes		Good	
Plugs	Plugs	Yes		Good	
lights (bulbs)	Lights	Yes		Requires repairs	Light/bulb to be replaced
Braai area	1 x Outside braai 1 x Inside braai	Yes Yes		Requires repairs Good	Needs attention
Room next to kitchen					
Doors, handles and keys	1 x roll-up door	Yes		Good	
Cupboards	cupboards	Yes		Requires repairs	Needs to be repaired
Windows /glass	Windows	Yes		Requires repairs	2 x Window glass repair
Female toilets	1x toilet	Yes			
Toilet seating	Toilet seating	Yes		Good	
Toilet system(flush)	Toilet system	Yes		Requires repairs	1 x Toilet system to be replaced
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Doors, handles and keys	Door	Yes		Requires repairs	Door handle to be replaced
Lights	Lights	Yes		Good	
Disabled toilet					
Male toilets	1x toilet	Yes		Good	
Toilet seating	Toilet seating	Yes		Good	
Toilet system(flush)	Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Urinals	1 x Urinal	Yes		Good	
Doors, handles and keys	Doors.	Yes		Good	
Lights	Lights	Yes		Good	
Boardroom				Good	
Ground floor (Rugby)					
Change room 1. (Right)					
Toilets	1x toilet	Yes		Good	
Toilet seating	Toilet seating	Yes		Good	
Toilet system(flush)	Toilet system	Yes		Good	

Wash basin (tapes)	1 x Wash basin	Yes	Good	
Doors, handles and keys	Doors	Yes	Good	
Seating	Seating	Yes	Good	
Plugs	Plugs	Yes	Good	
Light bulbs	Lights	Yes	Requires repairs	No light - to be replaced
Windows /glass	Windows	Yes	Good	
Change room 2 (Right)				
Toilets	1x toilet	Yes	Good	
Toilet seating	Toilet seating	Yes	Good	
Toilet system(flush)	Toilet system	Yes	Good	
Wash basin (tapes)	4 x Wash basin	Yes	Good	
Doors, handles and keys	Doors	Yes	Good	
Seating	Seating	Yes	Good	
Plugs	Plugs	Yes	Good	
Light bulbs	Lights	Yes	Requires repairs	No light - to be replaced
Windows /glass	Windows	Yes	Good	
Showers	4 x showers	Yes	Good	
Change room 1 (Left)				
Toilets	1x toilet	Yes	Good	
Toilet seating	Toilet seating	Yes	Good	
Toilet system(flush)	Toilet system	Yes	Good	
Wash basin (tapes)	4 x Wash basin	Yes	Good	
Doors, handles and keys	Doors	Yes	Good	
Seating	Seating	Yes	Good	
Plugs	Plugs	Yes	Good	
Light bulbs	Lights	Yes	Requires repairs	Replace light
Windows /glass	Windows	Yes	Good	
Showers	4 x showers	Yes	Good	
Change room 2 (Left)				
Toilets	1x toilet	Yes	Good	
Toilet seating	Toilet seating	Yes	Good	
Toilet system(flush)	Toilet system	Yes	Good	
Wash basin (tapes)	4 x Wash basin	Yes	Good	
Doors, handles and keys	Doors	Yes	Good	
Seating	Seating	Yes	Good	
Plugs	Plugs	Yes	Good	
Light bulbs	Lights	Yes	Requires repairs	
Windows /glass	Windows	Yes	Good	
Showers	4 x showers	Yes	Good	
Referee Room (left)				
	1 x Referee room	Yes	Good	
Female toilets (Ground floor)				
	1x toilet		Good	
Toilet seating	Toilet seating		Good	
Toilet system(flush)	Toilet system		Good	
Wash basin (tapes)	1 x Wash basin		Good	

Doors, handles and keys	Door		Good	
Lights			Good	
Male toilets	1x toilet		Good	
Toilet seating	Toilet seating		Good	
Toilet system (flush)	Toilet system		Good	
Wash basin (tapes)	1 x Wash basin		Good	
Doors, handles and keys	Doors		Good	
Lights	Lights		Good	
Safety gates and locks	Safety gate		Requires repairs	Safety gate to be replaced
Leakage			Requires repairs	Leakage needs attention

FACILITY ASSESSMENT: JAMESTOWN

SPORT FIELD INFORMATION							
NAME OF FACILITY	Jamesstown						
SPORT COUNCIL	Jamesstown Sport Council						
ADDRESS/ERF	Erf 527						
MUNICIPAL ACCOUNT NO.							
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement						
USERS	Clubs, schools, community, federations						
STADIUM	1 X Stadium						
SEATING CAPACITY	1000						
PARKING CAPACITY							
FIELD INFORMATION (1 FIELD)	Description	Yes	No	Condition	Comments		
FIELD AND FENCE	1 x Field and fenced	Yes		Good			
ENTRANCE / EXIT GATES	Entrance gate to be replaced. 4 x entrance/exit gates			Fair	Needs attention		
PAY POINT	Pay point needs serious attention.	Yes		Requires repairs	Windows: glass to be replaced. 2 x new window frames Replace door with slot Replace light tube Replace spotlight		
MASS POLES	4 x Mast poles with 4 spot lights	Yes		Good			
SOCCER FIELD	2 x Soccer fields	Yes		Poor	Grass dry due to water restrictions		
CRICKET FIELD	2 x Cricket pitches	Yes		Poor	Grass dry due to water restrictions		
CRICKET PRACTICE NETS	Cricket nets	Yes		Good condition			
BMX-TRACK		Yes					
STORE ROOM	Yes, but are used by the security.	Yes		Good condition	Yes, but are used by the security.		
STAFF ROOM		Yes		Good			
FENCING OF MAIN FIELD	No complex fencing		No	Requires replacement	Fence was stolen		
MOBILE SEATING	1 x mobile seating	Yes		Good			
RAMP	x 2 ramps	Yes		Good condition			
FIRE HYDRANTS	Yes	Yes		Box needs attention			
CARETAKER HOUSE	Yes, not occupied	Yes			Await final completion of house		
FLOORS	Good			Good condition			
BRAAI AREA	Area will be upgraded soon	Yes		Good condition	7 x lights to be replaced		
PRE-PAID ELECTRICITY	Yes	Yes		Good condition			
CLUB HOUSE (FUNCTION ROOM)	Description / Quantity	Yes	No	Condition	Comments		
Doors, handles and keys		yes		Requires repairs	Front doors needs attention - glass to be replaced.		
Windows /glass		Yes		Good	Requires burglar bars		
Fire Extinguisher (seal)		Yes		Good			

