



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-09-11

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2020-09-16 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr W Petersen(Ms)

COUNCILLORS FJ Badenhorst
P Crawley (Ms)
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Wednesday, 2020-09-16 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2020-09-16
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APPENDIX 1

Confirmation of Minutes: Mayoral Committee Meeting: 2020-08-19



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-08-19

MINUTES

MAYORAL COMMITTEE MEETING:

2020-08-19 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2020-08-19
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PRESENT: Deputy Executive Mayor, WC Petersen (Ms) (**Chairperson**)

Councillors: FJ Badenhorst
PR Crawley (Ms)
A Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Also Present: Councillor N Jindela (Speaker)
Councillor W Pietersen (MPAC Chairperson)

Officials: Municipal Manager (G Mettler (Ms))
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure Services (D Louw)
Director: Corporate Services (A de Beer (Ms))
Director: Community Services (G Boshoff)
Chief Financial Officer (K Carolus)
Senior Audit Executive (F Hoosain)
Manager: Communication (S Grobbelaar)
Manager: Secretariat (EJ Potts)
Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Deputy Executive Mayor --- who deputized for the Executive Mayor --- welcomed everyone present to the Mayoral Committee Meeting.

2.	COMMUNICATION BY THE CHAIRPERSON
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The Deputy Executive Mayor wished all the ladies a happy Women's month. All the women are encouraged to participate in the *Jerusalema dance challenge*, which aims to lift our spirits during these difficult times brought about by the Covid pandemic.

3.	DISCLOSURE OF INTERESTS
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NONE

4.	APPLICATIONS FOR LEAVE OF ABSENCE
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The following application for leave was approved in terms of the Rules of Order of Council:-

Executive Mayor, Ald GM Van Deventer (Ms) – 2020-08-19

5.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2020-07-22 were **confirmed as correct.**

6.	STATUTORY MATTERS
6.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022

Collaborator No: 690117
IDP KPA Ref No: Good Governance and Compliance
Date: 19 August 2020

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022

2. PURPOSE

To table to Council for consideration:

- (a) The Time Schedule / Process Plan 2021/22 of key activities and deadlines for the fourth and final Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, Budget and Spatial Development Framework (SDF).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The SDF / IDP / Budget Time Schedule 2021/22 endeavours to outline the key strategic activities and consultative processes that will contribute to the finalisation of the SDF / IDP and Budget revisions to be implemented in the 2021/22 financial year.

The SDF / IDP/ Budget Time Schedule 2021/22 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and

- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

The SDF / IDP / Budget Time Schedule 2021/22 is also compiled in terms of Sections 28 and 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 28 specifies of the MSA further specifies that:

- “(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for
 - (i) the local community to be consulted on its development needs and priorities;
 - (ii) the local community to participate in the drafting of the integrated development plan; and
 - (iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
- (c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
- (d) be consistent with any other matters that may be prescribed by regulation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.1

- (a) that Council adopts the SDF / IDP / Budget Time Schedule / Process Plan to guide the fourth and final Review of the Fourth Generation IDP 2017 – 2022, SDF and Budget; and
- (b) that the SDF / IDP / Budget Time Schedule / Process Plan be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

6.2	ROLL-OVER ADJUSTMENTS BUDGET 2020/2021
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Collaborator No:

IDP KPA Ref No:

Date:

Good Governance and Compliance

19 August 2020

1. SUBJECT: ROLL-OVER ADJUSTMENTS BUDGET 2020/2021

2. PURPOSE

To present the roll-over adjustments budget for the 2020/2021 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.2

- (a) that the Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	<i>Senior Manager: Financial Management Services</i>
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	<i>Monique.Steyl@ Stellenbosch.gov.za</i>
REPORT DATE	

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020
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Collaborator No:

IDP KPA Ref No:

Date:

Good Governance and Compliance

19 August 2020

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 to report the deviations 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 (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2020.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.3

that Council notes the deviations as listed below for the month of July 2020.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 01/21	17 July 2020	Country Building supplies	Corrugated Iron sheets for fire kits	Emergency	A fire incident occurred in Mandela City, Klapmuts on Monday 13 July 2020. After receiving the verification report from Informal Housing, an instruction was given to start with the issuing of fire kits. It was then reported to management that there were no more	R135 067.50 (Including VAT)

					<p>corrugated iron sheets in store – rendering the department unable to assist.</p> <p>In terms of our Standard operating procedure for the issuing of fire kits after a disastrous fire incident, the destitute should be restored within three days of an incident occurring hence it was regarded as an emergency.</p>	
D/SM 02/21	17 July 2020	Adapt IT	Caseware	Goods or services are produced or available from a single provider	<p>The municipality has used CaseWare as its financial reporting system since April 2010. Due to the implementation of mSCOA, the financial system service providers were required to design their own financial reporting system. Subsequently the municipality procured the services of CaseWare, as they are the single provider of the software for the compilation of the annual financial statements.</p> <p>Adapt IT holdings Ltd is the sole distributor of CaseWare software products in Africa. The CaseWare software license includes support via email, telephone, and the website without any additional cost</p>	R301 313.80 (Including VAT)

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)
7.1.1	STELLENOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

Collaborator No: 690339
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 August 2020

1. SUBJECT: STELLENOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

2. PURPOSE

To present a report on the humanitarian relief and aid provided by Stellenbosch Municipality since the start of lock down.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The citizens of Stellenbosch Municipal area faced many hardships since the start of lock down in March 2020 due to the Covid-19 pandemic and state of disaster. The hardships included job loses, hunger and additional expenses to comply with the regulation requirements as part of the readiness to access "normal" and economic activities. Stellenbosch Municipality as a caring municipality together with civil society and the university assisted where we could.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.1.1

that the report and collective efforts be noted.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	12-08-2020

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

Collaborator No: 689949
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 August 2020

1. SUBJECT: RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

2. PURPOSE

To submit the written comments received after completion of the public participation process. An Information Statement was published, and the comments must now be considered in order to make a decision with regard to the application of the Flying Club.

3. DELEGATED AUTHORITY

Municipal Council due to the value of the land and the possible term of the lease.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have amended their request to whatever other term Council sees fit given the nature of the activities on the site **APPENDIX 6**.

The current Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be concluded, as provided for in the Property Management Policies, should Council approve of the request for a long-term lease. Before Council can decide on this application, it must advertise its intention to enter into the long-term lease, for public comment/ inputs. Hence, the Information statement that was published. The views of Provincial and National Treasury should also be solicited. Letters was sent to both (**APPENDIX 7**) in May 2020, but no comment has been received to date.

The item served before the Executive Mayor on 24 April 2020, where it was *inter alia* decided, that Council only considers the approval of a long-term lease **after the public participation process** envisaged in Regulation 35 of the Asset Transfer Regulation is completed. We received 3 inputs as indicated in 6.2 below and attached as **APPENDIX 4, 5 and 6**.

Council must now consider the written inputs received after the information statement was published and decide as to whether to approve a lease agreement on a private treaty basis as requested by the Stellenbosch Flying Club, or not, and if approved the term of the lease and the rental amount.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.2.1

- (a) that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- (b) that Council considers the application for a new long-term lease to the Flying Club; and
- (c) that Council determines the period of the lease agreement on a private treaty basis, i.e. without following a public tender process, as well as to determine the rental amount, should a lease be approved.

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	2020-08- 06

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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7.3.1	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT
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Collaborator No: 689917

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 August 2020

1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT

2. PURPOSE

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

(FOR DECISION BY MUNICIPAL COUNCIL)

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who active on contract secured by means of a competitive bidding process for the period 01 July 2019 to 30 June 2020.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.3.1

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2019 till 30 June 2020, be noted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	

7.3.2	INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID-19 PANDEMIC
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Collaborator No: 689918

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 August 2020

1. SUBJECT: INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID-19 PANDEMIC

2. PURPOSE

To inform council of the interim emergency expenditure that was incurred in response to the COVID 19 pandemic.

3. DELEGATED AUTHORITY

Council

For noting

4. EXECUTIVE SUMMARY

On 15 March 2020, President Cyril Ramaphosa announced the declaration of a national state of disaster following the World Health Organisation declaring the COVID-19 outbreak as a pandemic as well as measures that must be implemented in South Africa. On 05 June 2020 the national state of disaster was extended to 15 July 2020 and on 13 July 2020 it was further extended to 15 August 2020.

On 18 March 2020, the regulations under the Disaster Management Act, 2002, regarding steps to prevent an escalation of the disaster or to alleviate contain, minimize the effects of the Disaster were gazetted in Government Notice No. 318 of 18 March 2020 as amended and substituted from time to time. The

During the national state of disaster, municipalities were expected to deliver emergency essential services. These services include:

- Fire, Rescue and Disaster Management
- Law Enforcement and Security
- Traffic Control
- Electro-Technical Services (Electricity)
- Waste Removal
- Water and Sanitation
- Sanitizing of public areas

Municipalities were also required to institute additional measures to prevent the spread of the COVID-19 virus and were required to equip essential staff with necessary Personal Protective Equipment (PPE). The provision of emergency essential services and the implementation of measures to limit the spread of the COVID 19 virus require that an emergency procurement process be followed.

Direction 6.7.3 (h) issued in terms of section 27 (2) of the Disaster Management Act requires the municipality to report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.

This item serves as an interim report of the emergency expenditure (**APPENDIX 1**) incurred in response to the COVID-19 pandemic and a complete report will be submitted to council after the lapsing or the termination of the state of disaster.

EXECUTIVE MAYORAL COMMITTEE: 2020-08-19: ITEM 7.3.2**RESOLVED**

that Mayco notes the interim emergency expenditure, hereto attached as **APPENDIX 1**.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	

7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
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7.4.1	PROGRESS REPORT: KAYAMANDI TOWN CENTRE DEVELOPMENT
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Collaborator No: 690367
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: PROGRESS REPORT: KAYAMANDI TOWN CENTRE REDEVELOPMENT

2. PURPOSE

To provide Council with a progress report regarding the Kayamandi Town Centre redevelopment.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The feasibility studies were completed in December 2017 and Council approved the development at the 16th Council Meeting dated 28 March 2018. The Environmental and Heritage studies have now been completed for the Town Centre and draft layouts and draft house typologies have been concluded.

A Geotechnical Assessment of the area has been conducted and a funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units. The public participation process is on-going.

The application and objective thereof is to:

- (a) prepare and submit a detailed planning application for the Town Centre of Kayamandi;
- (b) determine the civil services bulk capacity for the Kayamandi Town Centre;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.4.1

- (a) that the progress of the Kayamandi Town Centre redevelopment be noted; and
- (b) that the planning layout be approved.

7.4.2	LONGLANDS HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES
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Collaborator No: 690383
 IDP KPA Ref No: Good governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: LONGLANDS LOW COST HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES

2. PURPOSE

To obtain approval from Council for the criteria to be used for the selection of beneficiaries to be allocated houses/ Enhanced Serviced sites /Erven in the TRA in the Longlands Low Cost Housing Project.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The application is for Council to approve the beneficiary selection criteria to be used for the selection of beneficiaries and the allocation for the 144 Erven Low Cost Housing Project in Longlands.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.4.2

- (a) that 60 Erven with Top Structures of the 144 Erven
 - i. be allocated to beneficiaries residing in Longlands Property and that the original list of Longlands Property be used to determine these 60 beneficiaries;
 - ii. beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures;
- (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database, and that priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability, in a registration ordered list and proof of such be obtained from SASSA;
- (c) that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality;
- (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), with 2 (Two) families being placed in each TRA Erf which will result in 76 opportunities, and that allocation be effected in the following manner:

-
- (i) 18 TRA sites be allocated to families residing in the Triangle and 2 families placed in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle;
- (ii) that 10% of the sites in the project, which is 14 sites, be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy; and
- (iii) that a further 6 of the sites be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted into permanent disability and warrant better living conditions. A detailed report of such person(s) is to be submitted to the Municipal Manager for approval

FOR FURTHER DETAILS CONTACT:

NAME	ROTANDA NONA SWARTBOOI
POSITION	MANAGER: HOUSING ADMINISTRATION
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8757
E-MAIL ADDRESS	Rotanda.Swartbooi@stellenbosch.gov.za
REPORT DATE	

7.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
7.5.1	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING

Collaborator No: 688647
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Parking and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Parking within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on roadways, walkways and other spaces within road reserves or areas dedicated for parking.

The proposed By-Law on Parking aims to promote a safe environment for the benefit of all road- and sidewalk users and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges and dedicated parking areas.

This report serves to request the introduction of the new Draft Parking By-Law and to publish this By-Law for Public Participation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.1

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>15 July 2020</i>

7.5.2	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS
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Collaborator No: 688645
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Roads and Streets and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all road- and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

This report serves to request the introduction of the new Draft Roads and Streets By-Law and to publish this By-Law for Public Participation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.2

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

7.5.3	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER
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Collaborator No: 688646
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Stormwater and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the function of Stormwater Management in Built-up Areas falls within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on any matters pertaining to the above, abbreviated as Stormwater.