Signage in place (fire extinguisher) ext.		Yes		Good	
Plugs		Yes		Good	
Light bulbs		Yes		Good	
Female toilets	2 x toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system (flush)		Yes		Good	
Wash basin (tapes)	2 x wash basins	Yes		Good	
Doors, handles and keys		Yes		Requires repairs	Doors locks needs attention
Light bulbs		Yes		Good	
Male toilets	1 x toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system (flush)		Yes		Good	
Wash basin (tapes)	1 x wash basins	Yes		Good	
Urinals	1 x urinal	Yes		Good	
Disabled toilet	1 x disabled toilet	Yes		Good	Mirror to be replaced
FUNCTION AREA					
Fridge	1 x Fridge			Requires replacement	Was stolen, needs to be replaced by the security company - Law Enforcement issue
Stove	1 x Stove				Stored in the storeroom of the caretaker/worker
Dishwasher taps	Dishwasher x 1	Yes		Requires repairs	Taps needs attention
Doors, handles and keys	1 x kitchen door	Yes		Requires repairs	Glass to be replaced
Counter		Yes		Good	
Cupboards		Yes		Good	
Windows /Glass		Yes		Good	
Fire Extinguisher(seal)		Yes		Good	
Plugs		Yes		Good	
lights (bulbs)		Yes		Good	
Safety gates and locks	Safety gates	Yes		Requires attention	Needs attention
CLUB HOUSE					
Description / Quantity		Yes	No	Condition	Comments
Safety gates and locks	2 x doors	Yes			
Doors, handles and keys		Yes		Required attention	2 x doors to be repaired
Windows /glass		Yes		Good	
Fire Extinguisher(seal)		Yes		Good	
Signage in place (fire extinguisher) ext.		Yes		Good	
Plugs		Yes		Good	
Light bulbs		Yes		Good	
Braai Area	1 x braai	Yes		Good	
Public Toilets					
Female	3 x toilets	Yes			
Doors, handles and keys	Door	Yes		Requires repairs	Locks to be replaced
Windows /Glass	4 x windows to be replaced	Yes		Requires repairs	4 x windows to be replaced
Toilet seating	replace x 3 toilet seats	Yes		None	
Toilet system (flush)	Replace flush master	Yes		Requires repairs	Replace system / Toilet system not working properly due vandalism. Replace mirror

Wash basin (tapes)	x 2 wash basins	Yes		Requires replacement	1 x basin to be replaced
Men toilets					
Doors, handles and keys		Yes			
Windows /Glass		Yes			
Toilet seating		Yes			
Toilet system(flush)		Yes			
Wash basin (tapes)		Yes			
GLOAKROOMS	Description / Quantity	Yes	No	Condition	Comments
Locker room (1) Right					
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Toilet	x 2 toilets	Yes		Good	
Toilet seating	good	Yes		Good	
Toilet system(flush)	good	Yes		Good	
Seating(locker rooms)	good	Yes		Good	
Lights (bulbs)	1 X light			Requires attention	1 x light to be replaced
Locker room (2)					
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Toilet	x 1 toilets	Yes		Good	
Toilet seating	good	Yes		Good	
Toilet system(flush)	good	Yes		Good	
Seating(locker rooms)	good	Yes		Good	
Showers	3 x showers	Yes		Requires attention	1 x shower head to be replaced Geyser outlet leakage
Lights (bulbs)	good	Yes		Good	
Locker room (3)		Yes			
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Toilet	x 1 toilet	Yes		Good	
Toilet seating	good	Yes		Good	
Toilet system(flush)	good	Yes		Good	
Seating(locker rooms)	good	Yes		Good	
Showers	1 x shower	Yes		Good	
Lights (bulbs)	Lights				
Referee room					
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Toilet	x 1 toilet	Yes		Good	
Toilet seating	good	Yes		Good	
Toilet system(flush)	good	Yes		Good	
Seating(locker rooms)	good	Yes		Good	
Showers	1 x shower	Yes		Good	
Lights (bulbs)	good	Yes		Good	

Locker room (1) Left					
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Seating(locker rooms)		Yes		Good	
Showers	x 3 showers	Yes		Requires attention	3 x shower heads to be replaced
Lights (bulbs)		Yes		Good	
Locker room (2)					
Doors, handles and keys		Yes		Good	
Windows /Glass		Yes		Good	
Toilet		Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Seating(locker rooms)		Yes		Good	
Showers	x 3 showers	Yes		Requires attention	3 x shower heads to be replaced
Lights (bulbs)		Yes		Good	
Locker room (3)					
Doors, handles and keys		Yes		Good	
Windows /Glass		Yes		Good	
Seating(locker rooms)		Yes		Good	
Showers	x 3 showers	Yes		Requires attention	3 x shower heads to be replaced
Lights (bulbs)		Yes		Good	
Referee room					
Doors, handles and keys	Good	Yes		Good	
Windows /Glass	Good	Yes		Good	
Toilet	x 1 toilet	Yes		Good	
Toilet seating	good	Yes		Good	
Toilet system(flush)	good	Yes		Good	
Seating(locker rooms)	good			Good	
Showers	1 x shower	Yes		Good	
Lights (bulbs)	good	Yes		Good	

FACILITY ASSESSMENT REPORT: PNIEL

SPORT FIELD INFORMATION

NAME OF FACILITY	Pniel, Ward 4				
SPORT COUNCIL	Pniel Sports Council				
ADDRESS/ERF	Erf 1173, Main Street, Pniel				
MUNICIPAL ACCOUNT NO.	10409558				
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	1 X Stadium				
SEATING CAPACITY	2900				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments
FIELD	1 x Field	Yes		Good	
ENTRANCE / EXIT GATES	1 x main gate to field 2 entrance/exit gates on field 1 x Container	Yes		Good Container requires repairs	Container needs urgent attention
MASS POLES	4 x mass poles with 6 spotlights on each pole	Yes		Good	
RUGBY FIELD	1 x Rugby field - 2 x gates	Yes		Fair	Grass dry due to water restrictions Playing surface is uneven
CRICKET FIELD	x Cricket field (unfenced)	Yes		Requires repairs	Outfield - Grass dry due to water restrictions
CRICKET PRACTICE NETS	2 x concrete practice nets 2 x Turf nets	Yes		Fair	Requires upgrading
SIGHT SCREENS	2 x Sight screens			Fair	Damaged sight screen (Insurance claim in progress)
SCOREBOARD	1 X Rugby scoreboard	Yes		Fair	Must be repainted
HOCKEY FIELD	No	Yes			
NETBALL COURT	6 Netball courts	Yes		Fenced with 2 x exit gates	Courtlines need to be repainted 1 x Netball court requires repairs
TENNIS COURT	4 x Tennis courts	Yes		Fenced with 4 x exit gates	Courtlines need to be repainted
BOREHOLE	1 x Borehole	Yes		Requires repairs	Borehole requires a pump
STORE ROOM		Yes		Good	
STAFF ROOM		Yes		Good	
FENCING OF MAIN FIELD		Yes		Good	
FIRE HYDRANTS		Yes		Good	
PRE-PAID ELECTRICITY		Yes		Good	
CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Safety gates	Yes		Good	
Doors, handles and keys	4 x Doors	Yes		Good	
Windows/glass	Windows	Yes		Good	
Fire Extinguisher(seal)	2 x fire exstinguishers	Yes		Good	
Signage in place(fire extinguisher) ext.		Yes		Good	

Cupboards	In kitchen	Yes		Good	
Braai Area	1 x Braai area	Yes		Good	
Kiosk	1 x Kiosk with roll-up door	Yes		Good	
Plugs	Plugs	Yes		Good	
Light bulbs	Light bulbs	Yes		Good	
Female toilets	4 x Toilets	Yes		Good	
Toilet seating	4 x Toilet seating	Yes		Good	
Toilet system (flush)	Toilet system	Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Male toilets		Yes		Good	
Toilet seating	2 x Toilets	Yes		Good	
Toilet system (flush)	Toilet system	Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Urinals	2 x Urinals	Yes		Good	
LOCKER ROOM AND PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Safety gates	Yes		Good	
Geyser	1 x Geyser	Yes		Requires repairs	Geyser to be replaced
Doors, handles and keys	Doors	Yes		Requires repairs	2 x doors to be repaired
Windows /glass	Windows	Yes		Good	
Female toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system (flush)	Toilet system	Yes		Requires repairs	1 x Toilet system requires attention
Wash basin (tapes)	1 x Wash basins	Yes		Good	
Male toilets		Yes		Good	
Toilet seating	1 x Toilet	Yes		Good	
Toilet system (flush)	Toilet system	Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Referee Room		Yes		Good	
Toilet seating	1 x Toilet	Yes		Good	
Toilet system (flush)	Toilet system	Yes		Good	
Shower	1 x Shower	Yes		Good	
CRICKET LOCKER ROOM		Yes		Good	
Safety gates and locks	Safety gates	Yes		Good	
Geyser	1 x Geyser	Yes		Requires repairs	Geyser to be replaced
Doors, handles and keys	Doors	Yes		Good	
Windows /glass	Windows	Yes		Good	
Female toilets	2 x Toilets	Yes		Good	
Toilet seating	2 x Seating	Yes		Good	
Toilet system (flush)	2 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basins	Yes		Good	
Male toilets	2 x Toilets	Yes		Good	
Toilet seating	2 x Seating	Yes		Good	
Toilet system (flush)	2 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basins	Yes		Good	
Urinals		Yes		Good	
Shower		Yes		Good	
Millenium Hall	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Safety gates		No	Require	Safety gate

Doors, handles and keys	2 x entrance doors	Yes		Good	
Windows /glass	Windows			Good	
Fire Extinguisher(seal)		Yes		Good	
Electricity and lights	Lights in hall			Fair	Lights needs attention and electricity
Roof/ceiling	Roof	Yes		Require repairs	Leakage in roof Ceiling needs attention
Exits	6 x Exits	Yes		Good	
Signage in place(fire extinguisher) ext.		Yes		Good	
Store Rooms	2 x Store rooms	Yes		Good	
Foyer	1 x Foyer	Yes		Good	
Stage	1 x stage with 2 x rails	Yes		Good	
Kitchen					
Cupboards		Yes		Require steel tables	Working tables to be installed
Wash basin (tapes)	Wash basins	Yes		Good	
Plugs	Plugs			Good	
Doors, handles and keys	2 x roll-up doors	Yes		Good	
Light bulbs					
Female toilets	5 x toilets	Yes		Requires repairs	
Toilet seating	5 x toilets	Yes		Good	
Toilet system(flush)	5 x toilets	Yes		Fair	2 x Toilet system requires attention
Wash basin (tapes)	4 x basins	Yes		Good	
Doors, handles and keys	Doors	Yes		Requires repairs	2 x doors requires repairs
Geyser	1 x Geyser	Yes		Requires repairs	Geyser to be replaced
Male toilets	3 x toilets	Yes		Good	
Toilet seating	3 x toilets	Yes		Good	
Toilet system(flush)	3 x toilets	Yes		Good	
Wash basin (tapes)	4 x basins	Yes		Good	
Urinals	2 x Urinals	Yes		Good	
Geyser	1 x Geyser	Yes		Requires repairs	Geyser to be replaced
Locker rooms x 2					
Female toilets	2 x toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Showers	3 x Showers	Yes		Good	
Male toilets	2 x toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Showers	3 x Showers	Yes		Requires repairs	Shower heads to be replaced