The proposed By-Law on Stormwater aims to promote a safe environment for the benefit of all within stormwater management and to give effect to the rights contained in section 24 of the Constitution of the Republic of South Africa, 1996.

This report serves to request the introduction of the new Draft Stormwater By-Law and to publish this By-Law for Public Participation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.3

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

7.5.4	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT
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Collaborator No: 688644
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Integrated Waste Management and approves the public participation thereof as per Section 21 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 21(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the functions of Cleansing, Refuse Removal, Refuse Dumps and Solid Waste Disposal fall within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on any matters pertaining to the above, abbreviated as Integrated Waste Management.

The proposed By-Law on Integrated Waste Management aims to promote a safe environment for the benefit of all within Waste management and to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate —

- the avoidance, minimization, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

This report serves to request the introduction of the new Draft Integrated Waste Management By-Law and to publish this By-Law for Public Participation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.4

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>15 July 2020</i>

7.5.5	APPROVAL OF THE FINAL TRAFFIC CALMING POLICY
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Collaborator No: 689358
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: APPROVAL OF THE FINAL TRAFFIC CALMING POLICY

2. PURPOSE

To set out the policy for traffic calming and to inform Council that the current Draft Traffic Calming Policy, accepted and approved by Council on the 27 November 2019, has been submitted to a Public Participation Process. It is now submitted for Final approval

3. DELEGATED AUTHORITY

Council.

The Traffic Calming Policy is a document that must be adopted by the Municipal Council, for approval of the Municipality's approach to dealing with traffic calming and traffic calming request within its municipal area.

4. EXECUTIVE SUMMARY

The definition of traffic calming: To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

It has become necessary to review current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with request received from the public. Procedures set out, allows for more inclusive participation by Ward Committees and makes provision for appeals in terms of Section 62 of the Municipal Systems Act.

The document firstly describes the evaluation procedure to be followed when the Municipality receives requests relating to any traffic problems.

The document then focuses very specifically on traffic calming and deals with:

- the road hierarchy (from a traffic calming perspective);
- principles for evaluating traffic calming;
- traffic calming techniques;
- warrants.

The remainder of the document describes the manner in which request from the public are processed, incorporating inputs from Ward Committees, dealing with appeals, and sets out procedures for the implementation of traffic calming measures.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.5

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	<i>21 July 2020</i>

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, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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NONE

7.10	MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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9.1	DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 August 2020

1. SUBJECT: DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES

2. PURPOSE

To obtain permission from Council **NOT TO IMPLEMENT** a Directive issued in terms of the National State of Disaster for the extension of the stipulated time periods related to land use applications and processes in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

It is submitted that the Directions for the extension of the stipulated time periods related to land use and land development applications and processes may have a negative impact on development and a detrimental impact on an economy that is already under severe stress. As the current operational state of the land use management division of the municipality also does not warrant the need for the extension of these timeframes, it is consequently proposed that these Directions are not implemented.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 9.1

that the Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (in terms of SPLUMA), issued in terms of Notice 431 of 2020 on 7 August 2020 by the Minister of Agriculture, Land Reform and Rural Development, **NOT BE IMPLEMENTED** for the Stellenbosch Municipality as provided for in Section 5.1 of said Directions.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	18 August 2020

9.2	DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019
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Collaborator No: 643770
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019

2. PURPOSE

To request Council's approval, after public consultation & amendments of the draft Land Use Enforcement Policy (Draft Policy), for Stellenbosch Municipality, March 2019 (attached as **APPENDIX 1**), has taken place.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 21-05-2019, Council resolved to propose that certain amendments be included in the Draft Policy and that the Draft Policy be advertised for public comment. Thereafter, it must be resubmitted to Council for finalization.

In terms of the MAYORAL COUNCIL MEETING: 2019-05-21: ITEM 7.7.1(attached as **APPENDIX 2**), the Administration amended and advertised the Draft Policy for public comments during August 2019 for a period of 60 days. In addition, the Administration circulated the Draft Policy to the interested and affected parties.

Comments were received and are addressed under paragraph 6.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 9.2

- (a) that Council takes note of the comments received; and
- (b) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved.

FOR FURTHER DETAILS CONTACT:

NAME	Errol Williams
POSITION	<i>Senior Land Use Inspector</i>
DIRECTORATE	PLANNING and ECONOMIC DEVELOPMENT SERVICES
CONTACT NUMBERS	021 - 808 8688
E-MAIL ADDRESS	<i>Errol.Williams@stellenbosch.gov.za</i>
REPORT DATE	021 808 8688

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 12.45.

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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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 R BADENHORST)
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7.1.1	SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000
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Collaborator No: 691596
 IDP KPA Ref No: Good Governance
 Meeting Date: 16 September 2020

1. SUBJECT: SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000

2. PURPOSE

To request Council approval for the surrendering and destruction of 42 firearms in terms of the Firearms Control Act, Act 60 of 2000.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Community and Protection Services Directorate have twenty- one (21) .38 Special and twenty- one (21) 357 Magnum revolvers that it wish to surrender and destroy. The use of revolvers in a law enforcement environment has become not being an effective weapon especially in a combat situation as means of self-defence or protection. Revolvers have limited ammunition capabilities as it can only accommodate 6 bullets at a given time before it has to be reloaded one by one compared to a pistol that is loaded with a magazine that can hold up to 16 bullets. In a combat situation an officer can carry a fully loaded spare magazine.

The reality is that criminals uses sophisticated weapons and uniform disciplines need to adapt to be able to be in position that will not hinder or limit them in the fight against crime by using firearms that has become out-dated due to its limitations.

The firearms which need to be destroyed have to be dealt with in terms of Section 149 of the Firearms Control Act which prescribes that "firearms may only be destroyed", after it is declared "forfeited to the State".

After said process of surrender for destruction of the listed firearms, the Directorate is requesting Council approval to procure the required firearms to replenish the destroyed firearms with appropriate pistols after following the normal SCM processes. A list of firearms which will be surrendered is attached as **ANNEXURES 1 and 2**.

5. RECOMMENDATIONS

- (a) that Council approves the surrender for destruction of all firearms as listed in **ANNEXURES 1 and 2**;
- (b) that the SAPS be authorized to deal with said items in terms of Section 149 of the Firearms Control Act, Act 60 of 2000, i.e. to destroy said firearms;
- (c) that the Asset Register be amended to reflect the surrender of said items, after notification by the SAPS that said firearms had been destroyed;
- (d) that the department be allowed to replenish the number of firearms that will be surrendered with new pistol type firearms; and
- (e) that provision be made to procure sufficient firearms should it be necessary within the available budget to allow for the increase in the uniform staff complement

6. DISCUSSION / CONTENTS**6.1. Background**

The department has identified the need to equip our officers in uniform with a more appropriate type of firearm to protect themselves in the line of duty. It is no secret that South Africa's crime statistics has labelled the country as a high risk country due to the continuous crime occurring on a daily basis. The Western Cape has the highest murder crime rate in South Africa.

6.2 Discussion

The department has a combination of 9mm pistols and revolvers. The use of revolvers, due to its limited ammunition capabilities, has amongst law enforcement disciplines become an unpopular weapon for self-defence and protection.

The City of Cape Town no longer uses revolvers and has replaced all their revolvers with appropriate pistols for their uniform staff.

Due to the fact that a pistol can accommodate up to 16 bullets in comparison the revolver that can only load 6 bullets at a given time and thereafter must be manually loaded one by one, it is recommended that all the 42 revolvers of the department be surrendered to SAPS to be destroyed in terms of Section 149 of the Firearms Control Act, Act 60 of 2000.

It should further be noted that the 42 revolvers has not been in commission or issued for quite some time. The remaining pistols and shotguns were the only weapons that has been issued on a regular basis and then only for a specific shift on duty. If more than one shift were on duty at the same time then there would not be enough firearms for all the officers. All the more reason that the 42 revolvers will have to be replenished with new pistol type firearms.

6.3. Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

The firearms that will be surrendered to SAPS for destruction need to be replenished with the appropriate firearms. The department still has a number of pistols that are used operationally on a shift which would minimise the risk of officers not being able to be issued with firearms when on duty.

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

No comments required.

6.8.2 Director: Planning and Economic Development

No comments required.

6.8.3 Director: Community and Protection Services:

No comments required.

6.8.4 Director: Corporate Services:

No comments required.

6.8.5 Chief Financial Officer:

No comments required.

6.8.6 Municipal Manager:

No comments required.

ANNEXURES**Annexure 1:**

List of .38 firearms that will be surrendered to SAPS.

Annexure 2:

List of 357 firearms that will be surrendered to SAPS.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Neville Langenhoven
<i>POSITION</i>	
<i>DIRECTORATE</i>	<i>COMMUNITY & PROTECTION SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>X8497</i>
<i>E-MAIL ADDRESS</i>	<i>Neville.Langenhoven@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>04 October 2019</i>

ANNEXURE 1

REPORT: FIREARM TYPE .38 SPECIAL

Firearm Type	Firearm Make	Firearm Serial	Date Issued	Firearm Condition	Firearm Available	Firearm Statu
.38 Special	Taurus	KJ92361	2006/10/31	Excellent	Yes	
.38 Special	Taurus	KK96593	2006/10/31	Excellent	Yes	
.38 Special	Taurus	KK96594	2006/10/31	Excellent	Yes	
.38 Special	Taurus	KK96605	2006/10/31	Excellent	Yes	
.38 Special	Taurus	KK96606		Excellent	Yes	
.38 Special	Taurus	KK96607		Excellent	Yes	
.38 Special	Taurus	KK96608		Excellent	Yes	
.38 Special	Taurus	ME788251		Excellent	Yes	
.38 Special	Taurus	ME788252		Excellent	Yes	
.38 Special	Taurus	ME788253		Excellent	Yes	
.38 Special	Taurus	ME788273		Excellent	Yes	
.38 Special	Taurus	MF802590		Excellent	Yes	
.38 Special	Taurus	MF802591		Excellent	Yes	
.38 Special	Taurus	MF802592		Excellent	Yes	
.38 Special	Taurus	NC71222		Excellent	No	
.38 Special	Taurus	NC71227		Excellent	Yes	
.38 Special	Taurus	NC71231		Excellent	Yes	
.38 Special	Taurus	GC14015		Excellent	Yes	
.38 Special	Taurus	JD79073		Excellent	Yes	
.38 Special	Taurus	GC14009		Excellent	Yes	
.38 Special	Taurus	GC 14012		Excellent	Yes	

TOTAL 21

ANNEXURE 2

REPORT: FIREARM TYPE 357 MAGNUM

Firearm Type	Firearm Make	Firearm Serial	Date Issued	Firearm Condition	Firearm Available	Firearm Status
357 Magnum	Taurus	KC424558	2006/10/30	Excellent	Yes	
357 Magnum	Taurus	KC424560	2006/10/30	Excellent	Yes	
357 Magnum	Taurus	JB269666		Excellent	Yes	
357 Magnum	Taurus	JF319948		Excellent	Yes	
357 Magnum	Taurus	KC423701		Excellent	Yes	
357 Magnum	Taurus	KC423702		Excellent	Yes	
357 Magnum	Taurus	KC423703		Excellent	Yes	
357 Magnum	Taurus	KC423704		Excellent	Yes	
357 Magnum	Taurus	KC423705		Excellent	Yes	
357 Magnum	Taurus	KC423706		Excellent	Yes	
357 Magnum	Taurus	KL549372		Excellent	Yes	
357 Magnum	Taurus	KL549373		Excellent	Yes	
357 Magnum	Taurus	KL549374		Excellent	No	
357 Magnum	Taurus	LD608236		Excellent	Yes	
357 Magnum	Taurus	LD608237		Excellent	Yes	
357 Magnum	Taurus	MI834662		Excellent	Yes	
357 Magnum	Taurus	PC384571		Excellent	Yes	
357 Magnum	Taurus	PF407411		Excellent	Yes	
357 Magnum	Taurus	PG415417		Excellent	Yes	
357 Magnum	Taurus	PG417829		Excellent	Yes	
357 Magnum	Taurus	QI531310		Excellent	Yes	

TOTAL

21

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREA 1 OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 September 2020

1. SUBJECT: EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREA 1 OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190

2. PURPOSE

The purpose of this report is to consider a request from Kleine Zalze Wines and Liciaccept to cede the lease agreements for the above-mentioned Lease Areas.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 19 April 2017 Council approved the cession and assignment of the Lease Agreement in relation to Lease Area 1 over Erf 9190 and Lease Area 1 on Erf 9190 and Lease Area 1 over Farm 377F, Stellenbosch, subject thereto that the cession will be reviewed after June 2020, taking into account the progress with the empowerment and BBBEE initiatives for which Liciaccept was established. Kleine Zalze Wines and Liciaccept has now made a submission in regard, for consideration by Council – **APPENDIX 3**.

5. RECOMMENDATIONS

- (a) that Council takes note of the written submission on the status of the Empower initiatives; and
- (b) that Council considers the request.

6. DISCUSSION / CONTENT

6.1 Background

On 1992-04-29 Stellenbosch Municipality and Blaauwklippen Agricultural Estate (Pty) Ltd concluded a Lease Agreement in relation to Farm 377F for the period 01-04-1991 to 31 March 2041. With the approval of TechnoPark, the description of Farm 377F was amended to read Lease Area 1 over Remainder erf 9190 and Lease Area 1 over Farm 377, respectively.

On 05 May 2016 an application was received from Cluver Markotter, applying on behalf of Blaauwklippen Agricultural Estate (Pty) Ltd, to cede the Lease Agreement to Liciaccept (Pty) Ltd, a newly acquired company which would serve as a BEE Newco for Kleine Zalze Wines (Pty) Ltd. Mayco on 19 April 2017 (Appendix 1) resolved to approve the ceding of the lease agreements for a shortened time and to review that after June 2020.

Following the above resolution, a Cession and Assignment Agreement was concluded during July 2018 a copy of which is attached as **APPENDIX 2**.

6.2. DISCUSSION

Attached hereto as **APPENDIX 3** a self-explanatory request received from Cluver and Markotter on behalf of Kleine Zalze Wines and Liciaccept for a further extension.

In terms hereof they request on extension of the cession and assignment period for a period ending 31 March 2041, i.e. the contract period of the initial Lease Agreement(s) with Blaauwklippen Agricultural Estate (Pty) Ltd referred to in par 6.1.1, *supra*. One of the reasons for this request is to enable them to do further ongoing development on the subject property, planned for August/September 2020.

6.2.1 Location and context:

Lease Area 1 over Remainder erf 9190 and Lease Area 1 over Remainder Farm 377F is situated to the South of Technopark, next to Kleine Zalze, as shown on Fig 1 and 2, respectively.

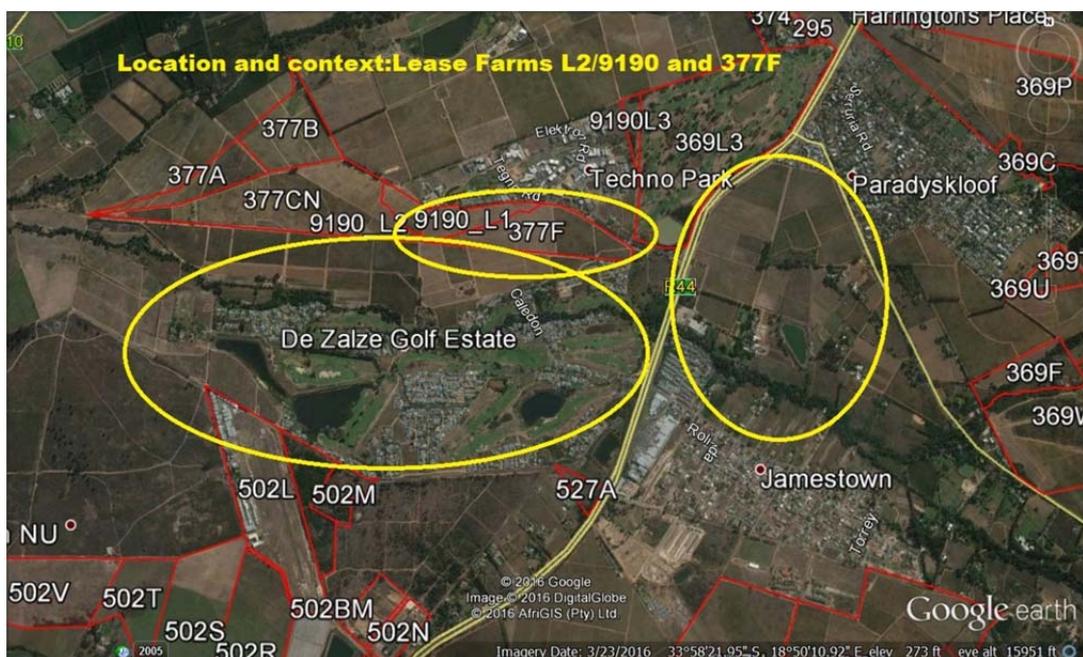


Fig 1: Locality: Location and context



Fig 2: Extent of properties

6.2.2 The submission

The Kleine Zalze Empowerment Trust was officially established on 09 March 2018. The beneficiaries are the permanently previously disadvantaged employees of Kleine Zalze. The company Liciacept (Pty) Ltd was acquired to be utilised as their black empowerment company and is trading under the name "Liciacept Vineyards".

For a more detail, see the submission attached as **APPENDIX 3**.

6.3 Financial Implications

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

6.4 Legal Implications

It is recommended that that if approval of the application is granted that the intended ceding be advertised for inputs/alternative proposals or comments as the ceding will give long term rights (in excess of 10 years) on a council property to a new entity.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

Having considered the request, Council decided as follows:

MAYORAL COMMITTEE MEETING: 2017-04-19: ITEM 5.5.2

RESOLVED

- "a) that the proposed ceding and assignment of the Lease Agreement in relation to Lease Area 1 over Remainder Farm 377 and Lease Area 1 over Remainder erf 9190 to Kleine Zalze's BEE Newco be approved until June 2020, on condition that the necessary written proof be provided to the Municipality of the signed agreements referred to in par. 3.4 before conclusion of the ceding agreement;*
- b) that the Municipal Manager be authorised to sign all documents necessary to effect the ceding and assignment to the BEE NEWCO subsequent to the approval of the establishment of the broad-based black economic empowerment company with its BBBEE shareholder trust to the satisfaction of the Municipal Manager in consultation with the Directors Strategic and Corporate Services and Planning and Economic Development;*
- c) that the current and future road reserves be excluded from the agreement; and*
- d) that the possible extension of the lease be reviewed/considered after June 2020 taking into account the progress on empowerment and BBBEE initiatives".*

A copy of the agenda item and minutes is attached as **APPENDIX 1**.

6.7 Risk Implications

Addressed in the item

6.8 Comments from Senior Management

Comments from the Municipal Manager

Notes the submission from Kleine Zalze Wines and Liciacept.

ANNEXURES:

Appendix 1: Agenda item and minutes

Appendix 2: Cession and Assignment Agreement

Appendix 3: Application for consent to extent the cession and Assignment of Lease Agreement

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	2020-07-29

APPENDIX 1

ENGINEERING SERVICES & HUMAN SETTLEMENTS

**APPLICATION FOR MUNICIPAL CONSENT TO PROPOSED CESSION AND
ASSIGNMENT OF THE LEASE AGREEMENT IN RELATION TO LEASE AREAS 1
OVER ERF 9190 AND LEASE AREA 1 OVER REMAINDER FARM 377F:
BLAAUWKLIPPEN AGRICULTURAL ESTATES (PTY) LTD**

File number : 7/2/1/1
Compiled by : Manager: Property Management (P Smit)
Report by : Director: HS & Property Management
Delegated Authority : The Executive Mayor

Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input type="checkbox"/>

1. PURPOSE OF REPORT

The purpose of this report is to consider an application from Blaauwklippen Agricultural Estate (Pty) Ltd to cede the Lease Agreements in relation to Lease area 1 over Erf 9190 and of Lease Area 1 over Remainder Farm 377 to a BEE Company to be established by Kleine Zalze Wines (Pty) Ltd.

2. BACKGROUND**2.1 Conclusion of Lease Agreement**

On 1992-04-29 Stellenbosch Municipality and Blaauwklippen Agricultural Estate (Pty)Ltd concluded a Lease Agreement in relation to Farm 377F for the period 01-04-1991 to 31 March 2041* With the approval of Techopark, the description of Farm 377F was amended to read Lease Area 1 over Remainder erf 9190 and Lease Area 1 over Farm 377, respectively. A copy of the Lease Agreement is attached as **APPENDIX 1**.

2.2 Application for ceding of Lease Agreements

On 05 May 2016 an application was received from Cluver Markotter, applying on behalf of Blaauwklippen Agricultural Estate (Pty) Ltd, to cede the Lease Agreement to Liciaccept (Pty) Ltd, a newly acquired company which will serve as a BEE Newco for Kleine Zalze Wines (Pty) Ltd. A copy of the application is attached as **APPENDIX 2**.

3. DISCUSSION**3.1 Location and context:**

Lease Area 1 over Remainder erf 9190 and Lease Area 1 over Remainder Farm 377F is situated to the South of Technopark, next to Kleine Zalze, as shown on Fig 1 and 2, respectively.



Fig 1: Locality: Location and context

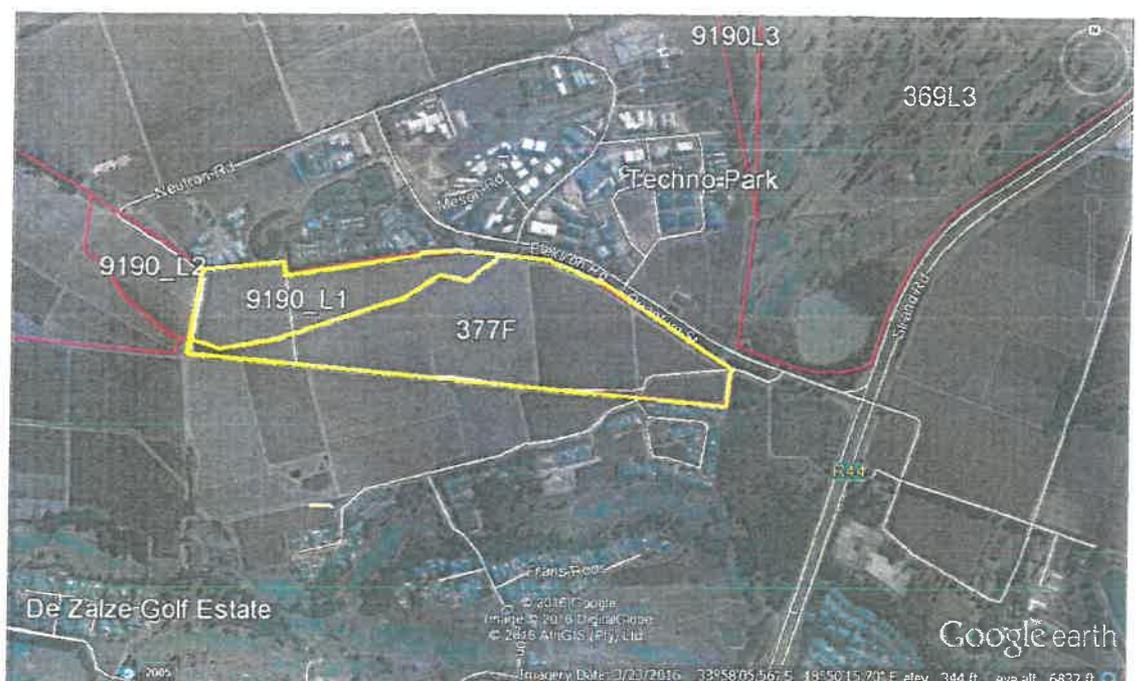


Fig 2: Extent of properties

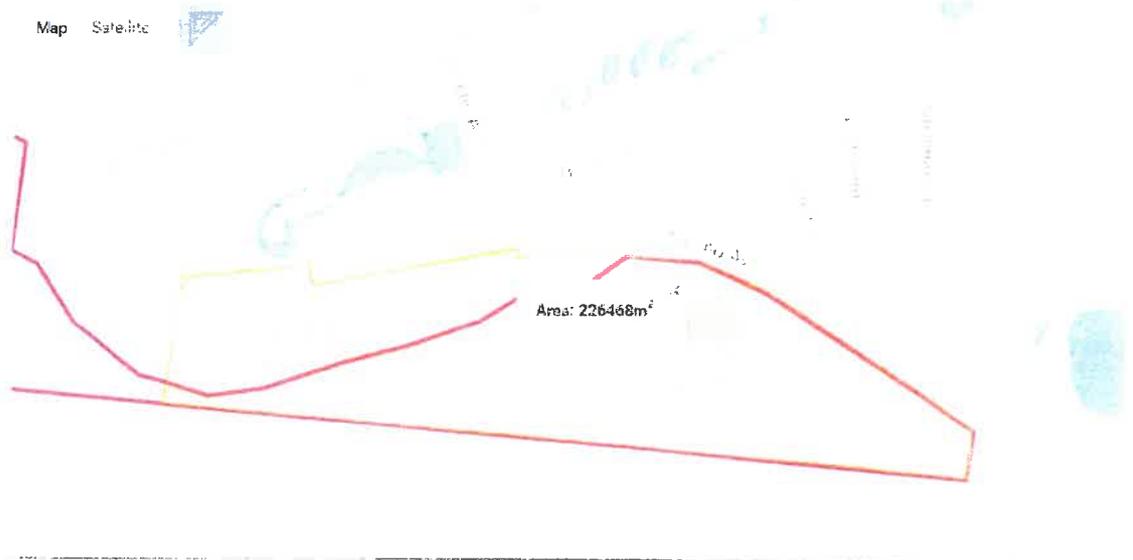
3.2 Property description

As indicated above, the original contract was in relation to Lease Farm 377F, measuring 23.61ha at the time. The description of the Lease Area has been amended (with the proclamation of Technopark) to read Lease

Area 1 over Erf 9190 and Lease Area 1 over Remainder Farm 377F. The current Lease Areas are as follows:

Description	Size	Water rights
Lease Area 1 over Remainder Farm 377	16.224ha	12ha Lease
Area 1 over Rem Erf 9190	6.418ha	0
Total area	22.642ha*	12ha

*With the redetermination of the Lease Areas, the size of the property was amended, totaling 22.642ha, whereas the original size was 23.61ha. See fig 3, below, indicating the area as 22.6ha in extent, roughly in line with the current descriptions.