FACILITY ASSESSMENT: KYLEMORE SPORTS GROUND

SPORT FIELD INFORMATION

NAME OF FACILITY	Kylemore, Ward 4				
SPORT COUNCIL	Kylemore Sport Council				
ADDRESS/ERF	Erf 199, School Street				
MUNICIPAL ACCOUNT NO.	10409565				
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	1 X Stadium				
SEATING CAPACITY	1950				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments
FIELD	1 x Field	YES		Requires repairs	
ENTRANCE / EXIT GATES	2 x entrance / exit gates on field	YES			1 x Complete gate to be replaced
PAY POINT	1 x Pay point	YES		Requires repairs	No electricity, no door and 2 x roll-up doors - needs attention
MASS POLES	4 mass poles with 6 spotlights on each pole	Yes		Requires repairs	1 x spotlight to be replaced
RUGBY FIELD	1 x Rugby field			Requires repairs	Grass dry due to water restrictions Playing surface is uneven
SOCCER FIELD	1 x Soccer field			Requires repairs	Grass dry due to water restrictions Playing surface is uneven
CRICKET FIELD	1 x Cricket fields			Requires repairs	Grass dry due to water restrictions Playing surface is uneven
CRICKET PRACTICE NETS	2 x concrete nets	Yes		Requires repairs	Steel structure and nets to be repaired 2 x mats to be replaced
NETBALL COURT	1 x Netball court			Requires attention	Courts to be resurfaced and courtlines need to be repainted
TENNIS COURT	Yes			Requires attention	Courts to be resurfaced/resealed and courtlines need to be repainted Fence requires attention
BOREHOLE	Borehole	YES		Fair	Low yield
STORE ROOM		YES		Good	
FENCING OF MAIN FIELD	Yes			Requires repairs	Fencing to be repaired at certain intersections.
RAMP		YES		Requires repairs	Second floor - holes in surface needs to be fixed
FIRE HYDRANTS	Fire hydrant	Yes		Requires repairs	Pipe to be replaced
FLOORS	2	YES		Good	
KIOSK	Kiosk	Yes		Good	
PRE-PAID ELECTRICITY		Yes		Good	

LOCKER ROOM (4) AND PUBLIC TOILETS		Yes	No	Condition	Comments
Safety gates and locks	Safety	Yes		Good	
Doors, handles and keys	Doors	Yes		Require repairs	1 x door to be repaired
Geyser	Geyser	Yes		Require repairs	1 x geyser to be repaired
Showers	4 x Showers	Yes		Require repairs	4 x shower heads to be replaced
Seating		Yes			
Windows /Glass	Windows			Require repairs	1 x window to be repaired
Female toilets	2 x Toilets	Yes			
Toilet seating	2 x Toilet seating	Yes			
Toilet system(flush)	2 x Toilet system(flush)	Yes			
Wash basin (tapes)	1 x Wash basin	Yes		Require repairs	1 x wash basin
Male toilets	2 x toilets	Yes		Require repairs	1 x toilet need to be repaired
Toilet seating	2 x Toilet seating	Yes			
Toilet system(flush)	2 x Toilet system(flush)	Yes		Require repairs	1 x toilet need to be repaired
Wash basin (tapes)	1 x Wash basin	Yes		Require repairs	
Urinals	3 x Urinals	Yes		Require repairs	Repair 3 x urinals
CLUB HOUSE (FUNCTION ROOM)		Yes	No	Condition	Comments
Electricity supply	Electricity	Yes		Fair	Electricity issue - needs clarity
Safety gates and locks	Safety			Good	
Doors, handles and keys	2 x sliding doors	Yes		Good	
Windows /glass	Windows			Good	
Fire Extinguisher(seal)				Good	
Braai area	Braai area	Yes		Good	
Signage in place(fire extinguisher) ext.		Yes		Good	
Plugs		Yes		Good	
Light bulbs		Yes		Good	
Female toilets	2 x toilets	Yes		Requires repairs	
Toilet seating	2 x Toilet seating	Yes		Requires repairs	
Toilet system(flush)	2 x Toilet system	Yes		Requires repairs	2 x toilet system to be replaced and
Wash basin (tapes)	2 x Wash basin	Yes		Requires repairs	2 x hand wash basins to be replaced
Doors, handles and keys	2 x doors	Yes		Good	
Light bulbs	lights	Yes		Good	
Male toilets	2 x toilets	Yes			
Toilet seating	2 x Toilet seating	Yes		Good	
Toilet system(flush)	2 x Toilet system	Yes		Requires repairs	2 x toilet system to be replaced and
Wash basin (tapes)	2 x Wash basin	Yes		Requires repairs	2 x hand wash basins to be replaced
Urinals	2 x urinals	Yes		Good	
Light bulbs	lights	Yes		Good	
Hall		Yes	No	Condition	Comments
Safety gates and locks	Safety	Yes		Good	
Doors, handles and keys	Doors	Yes		Good	
Windows /glass	Windows	Yes		Requires repairs	4 x Windows to be replaced
Plugs	Plugs	Yes		Good	
Light bulbs	Lights	Yes		Requires repairs	1 x light to be replaced

Female toilets	3 x toilets	Yes	Requires repairs	3 x toilets
Toilet seating	3 x Toilet seating	Yes	Requires repairs	3 x Toilet seating
Toilet system(flush)	3 x toilet system	Yes	Requires repairs	3 x toilet system
Wash basin (tapes)	Wash basin	Yes	Requires repairs	
Doors, handles and keys	2 x doors	Yes	Good	
Light bulbs	lights	Yes	Requires repairs	
Male toilets	2 x toilets	Yes	Requires repairs	2 x toilets
Toilet seating	2 x Toilet seating	Yes	Requires repairs	2 x Toilet seating
Toilet system(flush)	2 x Toilet system	Yes	Requires repairs	2 x Toilet system
Wash basin (tapes)	Wash basin	Yes	Requires repairs	1 x Wash basin
Light bulbs	lights	Yes	Requires repairs	lights
Doors, handles and keys	Doors	Yes	Good	
PUBLIC TOILETS				
Female toilets	3 x toilets	Yes	Requires repairs	3 x toilets
Toilet seating	3 x Toilet seating	Yes	Requires repairs	3 x Toilet seating
Toilet system(flush)	3 x toilet system	Yes	Requires repairs	3 x toilet system
Wash basin (tapes)	Wash basin	Yes	Requires repairs	
Doors, handles and keys	2 x doors	Yes	Good	
Light bulbs	lights	Yes	Requires repairs	
Male toilets	2 x toilets	Yes	Requires repairs	2 x toilets
Toilet seating	2 x Toilet seating	Yes	Requires repairs	2 x Toilet seating
Toilet system(flush)	2 x Toilet system	Yes	Requires repairs	2 x Toilet system
Wash basin (tapes)	Wash basin	Yes	Requires repairs	1 x Wash basin
Light bulbs	lights	Yes	Requires repairs	1 x lights/bulb to be repaired
Doors, handles and keys	Doors	Yes	Good	

AUDIT REPORT: KLAPMUTS						
SPORT FIELD INFORMATION						
NAME OF FACILITY	Klapmuts, Ward 18					
SPORT COUNCIL	Klapmuts Sport Council					
ADDRESS/ERF	Erf 1172, Adam Street, Klapmuts					
MUNICIPAL ACCOUNT NO.						
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement					
USERS	Clubs, schools, community, federations					
STADIUM	1 x Stadium					
SEATING CAPACITY	980					
PARKING CAPACITY						
FIELD INFORMATION (1 FIELD)	Description	Yes	No	Condition	Comments	
FIELD	1 x Field				Used for multi purpose functions	
ENTRANCE / EXIT GATES	2 x Entrance/exits	Yes				
PAY POINT	1 x Paypoint	Yes		Requires repairs	Pay point room requires major repairs: painting, electrical work to be done, doors and rails to be replaced	
MASS POLES	2 x Mass poles with 6 spotlight on each pole 2 x Mass poles with 4 spotlight on each pole			Good		
RUGBY FIELD	1 x Rugby field			Require attention	Grass dry due to water restrictions.	
SOCCER FIELD	1 x Soccer field			Require attention	Grass dry due to water restrictions.	
CRICKET FIELD		Yes		Require attention	Grass dry due to water restrictions. 2 x sight screens	
CRICKET PRACTICE NETS						
NETBALL COURT	2 Netball courts	Yes		Require attention	Unfenced Court lines to be repaint	
STORE ROOM		Yes		Good		
STAFF ROOM		Yes		Good		
FENCING OF SPORT GROUND		Yes		Requires repairs	Vibes are constantly being removed at a certain area (tennis side)	
RAMP				Requires repairs	The surface of the ramp needs attention	
FIRE HYDRANTS	2 x Fire hydrants 5 x Fire extinguishers 2 x Fire extinguishers	Yes		Requires replacement	2 x fire hydrants to be replaced 5 x Fire extinguishers requires refills 2 x Fire extinguishers requires services	
KIOSK	1 x Kiosk	Yes		Good		
FLOORS	2 x Floors	Yes		Good		
PRE-PAID ELECTRICITY		Yes		Good		
STADIUM	Description / Quantity	Yes	No	Condition	Comments	
Seating		Yes		Requires repairs	Seating surface requires repairs	
Fire Extinguisher(seal)		Yes		Good		
Rolling		Yes		Fair		
Paving		Yes		Fair		
Ward office in Clubhouse	Description / Quantity	Yes	No	Condition	Comments	
Safety gates and locks		Yes		Good		

Doors, handles and keys		Yes		Good	
Windows /glass	Windows	Yes		Requires repairs	Glass to be replaced
Toilets	1 x toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x wash basin	Yes		Good	
FUNCTION AREA (kitchen)	Description / Quantity	Yes	No	Condition	Comments
Sink tapes	Sink	Yes		Good	
Windows /Glass	Glass	Yes		Good	
Fire Extinguisher(seal)		Yes		Good	
Plugs	Plugs	Yes		Good	
lights (bulbs)	Lights	Yes		Good	
CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks		Yes		Good	
Windows /glass		Yes		Requires repairs	Glass to be replaced
Geyser	Geyser broken	Yes		Requires attention	Needs to be replaced
Roof	Needs attention			Requires attention	Roof damaged - needs attention
Doors, handles and keys	Glass doors			Requires attention	Needs to be replaced
Fire Extinguisher(seal)	1 x Fire hydrant	Yes		Requires repairs	Fire hydrant needs attention
Signage in place(fire extinguisher) ext.		Yes		Good	
Cupboards	In kitchen	Yes		Good	
Braai Area	1 x Braai area	Yes		Good	
Plugs	Plugs	Yes		Good	
Light bulbs	Light bulbs	Yes		Good	
Female toilets	1 x Disabled toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Male toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Urinals	2 x Urinals	Yes		Good	
LOCKER ROOMS X 8	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks				Good	
Doors, handles and keys				Good	
Windows /Glass				Good	
Seating(locker rooms)		Yes		Good	
Showers		Yes		Requires attention	Shower heads to be replaced
Female toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system	Yes		Good	
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Male toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system(flush)	1 x Toilet system	Yes		Requires repairs	Toilet system requires attention
Wash basin (tapes)	1 x Wash basin	Yes		Good	

REFEREE ROOMS X 2		Yes	No	Condition	Comments
Male toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet seating	Yes		Good	
Toilet system (flush)	1 x Toilet system	Yes		Requires repairs	Toilet system requires attention
Wash basin (tapes)	1 x Wash basin	Yes		Good	
Showers	1 x Shower	Yes		good	
PUBLIC TOILETS		Yes	No	Condillon	Comments
Disabled toilet	1 x Disabled toilet	Yes		Good	
Female toilets	4 x Toilets	Yes		Requires repairs	2 x toilets systems needs attention
Toilet seating	4 x Toilet seating	Yes		Good	
Toilet system (flush)	4 x Toilet system	Yes		Requires repairs	2 x toilets systems needs attention
Wash basin (tapes)	4 x Wash basins	Yes		Good	
Male toilets	2 x Toilets	Yes		Good	
Toilet seating	2 x Toilet seating	Yes		Good	
Toilet system (flush)	2 x Toilet system	Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Urinals	4 x Urinals	Yes		Good	
Doors, handles and keys	Doors	Yes		Requires attention	1 x door lock requires attention