3.3 Contractual arrangements

In terms of clause 13 of the Lease Agreement(s) the LESSOR may not cede or assign the agreement without the prior, written approval of the Municipality.

3.4 The Proposal

In terms of the application received, the following is proposed: Kleine Zalze wishes to implement a Black Empowerment farming project which will benefit previously disadvantaged workers who are permanently employed by Kleine Zalze and/or any of its subsidiary companies.

As indicated above, the two Lease areas are situated adjacent to Kleine Zalze. For this reason Kleine Zalze approached Blaauwklippen Agricultural Estate (Pty) Ltd to cede the two Lease Agreements to them.

Blaauwklippen has agreed in principle to support the proposed BEE project by offering to cede and assign its rights in the Lease Agreements to a new Company (BEE Newco), to be established by Kleine Zalze Wines for its proposed BEE project. This, however, is subject to Stellenbosch Municipality providing its written consent in terms of the Lease Agreement.

In support hereof, they included the following documentation:

- a) an executive summary of the proposed business and business structure of BEE Newco;
- b) a draft cession and assignment agreement to be concluded between the Municipality, Blaauwklippen and BEE Newco, should the Municipality decide to support the BEE initiative and provide its consent to such proposed cession and assignment (You will note that the company referred to in this letter as “BEE Newco” is in fact Liciaccept (Pty) Ltd, a newly acquired company which will serve as BEE Newco. The name of this company will be changed in due course;
- c) a draft trust deed for the proposed trust to be establishment for the benefit of the previously disadvantaged employees of Kleine Zalze as already mentioned. The information of this trust will proceed should the municipality indicated its support of this BEE initiative;
- d) a draft shareholders agreement which will be concluded between BEE Newco, the Kleine Zalze Empowerment Trust and Kleine Zalze Wines;
- e) a draft Management agreement to be concluded between BEE Newco and Kleine Zalze Wines which will provide for the management, guidance, training and mentoring support to be given by Kleine Zalze Wines to BEE Newco; and
- f) a profile of Kleine Zalze wines

3.5 Delegated Authority

In terms of item 537 approved System of Delegations (2015-06-24) the Executive Mayor has the delegated authority *“To consider applications of the cession, assignment or sub-lease of leases for a period in excess of 10 years”**

*The remaining period of the lease is 25 years.

4. INPUTS BY OTHER DEPARTMENTS

4.1 CFO

Finance supports the Item

4.2 Planning & Economic Development

The directorate supports the proposed cession of the lease agreement, however, conditions need to be imposed to ensure the achievement of the desired outcomes as set out in the application.

The recommendations should at least include reference to the aspects mentioned in paragraph 7 above to allow the municipal manager to confirm

that the beneficiaries of the session are indeed a broad-based black economic empowerment entity with sufficient administrative, financial and agricultural support and structure.

4.3 Senior legal Advisor

Clause 13(1) of the Farm 377F lease agreement makes provision for the cession of the lease agreement, subject to the prior written approval of Stellenbosch Municipality. It is therefore within the Municipal Council's prerogative to consider and approve the cession application. Council should ensure that the object of the cession and the proposed broad-based empowerment and economic advancement of Klein Zalze black employees are achieved.

5. CONCLUSION

Should Council agree to the ceding and assignment of the Lease Agreement the Kleine Zalze Empowerment Trust and Kleine Zalze wines (Pty) Ltd would each have 50% of the share of the new company.

RECOMMENDED:

- (e) that the proposed ceding and assignment of the Lease Agreement in relation to Lease Area 1 over Remainder Farm 377 and Lease Area 1 over Remainder erf 9190 to Kleine Zalze's BEE Newco be approved, on condition that the necessary written proof be provided to the Municipality of the signed agreements referred to in par. 3.4 before conclusion of the ceding agreement;
- (f) That the Municipal Manager be authorised to sign all document necessary to affect the ceding and assignment to the BEE NEWCO subsequent to the approval of the establishment of the broad-based black economic empowerment company with its BBBEE shareholder trust to the satisfaction of the Municipal Manager in consultation with the Directors Strategic and Corporate Services and Planning and Economic Development.

MAYORAL COMMITTEE MEETING: 2017-04-19: ITEM 5.5.2

RESOLVED

- (g) that the proposed ceding and assignment of the Lease Agreement in relation to Lease Area 1 over Remainder Farm 377 and Lease Area 1 over Remainder erf 9190 to Kleine Zalze's BEE Newco be approved until June 2020, on condition that the necessary written proof be provided to the Municipality of the signed agreements referred to in par. 3.4 before conclusion of the ceding agreement;
- (h) that the Municipal Manager be authorised to sign all documents necessary to effect the ceding and assignment to the BEE NEWCO subsequent to the approval of the establishment of the broad-based black economic empowerment company with its BBBEE shareholder trust to the satisfaction of the Municipal Manager in consultation with the Directors Strategic and Corporate Services and Planning and Economic Development;

- (i) that the current and future road reserves be excluded from the agreement; and
- (j) that the possible extension of the lease be reviewed/considered after June 2020 taking into account the progress on empowerment and BBBEE initiatives.

Meeting: Ref no:	Mayco: 2017-04-19	Submitted by Directorate: Author Referred from:	Human Settlements Manager: Property Management
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APPENDIX 2

08/02/2018

AGREEMENT OF CESSION AND ASSIGNMENT OF LEASE AGREEMENTS

made and entered into between

BLAAUWKLIPPEN AGRICULTURAL ESTATES PROPRIETARY LIMITED

(Registration No. 1972/000312/07)

("Blaauwklippen")

and

LICIACEPT PROPRIETARY LIMITED

(Registration number: 2014/040054/07)

("Liciacept")

and

THE STELLENBOSCH MUNICIPALITY

("the Municipality")

P-
20



1. PARTIES

- 1.1. The parties to this agreement are –
- 1.1.1. Blaauwklippen Agricultural Estates Proprietary Limited (Registration No. 1972/000312/07);
- 1.1.2. Liciaccept Proprietary Limited (Registration No. 2014/040054/07);
- 1.1.3. The Stellenbosch Municipality.
- 1.2. The parties agree as set out below.

2. INTERPRETATION

- 2.1. In this agreement, unless inconsistent with the context, the following words and expressions shall bear the meanings assigned thereto and cognate words and expressions shall bear corresponding meanings:
- 2.1.1. "Blaauwklippen" means Blaauwklippen Agricultural Estates Proprietary Limited (Registration No. 1972/000312/07) of Blaauwklippen Estate, R44, Stellenbosch;
- 2.1.2. "business day" means any day other than a Saturday, Sunday or public holiday in the Republic of South Africa;
- 2.1.3. "effective date" shall mean the first business day of the first month following the date of signature of this agreement by all parties hereto;
- 2.1.4. "the lease areas" means the land areas let by the Municipality to Blaauwklippen in terms of the leases, as fully described in the leases;
- 2.1.5. "the leases" means the agreements of lease in place between Blaauwklippen and the Municipality in terms of which Blaauwklippen hires from the Municipality the lease areas, copies of which are attached hereto marked Annexures "A" and "B";
- 2.1.6. "Liciaccept" means Liciaccept Proprietary Limited (Registration No. 2014/040054/07), Kleine Zlatze, R44, Stellenbosch;
- 2.1.7. "Municipality" means Stellenbosch Municipality, Plein Street, Stellenbosch;
- 2.1.8. "signature date" means the date upon which this agreement is signed by the party who signs last in time;
- 2.1.9. "this agreement" means this agreement including any schedules hereto.

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- 2.2. In this agreement, words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine and neuter genders, and vice versa, and words importing persons shall include partnerships, trusts and bodies corporate, and vice versa.
- 2.3. The headings to the paragraphs to this agreement are inserted for reference purposes only and shall not affect the interpretation of any of the provisions to which they relate.
- 2.4. Each of the provisions contained in this agreement shall be construed as independent of every other such provision to the effect that if any provisions of this agreement shall be determined to be illegal, invalid and/or unenforceable then such determination shall not affect any other provisions of this agreement all of which shall remain in full force and effect. In the event that any provision of this agreement should be construed as invalid or unenforceable, the parties undertake to negotiate in good faith to replace the invalid provision with a valid one, which will reflect the economic intent of each of the parties at the time of entering into this agreement.
- 2.5. If any provision in a definition in this agreement is a substantive provision conferring rights or imposing obligations on any parties, then notwithstanding that it is only in the definition (interpretation) clause of this agreement, effect shall be given to it as if it were a substantive provision in the body of the agreement.
- 2.6. When any period is prescribed in this agreement, that period shall be reckoned exclusively of the first day and inclusively of the last day unless the last day is not a business day, in which case the last day shall be the next succeeding business day. Unless otherwise stipulated, any reference in this agreement to "days" shall be deemed to be a reference to calendar days.
- 2.7. The parties acknowledge and agree that they have had equal opportunity to take legal advice and to negotiate and amend this agreement and the "contra proferentum-rule" (and any other rule of interpretation that provides that this agreement shall be interpreted against the party responsible for the drafting or preparation of this agreement) shall not apply.

3. INTRODUCTION

- 3.1. Blaauwklippen hires from the Municipality the lease areas in terms of the leases.
- 3.2. Liciaccept has been established to serve as a special purpose company in which a broad-based black economic empowerment initiative and project is to be undertaken.
- 3.3. Blaauwklippen has agreed to cede and assign all of its rights and obligations in and to the leases to Liciaccept, which cession and assignment Liciaccept has agreed to accept.
- 3.4. The Municipality approves such cession and assignment, which approval is required in terms of the leases.

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- 3.5. The parties wish to record their agreement in writing.

4. CESSION AND ASSIGNMENT OF LEASES

- 4.1. Blaauwklippen hereby cedes and assigns to Liciaccept all its rights and obligations in and under the leases.
- 4.2. Liciaccept hereby accepts the cession and assignment by Blaauwklippen of its rights and obligations under the leases.
- 4.3. The cession and assignment of the leases shall be effective from the effective date.
- 4.4. Blaauwklippen shall remain liable to the Municipality for all obligations under the leases until the effective date. Liciaccept shall assume liability for all obligations under the leases to the Municipality from the effective date.
- 4.5. Liciaccept acknowledges that it has acquainted itself with the terms and conditions of the leases and that it shall take cession and assignment of the rights and obligations of the leases on such terms and conditions.
- 4.6. Blaauwklippen acknowledges that it shall have no claims against the Municipality after the cession and assignment of the leases.

5. CONSENT BY THE MUNICIPALITY

The Municipality consents to the cession and assignment on the terms and conditions as recorded in its letter dated 08 June 2017, a copy of which is attached as Annexure "C". Blaauwklippen and Liciaccept confirm that they have both considered and accepted the terms and conditions imposed by the Municipality for its consent.

6. BREACH

- 6.1. If any party commits a breach of this agreement and/or fails to comply with any of the provisions hereof ("the defaulting party"), then the remaining party ("the aggrieved party") shall be entitled to give the defaulting party 7 (seven) days notice in writing to remedy such breach and/or failure, and if the defaulting party fails to comply with such notice then the aggrieved party shall forthwith be entitled, but not obliged, (without prejudice to any other rights or remedies which the aggrieved party may have in law, including the right to claim damages), to cancel this agreement or to claim immediate performance and/or payment of all the defaulting party's obligations in terms hereof.
- 6.2. Any failure by the defaulting party to effect payment on the due date of any monetary amount owing in terms of this agreement to the aggrieved party shall result (without prejudice to any other rights of the aggrieved party arising out of such failure) in the defaulting party being liable to pay interest at the prime rate to the aggrieved party which interest shall be

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calculated daily and compounded monthly from (and including) the due date of payment to (and including) the actual date of payment.