FACILITY ASSESSMENT: RAITHBY SPORTS GROUND						
SPORT FIELD INFORMATION						
NAME OF FACILITY	Raithby					
SPORT COUNCIL	Raithby Sport Council					
ADDRESS/ERF						
MUNICIPAL ACCOUNT NO.						
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement					
USERS	Clubs, schools, community, federations					
STADIUM	1 X Stadium					
SEATING CAPACITY	1000					
FIELD INFORMATION (1 FIELD)	Description	Yes	No	Condition	Comments	
FIELD	1 x Fields	Yes		Fair - Grass dry due to water restrictions.	Grass dry due to water restrictions.	
ENTRANCE / EXIT GATES	x 2 Main entrance/exit gates	YES		Require replacement	Require fencing on the north and east sides	
PAY POINT	x 2 Pay points	Yes		Requires attention Second pay point - good	Main paypoint - door lock to be repaired and door to be varnished.	
MASS POLES	4 x mass poles with 4 spotlights on each	Yes		Good		
CELLPHONE		Yes		Good		
RUGBY FIELD	1 x rugby field 5 gates	Yes		Fair	Grass dry due to water restrictions	
CRICKET FIELD	x 2 cricket pitches	Yes		Fair	Grass dry due to water restrictions	
CRICKET PRACTICE NETS	X 2	Yes		Good		
SIGHT SCREENS	x 2 sight screens	Yes		Good		
SCORE BOARD	x 1 Score board	Yes		Good		
STORE ROOM		Yes		Good		
STAFF ROOM		Yes		Good		
FENCING OF MAIN FIELD	Wall fencing with barbwire	Yes		Requires repairs	Barbwire requires attention	
RAMP		Yes		Good		
FIRE HYDRANTS		Yes		Good		
PRE-PAID ELECTRICITY	Yes	Yes		Good		
PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments	
Windows /Glass	x 5 Windows			No burglar bars	Requires burglar bars	
Female toilets	x 2 toilets	Yes		Good		
Toilet seating	Seating	Yes		Requires repairs	1 x seat to be replaced	
Toilet system(flush)	Good condition	Yes		Good		
Wash basin (tapes)	x 2 wash basins	Yes		Requires repairs	1 x complete wash basin to be replaced	
Doors, handles and keys	Door	Yes		Good		
Windows /Glass	1 x Window	Yes		Requires repairs	Glass good, frame needs to be replace	
Male toilets	x Toilets	Yes		Good		
Toilet seating		Yes		Good		
Toilet system(flush)		Yes		Good		

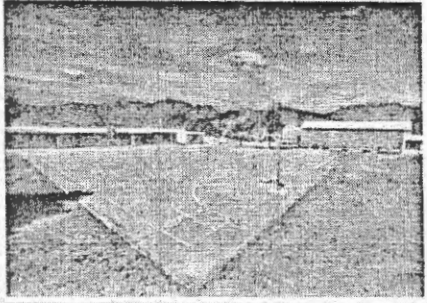
Wash basin (tapes)	x 2 wash basins	Yes		Requires repairs	1 x basin is loose
Handicap Toilets	x 2 toilets	Yes		Requires repairs	1 x toilet to be repaired Requires a ramp
CLOAK ROOM (1)					
Toilets	1 x Toilet			Good	
Toilet seating	Seating	Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	1 x wash basin	Yes		Good	
Showers	3 x Showers	Yes		Requires repairs	3 x shower heads to be replaced.
Urinals	1 x Urinal	Yes		Requires repairs	1 x urinal requires repair works
Doors, handles and keys	1 x Door	Yes		Requires repairs	Door needs to be replaced due to holes in it. Roof also needs attention.
Plugs	Plugs	Yes		Good	
Light bulbs	Lights	Yes		Requires repairs	1 x light needs attention
Windows /glass	1 x Window	Yes		Requires repairs	
CLOAK ROOM (2)					
Toilets	1 x Toilet			Good	
Toilet seating		yes		Good	
Toilet system(flush)		yes		Good	
Wash basin (tapes)	1 x wash basin	yes		Good	
Showers	3 x Showers	yes		Good	
Urinals	1 x Urinal	yes		Good	
Doors, handles and keys	1 x Door	yes		Good	
Plugs		yes		Good	
Light bulbs		yes		Good	
Windows /glass		yes		Good	
CLOAK ROOM (3)					
Toilets	1 x Toilet	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	1 x wash basin	Yes		Good	
Showers	2 x Showers	Yes		Requires repairs	2 x shower heads to be replaced.
Urinals	1 x Urinal	Yes		Requires repairs	1 x urinal requires repair work
Doors, handles and keys	1 x Door	Yes		Good	
Plugs		Yes		Good	
Light bulbs		Yes		Good	
Windows /glass		Yes		Good	
CLOAK ROOM (4)					
Toilets	1 x Toilet	Yes		Good	
Toilet seating	1 x Toilet	Yes		Requires repairs	1 x seating to be replaced.
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	1 x wash basin	Yes		Good	
Showers	2 x Showers	Yes		Requires repairs	2 x shower heads to be replaced.
Urinals	1 x Urinal	Yes		Requires repairs	Flush master requires attention
Doors, handles and keys	1 x Door	Yes		Requires repairs	Door lock to be replaced
Plugs		Yes		Good	

Light bulbs		Yes		Good	
Windows /glass		Yes		Good	
CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks		Yes		Good	
Doors, handles and keys		Yes		Good	
Windows /glass		Yes		Good	
Roof				Good	
Female toilets	2 x Toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
Showers			No		
Male toilets	2 x Toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin (tapes)	2 x Wash basins	Yes		Good	
FUNCTION AREA	Description / Quantity	Yes	No	Condition	Comments
Dishwasher taps	1 x dishwasher	Yes		Good	Tiles needs attention
Safety gates and locks				Good	
Doors, handles and keys	4 x sliding doors			Good	
Counter	1 x kitchen counter	Yes		Good	
Cupboards		Yes		Good	
Windows /Glass	5 x windows			Good	1 x requires burglar bar
Fire Extinguisher(seal)		Yes		Good	
Plugs				Good	
lights (bulbs)				Good	
DART ROOM	Description / Quantity	Yes	No	Condition	Comments
indoor braai	1 X Indoor braai	Yes		Good	
STADIUM	Description / Quantity	Yes	No	Condition	Comments
Braai area	1 X Braai area	Yes		Good	
Fire hydrants		Yes		Good	
Signage in place(fire extinguisher) ext.		Yes		Good	
Plugs		Yes		Good	
Light bulbs		Yes		Good	
Channel		Yes		Good	
Windows /Glass (back)		Yes		Good	
Fire Extinguisher(seal)		Yes		Good	
Railing		Yes		Good	
Paving		Yes		Good	
PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks		Yes		Good	
Windows /Glass	x 4 Windows	Yes		No burglar bars	
Female toilets	x 2 toilets	Yes		Good	
Toilet seating		Yes		Requires repairs	Seating to be replace
Toilet system(flush)	Good condifion	Yes		Good	
Wash basin (tapes)	2 x wash basins	Yes		Requires repairs	
Doors, handles and keys	Door	Yes		Good	
Windows /Glass	1 x Window	Yes		Requires repairs	

Male toilets	2 x Toilets	Yes	Good	
Toilet seating		Yes	Good	
Toilet system(flush)		Yes	Good	
Wash basin (tapes)	3 x wash basins	Yes	Good	
Urinals	3 x urinals	Yes	Requires attention	1 x urinal to be repaired
Doors, handles and keys		Yes	Good	
GYM	1 x gym room	Yes	Fair	Door needs attention - leakage

REMARKS

Building in general requires plaster work because of the cracks

FACILITY ASSESSMENT: GROENDAL SPORTS GROUND						
SPORT FIELD INFORMATION						
NAME OF FACILITY	Franschhoek					
SPORT COUNCIL	Franschhoek Sport Council					
ADDRESS/ERF	Erf , La Provance Street					
MUNICIPAL ACCOUNT NO.						
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement					
USERS	Clubs, schools, community, federations					
STADIUM	1 X Stadium					
SEATING CAPACITY	1500					
PARKING CAPACITY						
						
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments	
FIELD	2 x fields	Yes				
SPORT CENTRE AND CRESCHE					Score Centre Kusasa learning Centre (separate MOU's)	
ENTRANCE / EXIT GATES	2 x Entrance/Exit	Yes				
PAY POINT	2 x Paypoints	Yes			1 x Paypoint used by security: No safety gates Entrance glass door to be replaced Front window to be repaired 1 x toilet 1 x wash basin - taps needs attention	
MASS POLES	4 x Poles with 6 x spotlights	Yes		Good		
RUGBY FIELD	1 x Rugby	Yes		Poor	Grass dry due to water restrictions	
SOCCER FIELD	1 x Soccer	Yes		Poor	Grass dry due to water restrictions	
CRICKET FIELD	1 x Cricket pitch	Yes		Poor	Grass dry due to water restrictions	
CRICKET PRACTICE NETS		Yes		Good		
SIGHT SCREEN	2 x Sight screens	Yes		Good		
NETBAL COURT	2 x Netball courts	Yes		Good	Unfenced	
STORE ROOM		Yes		Good		
STAFF ROOM		Yes		Good		
FENCING OF MAIN FIELD		Yes		Good		
MOBILE SEATING	2 x Mobile seating	Yes		Fair	Requires repairs	
RAMP	x 2 Ramps	Yes		Good		
FIRE HYDRANTS	2 X Fire hydrants			Requires attention	2 x fire hydrants to be replaced	
PRE-PAID ELECTRICITY		Yes		Good		
PUBLIC TOILETS (FRONT)	Description / Quantity	Yes	No	Condition	Comments	
Safety gates and locks		Yes		Good		
Doors, handles and keys		Yes		Good		
Ramp		Yes		Good		
Windows /Glass		Yes		Good		
Female toilets	2 x toilets	Yes		Good		
Toilet seating		Yes		Good		
Toilet system(flush)		Yes		Good		

Wash basin (tapes)	2 x wash basins	Yes		Good	
Male toilets	2 x toilets	Yes		Good	
Toilet seating		Yes		Good	
Toilet system(flush)		Yes		Good	
Wash basin	2 x wash basins	Yes		Good	
Urinals	2 x urinals	Yes		Good	
Doors, handles and keys		Yes		Good	
CLUB HOUSE	Description / Quantity	Yes	No	Condition	Comments
Ramp	1 x Ramp	Yes		Good	
Safety gates and locks	Safety gates	Yes		Good	
Doors, handles and keys	1 x double glass door (facing field)	Yes		Requires attention	Door needs attention
Windows /glass	Windows			Good	
Toilet seating				Fair	Requires attention
Toilet system(flush)				Fair	Requires attention
Wash basin (tapes)				Fair	Requires attention
Fire Extinguisher(seal)				Good	
Plugs				Good	
Light bulbs	6 x light cage			Requires attention	1 x light cage requires attention 2 x lights to be replaces
Outside wall of clubhouse				Fair	± 7 bricks to be replaced in wall that is removed
CLOAK ROOM (1)	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks				Good	
Doors, handles and keys				Good	
Windows /glass				Good	
Geyser				Good	
Seating				Good	
Roof				Good	
Toilets	2 x toilet			Good	
Toilet seating				Good	
Toilet system(flush)				Good	
Wash basin (tapes)	2 x basins			Good	
Showers	2 x showers			Good	
CLOAK ROOM (2)	Description / Quantity	Yes	No	Condition	Comments
Toilets	2 x toilet			Good	
Toilet seating				Good	
Toilet system(flush)				Good	
Wash basin (tapes)	2 x basins			Good	
Showers	2 x showers			Good	1 x Shower heads to be replaced
Doors, handles and keys				Good	
Plugs				Good	
Light bulbs				Good	
PUBLIC TOILETS (RIGHT HAND SIDE)	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks				Good	
Doors, handles and keys				Good	
Ramp				Good	
Windows /Glass				Good	