7. NOTICES AND DOMICILIA

- 7.1. Each of the parties chooses domicilium citandi et executandi ("domicilium") for the purposes of the giving of any notice, the serving of any process and for any other purposes arising from this agreement at its respective address set forth in clause 2 above.
- 7.2. Each of the parties shall be entitled from time to time, by written notice to the other to vary its domicilium to any other address which is not a post office box or poste restante and which is in the Republic of South Africa.
- 7.3. Any notice given and any payment made by a party to any of the others ("the addressee") which:
- 7.3.1. is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, unless the contrary is proved by the addressee, to have been received by the addressee at the time of delivery;
- 7.3.2. is posted by prepaid registered post (or its equivalent) to the addressee at the addressee's domicilium for the time being shall be presumed, unless the contrary is proved by the addressee, to have been received by the addressee on the fifth day after the date of posting;
- 7.3.3. is transmitted by telefax to the addressee shall be presumed, unless the contrary is proved by the addressee, to have been received by the addressee within 2 (two) hours of transmission. Electronic mail shall be presumed to be received only if its receipt is acknowledged by the addressee.
- 7.4. Where, in terms of this agreement any communication is required to be in writing, the term "writing" shall include communications by e-mail or telefax. Communications by e-mail, or telefax shall, unless the contrary is proved by the addressee, be deemed to have been received by the addressee one hour after the time of transmission. Electronic mail (e-mail) shall be presumed as received only if its receipt is acknowledged by the addressee.
- 7.5. Notwithstanding anything to the contrary contained or implied in this agreement, a written notice or communication actually received by one of the parties from another including by way of facsimile transmission or electronic mail shall be adequate written notice or communication to such party.

8. ARBITRATION

- 8.1. Any dispute, question or difference arising at any time between the parties to this agreement out of or in regard to any matters arising out of, or the rights and duties of any of the parties hereto, or the interpretation of, or the termination of, or any other matter arising out of the termination or, or the

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rectification of this agreement shall be submitted to and decided by arbitration by notice given by any party to the other in terms of this clause.

- 8.2. Such arbitration shall be held in Stellenbosch and in accordance with the rules of the Arbitration Forum of South Africa or its successor(s) from time to time.
- 8.3. The arbitrator shall be such independent and suitably qualified person as may be agreed between the parties in writing and, failing such agreement, the arbitrator shall be appointed by the Arbitration Foundation of South Africa or its successor(s).

9. CO-OPERATION

Each of the parties hereby undertakes to:

- 9.1. do, and to procure the doing by other persons, and to refrain and procure that other persons will refrain from doing, all such acts; and
- 9.2. pass, and to procure the passing of all such resolutions of directors or members of any body corporate,

to the extent that the same may lie within such party's power and may be required to give effect to the import or intent of this agreement, or any contract concluded pursuant to the provisions of this agreement.

10. COSTS

The costs of Cluver Markotter Inc. in connection with the preparation of this agreement, including the drafting and redrafting (if any) hereof and all attendances incidental thereto shall be paid by Liciaccept.

11. GENERAL

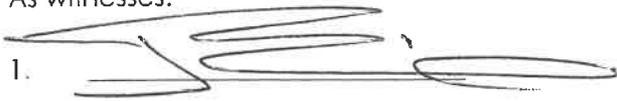
- 11.1. The illegality, invalidity or unenforceability of any clause or part of this agreement shall not affect the legality, validity or enforceability of the remainder. If any such clause or part is found by any competent court or authority to be illegal, invalid or unenforceable the parties agree that they shall substitute terms in a form as similar to the offending terms as is possible without thereby rendering it illegal, invalid or unenforceable.
- 11.2. No delay or omission on the part of either party to this agreement in exercising any right, power or remedy provided by law or under this agreement shall impair such right, power or remedy or operate as a waiver of it or as a waiver of any other right, power or remedy.
- 11.3. Any waiver by either party of any breach by the other party of any of its obligations under this agreement shall not affect the right of the waiving party in the event of any further or additional breach or breaches.

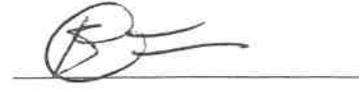
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- 11.4. The single or partial exercise of any right, power or remedy provided by law or under this agreement by either party shall not preclude any other or further exercise of such or any other right, power or remedy.
- 11.5. The rights, powers and remedies provided in this agreement are cumulative and not exclusive of any rights, powers and remedies provided under this agreement or by law.
- 11.6. This agreement may not be varied, unless such variation has been expressly agreed in writing by a duly authorised representative of each of the parties to this agreement.
- 11.7. This agreement may be executed in any number of counterparts but shall not be effective until each party has executed at least one counterpart.
- 11.8. Each counterpart shall constitute an original of this agreement, but all the counterparts shall together constitute but one and the same instrument.
- 11.9. This agreement shall be governed by and construed in accordance with South African law and the parties agree to submit to the jurisdiction of the South African Courts.
- 11.10. This agreement shall be binding on and enforceable by the estates, executors, administrators, trustees, assigns or liquidators of the parties as fully and effectually as if they had signed this agreement in the first instance and reference to any party shall be deemed to include such party's estate, executors, administrators, trustees, assigns or liquidators, as the case may be.

THUS DONE AND SIGNED AT Stellenbosch ON 2 May 2018

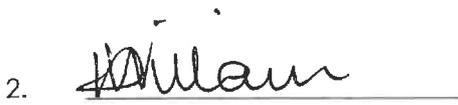
As witnesses:

1. 



For and on behalf of:

BLAAUWKLIPPEN AGRICULTURAL
ESTATES PROPRIETARY LIMITED

2. 

Name of Signatory: DF Comerma

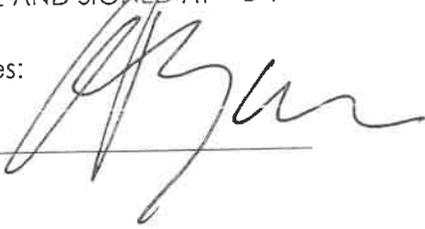
Designation: Director

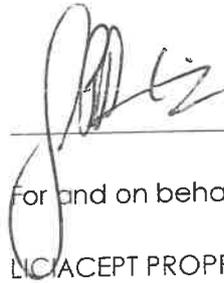


THUS DONE AND SIGNED AT **STELLENBOSCH** ON **21 FEBRUARY** 2018 ⁸

As witnesses:

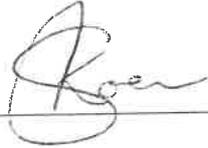
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For and on behalf of:
LICIACEPT PROPRIETARY LIMITED

2.



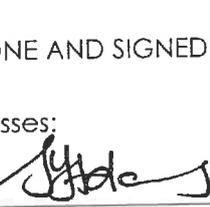
Name of Signatory: Johan Bestbier

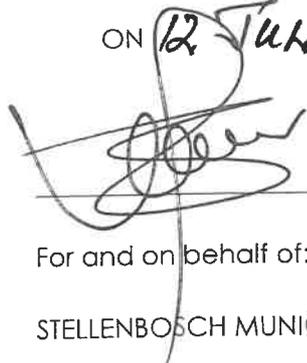
Designation: Director

THUS DONE AND SIGNED AT **STELLENBOSCH** ON **12 JULY** 2018

As witnesses:

1





For and on behalf of:
STELLENBOSCH MUNICIPALITY

2.



Name of Signatory: **PIET SUIJT**
Designation: **MANAGER: PROPERTY MANAGEMENT**



APPENDIX 3

The Manager: Property Management
For attention: Mr Piet Smit
Municipal Offices
Stellenbosch Municipality
Plein Street
Stellenbosch
By Hand

Date: 13 July 2020
Your ref.: P Smit
Our ref.: KLE04/0033 | AMJM/lsm
Email: amelck@cluvermarkotter.law

Dear Mr Smit

**RE: APPLICATION FOR MUNICIPAL CONSENT TO EXTENSION OF CESSION AND ASSIGNMENT OF LEASES || LEASE AREAS 1 AND 377F
OUR CLIENTS: KLEINE ZALZE WINES (PTY) LTD AND LICIACEPT (PTY) LTD**

1. We write to you on behalf of Kleine Zalze Wines (Pty) Ltd ("**Kleine Zalze Wines**") and Liciaccept (Pty) Ltd ("**Liciaccept**").
2. On 8 June 2017 Stellenbosch Municipality approved the cession and assignment of the lease agreement in relation to Lease Area 1 situated on Erf 9190 and Remainder of Farm 377 to Liciaccept ("the Lease"). The approval was granted on the condition that the cession of the Lease will be reviewed after June 2020, taking into account the progress with the empowerment and B-BBEE initiatives for which Liciaccept was established.
3. Kleine Zalze Wines and Liciaccept wish to make submissions to the Municipality's Council for the cession and assignment of the lease agreement to be confirmed for the full remaining period of the Lease.
4. Please see the enclosed submission of Liciaccept for consideration by the Municipality.
5. Kleine Zalze Wines and Liciaccept trust that the submission will be favourably received and that the cession of the Lease will be given with unconditional approval. Kleine Zalze Wines and Liciaccept shall appreciate the submission being considered as soon as possible as further vineyard development is planned for the land which is subject to the Lease.

Yours sincerely



AMJ MELCK
CLUVER MARKOTTER INC



LICIACEPT (PTY) LTD.**LATEST STATUS AND PROGRESS OF LICIACEPT AND KLEINE ZALZE
BLACK EMPOWERMENT INITIATIVE**

13 July 2020

1. Kleine Zalze BEE initiative, structures and processes established

Kleine Zalze believes in and is committed to the empowerment of its previously disadvantaged employees as an integral part of our long-term strategy to be sustainable and competitive. In this way we also believe we are contributing to nation building in South Africa and the participation of previously disadvantaged individuals in the economy and specifically the agricultural industry.

The following briefly summarises the Kleine Zalze BEE structures and processes established to date.

1.1. Establishment of the Kleine Zalze Empowerment Trust

- a) The Kleine Zalze Empowerment Trust (Reference no. IT265/2018) was officially established on 9 March 2018.
- b) The beneficiaries are the permanent previously disadvantaged employees of Kleine Zalze.
- c) The initial trustees are two black employees representing the beneficiaries of the Trust and 2 Kleine Zalze management members.

1.2. Establishment of black empowered company Liciacept (Pty) Ltd.

- a) The company Liciacept (Pty) Ltd. (Company registration no. 2014/040054/07) was acquired to be utilised as our black empowered company and will be trading under the name "Liciacept Vineyards".
- b) The Kleine Zalze Empowerment Trust (paragraph 1.1 has reference) is a 50% shareholder in Liciacept (Pty) Ltd. while the remaining 50% shareholding is held by Kleine Zalze Wines (Pty) Ltd. A Shareholders Agreement was concluded in May 2018.
- c) The current Board of Directors consists of two black directors appointed by the Kleine Zalze Empowerment Trust and two directors appointed by Kleine Zalze Wines. See photos of the Trustees of the Kleine Zalze Empowerment Trust and the Board of Directors of Liciacept Vineyards attached in Annexure A.

1.3. Management and Mentorship

- a) The management of Liciacept Vineyards has been contracted to Kleine Zalze Wines since 1 April 2018.
- b) Since this date the directors of Liciacept Vineyards and selected staff members are in the process of being continuously guided, trained and mentored in the effective management and running of a commercial business. These activities include:

- a. Commercial negotiating and settling commercial agreements.
- b. Identifying, analysing and proposing new business opportunities to the board.
- c. Concluding, managing and termination of service agreements.
- d. Management of service providers assisting Liciacept Vineyards.
- e. Supervision of day to day administrative, accounting and secretarial matters relating to the business.
- f. Supervision of financial administrative matters including tax, capital expenditure and insurance.
- g. Overseeing compliance with relevant regulatory and legal requirements relating to Liciacept Vineyards.
- h. Planning, soil preparation, planting and growing of new premium vineyards on the leased land.

2. Progress and current status of empowerment projects

2.1. Leasing of Municipal land and establishment of new vineyards

- 2.1.1. At the Mayoral Committee meeting held on 19 April 2017 the ceding and assignment of the lease area (Lease Area 1 over Remainder Farm 377 and Lease Area 1 over Remainder erf 9190) to the Kleine Zalze BEE company (today trading as Liciacept Vineyards) was approved until June 2020.
- 2.1.2. The approval conditions set by the Municipality, i.e. that written proof be provided to the Municipality that certain BEE agreements were actually signed, were met and the lease agreement was finally signed into effect by the Municipality in July 2018.
- 2.1.3. The intention with the Lease Area was always for the old vineyards to be re-planted with premium, top quality vineyards to realise its full potential and contribute to the future of Liciacept Vineyards and its black-empowered shareholders.
- 2.1.4. The following table reflects the planning and establishment of the new vineyards. See photos of the new vineyards attached in Annexure B:

Year planted/to be planted	Block nrs.	Area (Ha)	Cultivar	Planned 1-st harvest
2017	TP1 – TP5	9.5	Cabernet Sauvignon	2021/2022
2020	TP6 A	2.0	Merlot	2025
2020	TP6 B	2.0	Cabernet Franc	2025
2020	TP7	1.5	Shiraz	2025
	Total	15.0		

- 2.1.5: The TP6 and TP7 blocks mentioned in the table above were in full production until the 2019 harvest and were taken out after the harvest. The soil is in the process of being prepared for these 3 vineyard blocks to be replanted in August/September 2020.

- 2.1.6. The 2019 harvest (see table below) was sold to Kleine Zalze Wines and processed at the Kleine Zalze cellar for, amongst others, Kleine Zalze Wines' own premium ranges as well as the SPAR wines (see details in paragraph 2.2 below):

Date	Cultivar	Tonnes	Price/Tonne	Total
February 2019	Viognier	8.37	R4 900	R41 013
February 2019	Merlot	18.22	R5 400	R98 388
		26.59		R139 401

2.2 Private label wines for the SPAR group

- 2.2.1 Kleine Zalze Wines has had a long-term supply agreement with the SPAR retail group to produce and supply to SPAR with 11 wines for their Olive Brook private label range since October 2012.
- 2.2.2 In 2015 Kleine Zalze and SPAR agreed to cede the long-term supply agreement to Kleine Zalze's BEE company. In anticipation of the cession, SPAR agreed that an empowerment premium be built into the contracted prices to ensure an income for the BEE company (today Licicept Vineyards).
- 2.2.3 Since 2015, the following "Olive Brook" wines were produced for the SPAR Group:

SKU	Unit	2015		2016		2017		2018	
		QUANTITY	Sales Value	QUANTITY	Sales Value	QUANTITY	Sales Value	QUANTITY	Sales Value
OB (Crafter's Choice) Semillon	750 ml	2 128	R 125 395	1 344	R 82 596	-	R 0	-	R 0
OB (Geminus) Sauv/Semillon	750 ml	2 161	R 220 669	870	R 81 241	750	R 72 747	-	R 0
OB (Geminus) Sauvignon Blanc	1.5 L	-	R 0	-	R 0	24	R 1 667	-	R 0
OB (Icon) Optimus Sauvignon Blanc	750 ml	2 180	R 121 897	2 189	R 129 017	1 428	R 89 045	-	R 0
OB (Icon) Sauvignon Blanc	-	-	R 0	-	R 0	-	R 0	-	R 0
OB (Icon) Semillon	750 ml	-	R 0	-	R 0	2 922	R 184 725	60	R 3 874
OB (Pinnacle) Sauvignon Blanc (Sur Lie)	750 ml	2 532	R 100 634	2 191	R 77 722	168	R 5 963	-	R 0
OB (Prestige) Chardonnay/Sauv Blanc	750 ml	10 137	R 288 109	6 589	R 205 068	9 909	R 307 715	8 126	R 271 258
OB (Prestige) Classic Red	750 ml	28 728	R 701 454	20 641	R 541 969	6 846	R 138 046	-	R 0
OB (Prestige) Classic White	750 ml	21 558	R 524 379	9 578	R 250 047	24 960	R 499 200	-	R 0
OB (Prestige) Sauvignon Blanc	750 ml	14 052	R 399 682	11 059	R 345 168	14 258	R 395 465	-	R 0
OB (Prestige) Shiraz/Cab Sauv	750 ml	21 997	R 624 678	17 731	R 550 165	15 189	R 511 841	4 248	R 150 568
OB (Private Col) Chenin Blanc	750 ml	-	R 0	-	R 0	18 415	R 518 408	15 759	R 473 430
OB (Private Col) Merlot	750 ml	-	R 0	-	R 0	22 647	R 692 228	18 761	R 673 871
OB (Private Col) Sauvignon Blanc	750 ml	-	R 0	-	R 0	-	R 0	5 953	R 212 714
OB (Private Col) Shiraz/Cab Sauv	750 ml	-	R 0	-	R 0	-	R 0	14 472	R 495 622
OB (Sweet Spot) Natural Sweet Red	1.5 L	6 912	R 296 628	2 832	R 124 752	4 386	R 127 058	-	R 0
OB (Sweet Spot) Natural Sweet Rose	1.5 L	12 304	R 514 656	5 394	R 237 302	12 468	R 308 340	-	R 0
OB (Sweet Spot) Natural Sweet White	1.5 L	6 328	R 264 631	2 886	R 126 872	3 336	R 101 652	-	R 0
TOTAL		131 017	R 4 182 812	83 304	R 2 751 919	137 706	R 3 954 100	67 379	R 2 281 337

- 2.2.4 The total "empowerment premium" earned by Licicept Vineyards on the selling of these wines between May 2015 and August 2018 was R227 938.
- 2.2.5 Early in 2018 SPAR decided to move the production of their "Olive Brook" wines to Stellenbosch Vineyards (SV). Since then Licicept Vineyards is only involved in the supplying of bulk wines to SV for some of the "Olive Brook" wines. The following bulk wines have been sold to SV by Licicept Vineyards since then:

Date	Cultivar	Litres	Price/L	Total
February 2019	Sauvignon Blanc	9 780	R13.90	R135 942
April 2019	Cabernet Sauvignon	21 880	R14.10	R308 508
April 2019	Merlot	21 480	R14.70	R315 756
		53 140		R760 206

- 2.2.6 The supplying of bulk wines to SV is seen as short term and a “gap-filler” empowerment project. We do not see this as sustainable in the longer term due to the current very tough and competitive market for bulk wines in the local market.

3. Potential future BEE Projects

3.1. New wine supply projects

3.1.1. South African market

The Liciaccept Board, following a decision at a meeting held on 13 December 2019 and supported by Kleine Zalze Wines, is in the process of investigating a project to replace the SPAR “Olive Brook” project.

The options under investigation is to launch and establish a new BEE label/brand or for Kleine Zalze to grant Liciaccept Vineyards a licence to one of its established brands to be used in the South African market.

In this regard, Liciaccept Vineyards enjoy the full support of Spar Group as is illustrated in the letter from the SPAR Group Liquor Manager as attached in Annexure C.

3.1.2. International markets

In addition to the above, the Liciaccept Board decided in the December 2019 meeting to investigate other international wine supply projects to support the objectives and ensure the long term sustainability of Liciaccept Vineyards.

Kleine Zalze Wines obtained the support of our importers in the UK and Sweden, Hatch Mansfield Agencies Limited and Winemarket Nordic AB respectively, for this initiative. See letters of support from these two respected companies attached hereto in Annexure D.

An opportunity to tender for 3 supply projects in Sweden has come up and will be an ideal opportunity for Liciaccept Vineyards to enter the international wine market. The tenders and samples must be submitted in October 2020. Should Liciaccept Vineyards be successful, these products will be launched in March 2021. See details of the 3 tenders attached in Annexure E.

3.2. Leasing of Municipal land and establishment of new vineyards

- 3.2.1. As indicated earlier in the report, the last 3 vineyard blocks will be replanted on the Lease Area in August/September 2020. This will complete the rather exciting replanting of top-class vineyard material on a piece of agricultural land in the Stellenbosch winelands regarded by many independent soil and agricultural specialists as some of the top soils for vineyard growing in the Western Cape.
- 3.2.2. The extension of the cession of the Lease Agreement for the remainder of the lease period until 2041 is critical for the success of the Liciaccept empowerment project and initiatives for the following reasons:
- a) Investing in premium quality vineyards is long term and very capital intensive. The total cost of soil preparation, irrigation and new vineyard establishment is more than R260 000 per Ha and such a new vineyard only reaches full

production 6 years after establishment. With high production costs in the Stellenbosch region, it is widely acknowledged that a term of at least 20 years is required in order to earn an acceptable return on investment.

- b) Pursuing the projects as mentioned in paragraphs 3.1.1 and 3.1.2 (i.e. establishing a new brand and ensuring security of supply to international customers) can only be done in a credible and authentic way by Liciaccept if long term access to vineyards and grapes can be ensured.

3.2.3 Resulting from the above, the Liciaccept Board gave instructions to Cluver Markotter Attorneys to proceed with preparing a submission to the Stellenbosch Municipality to have the existing Lease Agreement extended for the remaining period of 21 years.

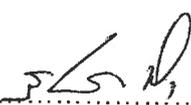
4. Conclusion

- 4.1. All the conditions set by the Stellenbosch Municipality during their Mayoral Committee meeting held on 19 April 2017 have been met and the Lease Agreement was finally signed into effect by the Municipality in July 2018. This was for an initial 3 years until June 2020.
- 4.2. We trust that this report provides sufficient evidence of the good progress made on the mentioned empowerment projects and that a strong basis has been established and a good start has been made to realise potentially advantageous BEE projects for Liciaccept Vineyards in the near future.
- 4.3. Liciaccept Vineyards and Kleine Zalze Wines herewith request that the cession of the Lease Agreement be extended for the remainder of the lease period until 2041 to provide Liciaccept Vineyards and its broad-based black empowered shareholder long term access to the agricultural land that is required to realise the mentioned projects and pursue other sustainable projects.
- 4.4. We as the shareholders of Liciaccept Vineyards, are committed to learn, grow and develop from this base and realise this into a B-BBEE business that we, Stellenbosch and the broader South Africa can be proud of.

This submission approved by:



.....
Brandon Uitlander
Director duly appointed by the Kleine Zalze Empowerment Trust



.....
Norman Paulse
Director duly appointed by the Kleine Zalze Empowerment Trust



Kobus Basson
Director duly appointed by Kleine Zalze Wines (Pty) Ltd.



Johan Bestbier
Director duly appointed by Kleine Zalze Wines (Pty) Ltd.

1. Photo of employee representatives as Trustees and Directors



From left to right: Gerald Snyman (Trustee, KZ Empowerment Trust), Norman Pausle (Director, Liciacept Vineyards), Brandon Uitlander (Trustee, KZ Empowerment Trust & Director, Liciacept Vineyards)

2. Photo of the KZ Empowerment Trust Trustees & Liciacept Vineyards Directors



From left to right: Johan Bestbier (Trustee, KZ Empowerment Trust & Director, Liciacept Vineyards), Gerald Snyman (Trustee, KZ Empowerment Trust), Norman Pausle (Director, Liciacept Vineyards), Brandon Uitlander (Trustee, KZ Empowerment Trust & Director, Liciacept Vineyards), Kobus Basson (Trustee, KZ Empowerment Trust & Director, Liciacept Vineyards)

Photos of new Liciacept vineyards established (2019)



Photos of new Licacept ineyards established (2020)



SPAR Group – Letter of Support

THE SPAR GROUP LTD
CENTRAL OFFICE
CO. REG. NO. 1967/001572/06



25 May 2020

Liciacept (Pty) Ltd.
Strand Road (R44)
Stellenbosch
7600

Attention: Directors of Liciacept (Pty) Ltd.

Dear Directors,

Introducing a Black Empowerment brand in South Africa

I refer to our many discussions re. the Olive Brook brand of the SPAR Group and your initiatives to introduce a black empowered wine brand in South Africa.

As you know, we have always been supportive of your B-BBEE initiatives and hence the many years we contributed the BEE fee to Liciacept on all the Olive Brook wines produced by your group.

We decided to consolidate all the Olive Brook wines at Stellenbosch Vineyards, but, as expressed before, we will be keen to support Liciacept Vineyards when you are ready to introduce their own brand in the South African market. We believe there is scope for such a brand and the SPAR and TOPS group will be delighted to play a role in seeing such a brand being successful.

Good luck with your endeavours.

Yours sincerely,



Mark Robinson
Group Liquor Manager

22 Chancery Lane, Pinetown 3610 | Tel: 031 719-1900 | Fax: 031 719-1990
P.O. Box 1568, Pinetown 3600 | Website: <http://www.spar.co.za>

NON-EXECUTIVE DIRECTORS: M.J. Hendriks (Chairman), L.M. Koyima, H.K. Mabu, N. Mashalaga, P. Mnganga, A.G. Wabber.
EXECUTIVE DIRECTORS: G.D. O'Connor (Chief Executive), M.W. Godfrey. COMPANY SECRETARY: M.J. Hoogen.
EXECUTIVE MANAGEMENT COMMITTEE: G.D. O'Connor (Chief Executive), L.H. Salsomali, D.C. Sarragino, B.W. Sison, S. Engelbrecht, M.W. Godfrey,
M.P. Nkomo, C.L. Isaac, R.A. Lister, K.J. O'Brien, M.L. Oliva, R.G. Phillips, M.G. Prinsloo, A.P. Swartz, S.A.T. Tabud, N.G. Wabber, A. Zwaan.

1. Hatch Mansfield Agencies Limited (UK) – Letter of Support

Established 1802

HATCH MANSFIELD



28 May 2020

Liciacept (Pty) Ltd.
Strand Road (R44)
Stellenbosch
7600

Attention: Mr. BR Uitlander (Director)
Mr. N Paulse (Director)
Mr. JW Basson (Director)
Mr. JB Bestbier (Director)

Dear Sirs,

Support to Liciacept Vineyards – UK market

We want to thank you for the recent overview and update on your Broad-Based Black Economic Empowerment project and initiatives.

We herewith confirm that this well-structured empowerment initiative of Kleine Zalze through the Kleine Zalze Empowerment Trust and Liciacept Vineyards has our full support. We would like to be kept abreast of your projects and wine products that are or will become available for the UK market and will certainly be on the lookout pro-actively for opportunities where we might be successful with Liciacept Vineyard listings.

We are keen to support this initiative and somehow contribute to the economic empowerment of previously disadvantaged people in your wonderful country.

We wish you success and be assured of our support.

Kind regards.

.....
Mark Calver
Commercial Director

Hatch Mansfield Agencies Limited · New Bank House · 1 Brockenhurst Road · Ascot · Berkshire SL5 9DJ
Tel 01344 871800 · Fax 01344 871871 · E-mail info@hatch.co.uk · [@HatchMansfield](https://twitter.com/HatchMansfield) · www.hatchmansfield.com

Champagne Taittinger · Louis Jadot · Joseph Mellot · Jean-Luc Colombo · Colombo & Fille · C.V.N.E. · Viña Errazuriz
Calterra · Domaine Carneros · Robert Oatley · Villa Maria · Esk Valley · Vidal · Left Field · Kleine Zalze

Registered in England 2896078 · VAT Registration G9 641 1870 54 · AWRS Registration XRAW00000100079



ENS 549777

2. Winemarket AB (Sweden) – Letter of Support



25 May 2020

Liciacept (Pty) Ltd.
Strand Road (R44)
Stellenbosch
7600

Attention: Mr. Johan Bestbier (Liciacept Director)

Dear Johan,

Listing opportunities for Liciacept Vineyards in Sweden

Our discussions regarding the Corporate Social Responsibility (CSR) strategy of Systembolaget (the government-owned liquor monopoly in Sweden) and Winemarket AB has reference.

We would like to request Liciacept Vineyards, with the assistance of Kleine Zalze (who has enjoyed great successes in the Swedish market since 2004), to submit tenders for any future wine tenders as per the Systembolaget launch plan for South Africa. We strongly believe that your credentials as a B-BBEE supplier from South Africa will specifically support any tenders for ethical wines (WIETA or Fairtrade certified) very well and will be perfectly aligned with the monopoly's CSR strategy.

Please be assured of Winemarket's full support for such tender submissions from Liciacept.

Yours sincerely,

Staffan Dahlgren
Managing Director

Sweden Tenders – December 2020

**South Africa March 2021**

The following tenders are for the fixed range which means guaranteed distribution for 9 months (12 months organic/ethical) and then continuous sales based on sales evaluation.

1. Ref: 159-18 South Africa white wine, blend ethical, 90-99 SEK (A-Classified)

Please note that this tender will be subject to a physical quality audit at the winery including sub-suppliers. Samples must be sent to us at the same deadline as the written offer. More details to follow.

Deadline for written offers and samples: 2020-10-08

The preliminary dates for the quality audit: November 16th-20th 2020

Launch date: 2021-03-01

Type of wine: white wine

Vintage: 2020

Region: WO Western cape with sub-regions

Grape variety: blend of at least 2 varietals where both must be included with at least 15%.

Suavignon blanc must not be include with more than 15%

Residual sugar level: optional, please state in offer.

Packaging: light weight glass bottle (max 420 gr)

Closure: optional, please state in offer.

Taste profile: a fresh and fruity wine with notes of peach, apples, herbs and citrus. The wine can have notes of oak, but it is not a requirement.

Oak ageing: optional, please state in offer.

Price: TBD

Minimum volume to participate: 65 000 liters (Volumes must be reserved until announced tender result.)

Other requirements:

- Only one product per producer can be offered
- Signed Guarantee of Supply document (will be sent separately by us)
- Filled Tender Form (will be sent separately by us)
- The wine and the producer, including eventual sub supplier, must be certified by either Fairtrade or IMO Fair for life. This must also be stated on packaging.
- A valid Fairtrade/IMO-Fair for Life certificate must be attached to the offer.
- Within 3 days from being confirmed as the winning offer, the supplier must submit WS record (Green Card), SAWIS and/or WSB record (Pink Card).
- The producer shall, in case of winning, send a copy on the production document: BG6 / WSR1 regarding the volume of the wine. All documents shall be correctly signed and stamped by SAWIS. This documentation needs to be sent in at the time as launch samples.

2. Ref: 159-13 South Africa red wine, Pinotage, PET, WIETA or ethical, 80-89 SEK (A-Classified)

Please note that this tender will be subject to a physical quality audit at the winery including sub-suppliers. Samples must be sent to us at the same deadline as the written offer. More details to follow.

Deadline for written offers and samples: 2020-10-08

The preliminary dates for the quality audit: November 16th-20th 2020

Launch date: 2021-03-01

Type of wine: Red wine

Vintage: 2020

Region: WO Western cape with sub-regions

Grape variety: minimum 85% pinotage

Residual sugar level: max 5 gr/liter

Packaging: 750 ml PET-bottle

Closure: Long screwcap of material approved for recycling PET (no metal)

Taste profile: a fruity and youthful wine with note of blackberries, plums, herbs, liquorish and vanilla. Eventual character of oak must be well balanced.

Oak ageing: optional, please state in offer.

Price: TBD

Minimum volume to participate: 60 000 liters (Volumes must be reserved until announced tender result.)

Other requirements:

- Only one product per producer can be offered
- Signed Guarantee of Supply document (will be sent separately by us)
- Filled Tender Form (will be sent separately by us)
- The wine and the producer, including eventual sub supplier, must be certified by Fairtrade, IMO Fair for life or WIETA. This must also be stated on packaging.
- A valid Fairtrade/IMO-Fair for Life/WIETA certificate must be attached to the offer.
- Within 3 days from being confirmed as the winning offer, the supplier must submit WS record (Greed Card), SAWIS and/or WSB record (Pink Card).
- The producer shall, in case of winning, send a copy on the production document: BG6 / WSR1 regarding the volume of the wine. All documents shall be correctly signed and stamped by SAWIS. This documentation needs to be sent in at the time as launch samples.

3. Ref. 159-12 South Africa, red wine, blend with Cabernet sauvignon and Shiraz, ethical, 90-99 SEK

Deadline for written offers and samples: 2020-10-08

Launch date: 2021-03-01

Type of wine: Red wine

Vintage: 2020

Region: WO Coastal region with sub-regions

Grape variety: blend of Cabernet sauvignon and Shiraz where none of these two varieties can be included with more than 80% or less than 20% of the blend. Other varieties can be included up to a maximum of 15% of the total blend.

Residual sugar level: optional, please state in offer.

Packaging: light weight glass bottle (max 420 gr)

Closure: optional, please state in offer.

Taste profile: a fruity and spicy wine with a balanced character of oak, with notes of black currant, blackberries, liquorish, black pepper and herbs.

Oak ageing: the wine must have partly or wholly been matured on oak barrels or been in contact with oak staves/oak chips.

Price: TBD

Minimum volume to participate: 40 000 liters (Volumes must be reserved until announced tender result.)

Other requirements:

- Only one product per producer can be offered
- Filled Tender Form (will be sent separately by us)
- The wine and the producer, including eventual sub supplier, must be certified by either Fairtrade or IMO Fair for life. This must also be stated on packaging.
- A valid Fairtrade/IMO-Fair for Life certificate must be attached to the offer.
- Within 3 days from being confirmed as the winning offer, the supplier must submit WS record (Greed Card), SAWIS and/or WSB record (Pink Card).
- The producer shall, in case of winning, send a copy on the production document: BG6 / WSR1 regarding the volume of the wine. All documents shall be correctly signed and stamped by SAWIS. This documentation needs to be sent in at the time as launch samples.

7.2.2	VOORGELEGEN COMPLEX: INFORMATION STATEMENT
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Collaborator No:
 IDP KPA Ref No: Good Governance
 Meeting Date: 16 September 2020

1. SUBJECT: VOORGELEGEN COMPLEX: INFORMATION STATEMENT

2. PURPOSE

To obtain Council's approval for the publication of the Information statement on the Category A heritage property know as complex) to start the public participation process for the approval of long-term rights in this category A Heritage property.

3. DELEGATED AUTHORITY

Council to consider.

4. EXECUTIVE SUMMARY

The Voorgelegen and Rhenish Complex was donated to the Stellenbosch Municipality by the Provincial Department of Public Works. Following the donation lease agreements were entered into with the Stellenbosch Museum, Stellenbosch Reklamevereniging and The Miniature Museum. The Stellenbosch Museum was to relocate from the Voorgelegen Complex to the Rhenish complex in terms of a settlement agreement but did not relocate despite being paid an amount of R350 000 for the relocation by the Municipality. The Mayoral committee in 2007 decided not to use the Voorgelegen Complex as office space as originally anticipated. During 2009 the Voorgelegen Building was identified as a building to be disposed but the formal tender process was not completed in regard to the building. In 2011 the Voorgelegen Museum applied to rent the space again. The property is currently rented by Stellenbosch Museum on a month to month basis for an amount of R 4706.88 pm, VAT inclusive or the the Rhenish complex and Voorgelegen Plein. The formal rental agreement for the building lapsed and a new agreement has not been approved by Council. The rental is continuing a month to month basis for as long as the rental is paid. Council resolved in 2017 inter alia that a "heritage portfolio must be established and categorised Voorgelegen, Rhenish and Transvalia as category A heritage properties. The Municipal Manager was tasked to start the public participation process contained in section 34(3) of the Asset Transfer Regulations. The information statement in regard to Voorgelegen Complex is attached as **APPENDIX 1**.

5. RECOMMENDATION

To consider and approve the draft Information statement for publication.

6. DISCUSSION / CONTENT

6.1 Background

Council is the owner of several heritage properties. Council resolved in 2017 inter alia that a "heritage portfolio must be established and categorised Voorgelegen, Rhenish and Transvalia as category A heritage properties. The Voorgelegen and Rhenish Complex was donated to the Stellenbosch Municipality by the Provincial Department of Public Works. Following the donation lease agreements were entered into with the Stellenbosch Museum, Stellenbosch Reklamevereniging and The Miniature Museum. The Stellenbosch Museum was to relocate from the Voorgelegen Complex to the Rhenish complex in terms of a settlement agreement but did not relocate despite being

paid an amount of R350 000 for the relocation by the Municipality. The Mayoral committee in 2007 decided not to use the Voorgelegen Complex as office space as originally anticipated. During 2009 the Voorgelegen Building was identified as a building to be disposed but the formal tender process was not completed regarding the building. In 2011 the Voorgelegen Museum applied to rent the space again.

6.2 Discussion

Heritage Portfolio:

Council resolved on 26 April 2017 inter alia as follows:

“(b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;

(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;

(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;

(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;

(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long-term rights in the relevant properties, where after a public competitive disposal process be followed.”

6.3 Legal requirements

Asset Transfer Regulations

Granting of rights to use, control or manage a capital asset

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

- 1)
 - a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and
 - b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
 - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
 - b) a long-term right is proposed.

*Please note that, for the purpose of this report, it will be assumed that the property falls within this category, i.e. value in excess of R10M. According to the General Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

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- 3) a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)
- b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement*, stating:
- i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
 - ii) any expected benefit to the municipality that may result from the granting of the right;
 - iii) any expected proceeds to be received by the municipality from the granting of the right; and
 - iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

*Hereto attached as **APPENDIX 1** an Information Statement, as required by sub-regulation 3.

Public participation process for granting of long-term rights

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision).

- a) In accordance with Section 21A of the Municipal Systems Act:
 - i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b); and
 - ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter

Consideration of proposals

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community

Conditional approval of rights

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, may be given subject to any conditions, including conditions specifying: -

- a) The type of right that may be granted, the period for which it is to be granted and the way in which it is to be granted;
- b) The minimum compensation to be paid for the right, and
- c) A framework within which direct negotiations *for the granting of the right must be conducted if applicable

Granting of rights to be in accordance with disposal management system

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality may grant the right only in accordance with the disposal management system* of the municipality, irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

*The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal management System. (See paragraph 6.2.4.2, below).

Policy on the Management of Council owned property **Competitive process**

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be affected by means of a process of public competition.

In terms of paragraph 9.1.1 of the Policy,

The type of a formal tender may vary, depending on the nature of the transaction:

- i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a two-stage or two- envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

Should Council decide to follow a public competitive process, it is recommended that a Call for Proposals based on a two stage bidding process, be followed, in which case the following Preference Point System (see par. 14 of the policy) will be applicable unless determined otherwise by Council:

The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) Price: Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) Status: Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) Development Concept: Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

*In terms of par. 14.1.1 of the policy the Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

Further, in terms of par. 18, criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it then stand in line for the allocation of points based on price, status and development concept.

Deviation from competitive process

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed.

The advertisement referred to above should also be served on adjoining landowners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- a) Due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organisation wishing to enter into the Property Transaction;
- (e) in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose or that it is in the interest of the community and the Municipality. In such cases reasons for preferring such out-of hand sale or lease to those by public competition must be recorded".
- l) lease contracts with existing tenants of immovable properties, not exceeding ten (10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality's strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;

The reasons for any such deviation from the competitive disposal process must be recorded.

From the above it is clear the Council may, under the circumstances described above, decide to dispose with a competitive (tender) process.

6.4 Motivation for entering into a long-term lease agreement

The asset is part of the historic buildings in town that makes Stellenbosch unique and an asset that should be protected. It can therefore be rented on a long term basis with clear indications as to what it must be used for and to ensure that whoever leases the building has an incentive to invest capital in the building to ensure it is maintained properly and used to the benefit of the bigger Stellenbosch Community.

6.5 Financial Implications

Maintenance of the building will be the responsibility of the lessee.

6.6 Legal Implications

As indicated under discussion above.

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

6.7 Staff Implications

No additional staff implications

6.8 Previous / Relevant Council Resolutions

26 April 2017

6.9 Risk Implications

Addressed in the item and through the lease agreement.

6.10 Comments from Senior Managers:

6.8.1 Comments from the Municipal Manager:

Support the recommendations

ANNEXURES:

Appendix 1 – Draft Information Statement

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2020-08-06

APPENDIX 1



Our ref. : 7/2/2/1

INFORMATION STATEMENT AS CONTEMPLATED IN REGULATION 5(3)(b) OF THE MUNICIPAL

PROPOSED POSSIBLE ALIENATION OF ERF 658 AT 116 – 118 DORP STREET, STELLENBOSCH (VOORGELEGEN COMPLEX) ON A LEASE AGREEMENT FOR TEN YEARS OR MORE

1. PURPOSE:

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

2. BACKGROUND:

Existing Contractual arrangements:

Erf 658 At 116 – 118 Dorp Street, Stellenbosch (Voorgelegen Complex) is currently being used by the Stellenbosch Museum. The previous rental agreement has lapsed, and they are renting on a month to month basis. Council in 2017 resolved that the building is not needed at this stage for municipal purposes and requested the Municipal Manager to start with a public participation process in terms of the Asset Transfer Regulations with the view to award long terms rights to a 3rd party on the property. The property is intended to remain registered in the name of the Municipality.

3. DISCUSSION

3.1 Public Participation Process

In terms of the Asset Transfer Regulations, before Council can make a final decision on whether to make rights on Municipal property, the Municipal Manager must first conduct a public participation process in terms of regulation 35.

3.2 Information Statement

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

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

- i) the reason for the proposal to grant a long-term right to use, control or manage the relevant capital asset;



- ii) any expected benefit to the municipality that may result from the granting of the right;
- iii) Any expected proceeds to be received by the municipality from the granting of right; and
- iv) Any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

3.2.1 Reasons for the proposal to grant a long-term right to use, control or manage the capital asset

- i. According to the National Heritage Resources Act, 1999 (Act No 25 of 1999), responsibility for maintenance of heritage resources rests with the owner – in this instance Stellenbosch Municipality;
- ii. Most of the municipal buildings of heritage significance in Stellenbosch are not properly maintained, are in various states of disrepair, under or over utilized, unused or standing empty or used in conflict with their zoning;
- iii. The maintenance of all property is an operational requirement with significant financial implications – historical buildings require constant and specialist maintenance with enormous budgetary implications;
- iv. These heritage buildings can play a role in economic development and can be used to boost local economic activity and represent opportunities for urban renewal and stimulating tourism related projects. The proper and legal restoration and use of the properties can act as a catalyst for economic development as well as the upgrading of the historic core;
- v. Properly maintained public buildings and public spaces can revitalize spaces and buildings around them and boost cultural, social and economic development;
- vi. The proper maintenance of heritage buildings is in the best interest of Council;
- vii. Heritage assets require a different approach to management and maintenance and should be managed independently from other assets;
- viii. The financially sustainable use of the property can contribute significantly not only to the repair and maintenance costs, but also the running costs such as utilities, security, insurances, etc;

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

- i. Heritage assets or heritage resources are normally very valuable and their value does not necessarily reduce over time; - proper maintenance of these properties will therefore be a benefit to the municipality;
- ii. The optimal utilization of the properties may produce additional income for the municipality which may enable the municipality to repair and maintain the properties to an acceptable standard as owner is normally responsible for the exterior maintenance;
- iii. The GRAP Guidelines 103 on Heritage Assets issued by National Treasury requires heritage assets to be held indefinitely for the benefit of present and future generations. The municipality will be assisted in this task by the proper utilization and maintenance of these assets;



3.2.3 Any expected proceeds to be received by the municipality from the granting of the right

- i. The municipality will receive a monthly market-related rental income for the properties;
- ii. The community will benefit;
- iii. Economic activities will be encouraged and stimulated.

3.2.4 Any expected gain or loss that will be realized or incurred by the municipality arising from the granting of the right

- i. Valuable heritage assets in the ownership of the municipality will be upgraded at no or a reduced cost to the municipality;
- ii. The buildings will be properly and adequately maintained in accordance with heritage requirements at no cost to the municipality;
- iii. Continued usage will ensure heritage assets are secure;
- iv. Savings on the municipality's capital and operating budgets;
- v. Stimulus of economic activities for the community;

3.2.5 Valuation of the capital asset to be disposed of and the method of valuation used to determine that value

Erf 658, Stellenbosch (Voorgelegen Complex)

A Valuation Report for the properties was prepared by Cassie Gerber Property Valuers CC in November 2017 to determine the market value of the subject properties. This market value is defined as *"a price, which the property is reasonably expected to sell for in the open market by a willing, able and informed seller to a willing, able and informed buyer"*.

The Report considers the income producing method of valuation as the most appropriate method of valuation, based on the highest and best use of the property. This method is that of *"the rental capitalization of potential income applying a capitalization rate, which ... reflects the risk the specific investment demand, condition, growth potential of the property, as well as the present interest rate"*. In arriving at a net income, *"the cost a normal landlord would occur in operating the building at a level compatible with the rentals charged"* was calculated.

The Report concludes the market value (based on highest and best use) to be R7 750 000.00 in 2017.

4. Public Comment invited:

The public are herewith invited to provide input/comment/ proposals to the municipality on the future use of the Voorgelegen Complex including proposals on the term of a lease and the use of the complex and how the proposed use/lease will stimulate local economic activities for the bigger Stellenbosch area.



Comment must reach the offices of the Municipality..... On or before.....

Copies of this Information Statement will together with the documents listed hereunder be available on the Municipality's website at www.stellenbosch.gov.za for 30 (thirty) days from the date of first public display or publication hereof:

1. Valuation Report: Market Value of Erf 658, 116-118 Dorp Street, Voorgelegen Complex, Stellenbosch, Cassie Gerber Property Valuers CC, 16 November 2017

This Information Statement and the documents listed above can also be inspected at / requested via the following addresses / telephone numbers:

Manager: Property Management, 3rd Floor, Oude Bloemhof (Absa) Building, Corner of Ryneveld and Plein Street, Stellenbosch 7600

Manager: Property Management, P O Box 17 Stellenbosch 7599

Email: Piet.Smit@stellenbosch.gov.za

Cellphone No: 084 506 5065

Landline: 021 808 8189

GERALDINE METTLER
MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

7.2.3	PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 September 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK

2. PURPOSE

To consider the application for the renewal of the Lease Agreement with Franschhoek Tennis Club.

3. DELEGATED AUTHORITY

The Executive Mayor in consultation with the Executive Mayoral Committee.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process.

The new Property Management Policy, allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to lease the property being advertised for public inputs, before making a final decision. Council delegated the decision for the approval of lease agreements for a period of less than 10 years to the Executive Mayor in consultation with the Executive Mayoral Committee.

The agreements continued on a month to month basis. The request for a renewal must be considered.

5. RECOMMENDATIONS

- (a) that a portion of Erf 1693, Franschhoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that the Executive Mayor in consultation with the Executive Mayoral Committee considers the, **in principle** approval of a lease agreement for 9 years and 11 months to be concluded on a private treaty basis with Franschhoek Tennis club, as provided for in Regulation 34 (1) (b); and
- (c) that ,should the application be approved, Council's intention to lease the property to the Franschhoek Tennis Club be advertised for public inputs/ comments/alternative proposals as provided for in paragraph 9.2.2 of the Property Management Policy.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Initial Lease Agreement

Franschhoek Tennis Club and Stellenbosch Municipality concluded a 25 year Lease Agreement in 1989. The contract lapsed in 2014.

6.1.2 Attempt to renew lease agreement

Over the past 5 years various attempts were made to either renew the Lease Agreement, none of these attempts, however, were successful, as the SCM Policy (at the time) did not allow for a process of renewal without following a public competitive process.

After the appointment of the Director Corporate Services all the lease agreements were inspected and the department was requested to get an indication from the lessee's if they are interested to continue with the leases.

6.1.3 Application for renewal

Hereto attached as **APPENDIX 1** a self-explanatory application from the Tennis Club.

6.2 Discussion

6.2.1 Location and context

6.2.1.3 Franschhoek Tennis Club

The Franschhoek Tennis Club is situated on erf 1693, Franschhoek, as indicated on Fig 1 and 2 below.



Fig 7: Location and context



Fig 8: Extent of property

6.2.1 Legal requirements

6.2.2.1 Asset Transfer Regulation

In terms of Section 34 (1) of the ATR a Municipality may grant a right to use, control or manage a capital asset only after-

- a) The Accounting officer has concluded a public participation process*; and
- b) The municipal council has approved in principle that the right may be granted.

*Sub regulation (1) (a) (public participation process), however, must be complied with only if-

- a) The capital asset in respect of which the right is to be granted has a value in excess of R10M*; and
- b) A long-term right is proposed to be granted (i.e. longer than 10 years).

None of the assets has a value in excess of R10M.

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality (read Mayco) may grant the right only in accordance with the disposal management system* of the municipality, irrespective of:-

- d) the value of the asset; or
- e) the period for which the right is granted

*The policy on the Management of Council owned property is deemed to be Stellenbosch Municipality's disposal management System.

6.2.1.2 Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act.

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Such agreements may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comment.

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

Seeing that the Franschhoek Tennis Club is a sporting body, and seeing that they are responsible for the maintenance of the grounds it is recommended that they be responsible to pay 10% of market rental, to be determined by an independent valuer.

6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted, except the income that will derive from the rentals.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

The approval of the lease agreement in 1989 did not serve before this council.

6.7 Risk Implications

Risks have been addressed in the item.

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

Agree with the recommendations

6.8.2 Municipal Manager

Supports the recommendations

ANNEXURES**APPENDIX 1: Application for renewal****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>	021-8088189
<i>E-MAIL ADDRESS</i>	Piet.smit@Stellenbosch.gov.za
<i>REPORT DATE</i>	2020 -08 - 03

APPENDIX 1

Court and Garden Maintenance	R182 461
Clubhouse Maintenance	R169 176
Administration/Sundry Costs	R23 810
Youth Development	R22 500
Total	R397 947

We look forward to hearing from you in the very near future..

Brian St Clair Moor

Chairman Franschoek Tennis Club.

From: Brian Moor [<mailto:briansmoor@gmail.com>]

Sent: 07 January 2020 09:36 AM

To: Piet Smit

Cc: Siegfried Schäfer; Margie Ellis; Tennis Ross Hutchingson; Jayne Cully; Anetta Hausner; Joost Beumer

Subject: [EX] Franschoek Tennis Club

Dear Mr Smit,

I refer to our previous correspondence relating to a lease agreement for the Franschoek Tennis Club (FTC) for a period of nine years and eleven months.

For the record, it is important to note that FTC has sought to enter into a lease agreement with the municipality since 2014.

7.2.4	PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK BOWLING CLUB: ERF 2885, FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 September 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK BOWLING CLUB: ERF 2885, FRANSCHHOEK

2. PURPOSE

To obtain approval for the renewal of the Lease Agreement with the Franschhoek Bowling Club.

3. DELEGATED AUTHORITY

The Executive Mayor, in consultation with the Executive Mayoral Committee must consider the application.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process.

The new Property Management Policy, allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to lease the property being advertised for public inputs, before making a final decision. Council delegated the decision for the approval of lease agreements for a period of less than 10 years to the Executive Mayor in consultation with the Executive Mayoral Committee.

The agreements continued on a month to month basis. The request for a renewal must be considered.

5. RECOMMENDATIONS

- (a) that Erf 2885, Franschhoek be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that the Executive Mayor in consultation with the Executive Mayoral Committee considers the application for the **in principle** approval of a lease agreement for 9 years and 11 months on a private treaty basis, as provided for in Regulation 34 (1) (b); and
- (c) that Council's intention to lease the property to the Franschhoek Bowling Club be advertised for public inputs/comments, as provided for in paragraph 9.2.2 of the Property Management Policy.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Initial Lease Agreement

Franschoek Bowling Club and Franschoek Municipality concluded a Lease Agreement in 1993 for a period of 9 years and 11 month, which contract was renewed for a further period of 9 years and 11 months. The contract subsequently lapsed in 2013 (**APPENDIX 2**).

6.1.2 Attempt to renew lease agreement

Over the past 6 years various attempts were made to either renew the Lease Agreement none of these attempts, however, were successful, as the SCM Policy (at the time) did not allow for a process of renewal without following a public competitive process.

After the appointment of the Director Corporate Services in 2017 all the lease agreements were inspected and the department was requested to get an indication from the lessee's if they are interested to continue with the leases. We only received feedback in 2020.

6.1.3 Application to renew Lease Agreements

Hereto attached as **APPENDIX 1** a self-explanatory letter received from the Franschoek Bowling Club, requesting the renewal of the Lease Agreement for a further period of 9 year and 11 months.

6.2 Discussion

6.2.1 Location and context

6.2.1.3 Franschoek Bowling Club

The Franschoek Bowling Club is situated on erf 2885, Franschoek, as indicated on Fig 1 and 2, below.