Female toilets	2 x toilets		Good
Toilet seating			Good
Toilet system(flush)			Good
Wash basin (tapes)	2 x wash basins		Good
Male toilets	2 x toilets		Good
Toilet seating			Good
Toilet system(flush)			Good
Wash basin	2 x wash basins		Good
Urinals	2 x urinals		Good
Doors, handles and keys			Good

FACILITY ASSESSMENT: WEMMERSHOEK SPORTS GROUND

SPORT FIELD INFORMATION					
NAME OF FACILITY	Wemmershoek				
SPORT COUNCIL	Wemmershoek Sport Council				
ADDRESS/ERF					
MUNICIPAL ACCOUNT NO.					
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	No				
SEATING CAPACITY	No				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments
FIELD	1 x field fenced			Good	
ENTRANCE / EXIT GATES	2 x Entrance/exits			Good	
MASS POLES	6 x Mass poles with 3 x spotlights on each pole			Good	
RUGBY FIELD	1 x Rugby field unfenced			Requires attention	Grass dry due to water restrictions
SOCCER FIELD	1 x Soccer field unfenced			Requires attention	Grass dry due to water restrictions
CRICKET FIELD	1 x Concrete cricket			Good	
NETBALL COURT	1 x Court fenced	Yes		Requires repairs works	To be resurfaced and require poles
BOREHOLE		Yes		Requires completion work	Borehole pump to be installed
FENCING OF SPORTS GROUND	Fenced	Yes		Good	
MOBILE SEATING	4 x Mobile seating	Yes		Good	
PRE-PAID ELECTRICITY		Yes		good	
PUBLIC TOILETS	Description / Quantity	Yes	No	Condition	Comments
Safety gates and locks	Safety gates and burglar bars	Yes		Requires replacement	Safety gates and burglar bars to be replaced due to theft
Doors, handles and keys	Door	Yes		Requires replacement	Doors to be replaced due to theft
Windows /Glass	Glass	Yes		Requires repairs works	Glass to be repaired
Female toilets	3 x Toilets	Yes		Requires replacement	Toilets to be replaced due to vandalism and theft
Toilet seating	3 x Toilet seating	Yes		Poor	Requires replacement
Toilet system(flush)	3 x Toilet system(flush)	Yes		Poor	Requires replacement
Wash basin (tapes)	Wash basins	Yes		Requires replacement	Toilets to be replaced due to vandalism and theft
Male toilets	3 x Toilets	Yes		Requires replacement	Toilets to be replaced due to vandalism and theft
Toilet seating	3 x Toilet seating	Yes		Requires replacement	
Toilet system(flush)	3 x Toilet system(flush)	Yes		Requires replacement	
Wash basin	Wash basins	Yes		Requires replacement	Toilets to be replaced due to vandalism and theft
Urinals	Urinals	Yes		Requires replacement	Toilets to be replaced due to vandalism and theft

FACILITY ASSESSMENT: LA MOTTE

SPORT FIELD INFORMATION					
NAME OF FACILITY	La Motte				
SPORT COUNCIL	La Motte Sport Council				
ADDRESS/ERF					
MUNICIPAL ACCOUNT NO.					
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	No				
SEATING CAPACITY	No				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description / Quantity	Yes	No	Condition	Comments
FIELD	1 x Field	Yes			Used for multi purpose functions
ENTRANCE / EXIT GATES	2 x Entrance/exit gates	Yes			
MASS POLES	4 x Mass poles with 3 x spotlights on each field	Yes			
RUGBY FIELD	1 x Rugby field	Yes		Requires repairs	Grass dry due to water restrictions
SOCCER FIELD	1 x Soccer field	Yes		Requires repairs	Grass dry due to water restrictions Soccer field and netball court fence has been stolen.
NETBALL COURT	1 x Netball court	Yes		Requires replacement	Soccer field and netball court fence has been stolen.
BOREHOLE	1 x Borehole	Yes		Requires completion work	Electrical meter to be installed
PRE-PAID ELECTRICITY		Yes		Good	
PUBLIC TOILETS x 8 STEEL STRUCTURE	Description / Quantity	Yes	No	Condition	Comments
Doors, handles and keys				Not good	Requires attention
Toilet seating				Not good	Requires attention
Urinals				Not good	Requires attention
Toilet system (flush)				Not good	Requires attention

FACILITY ASSESSMENT: LANQUEDOC

SPORT FIELD INFORMATION					
NAME OF FACILITY	Lanquedoc				
SPORT COUNCIL	Lanquedoc Sport Council				
ADDRESS/ERF	Lelie Straat				
MUNICIPAL ACCOUNT NO.					
LEASE AGREEMENT/S	Lease agreement expired. Currently utilising old existing lease agreement				
USERS	Clubs, schools, community, federations				
STADIUM	No				
SEATING CAPACITY	No				
PARKING CAPACITY					
FIELD INFORMATION (1 FIELD)	Description	Yes	No	Condition	Comments
FIELD	1 x Field unfenced	Yes		Fair	
MASS POLES	4 Mass poles with 3 spotlight on each poles	Yes		Good	
RUGBY FIELD		Yes		Requires repairs	Grass dry due to water restrictions
SOCCER FIELD		Yes		Requires repairs	Grass dry due to water restrictions
BOREHOLE		Yes		Requires completion work	Borehole pump to be installed
FENCING OF MAIN FIELD		Yes		Requires replacement	Fencing to be replace due to theft
PRE-PAID ELECTRICITY		Yes		Good	

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

10.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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11.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE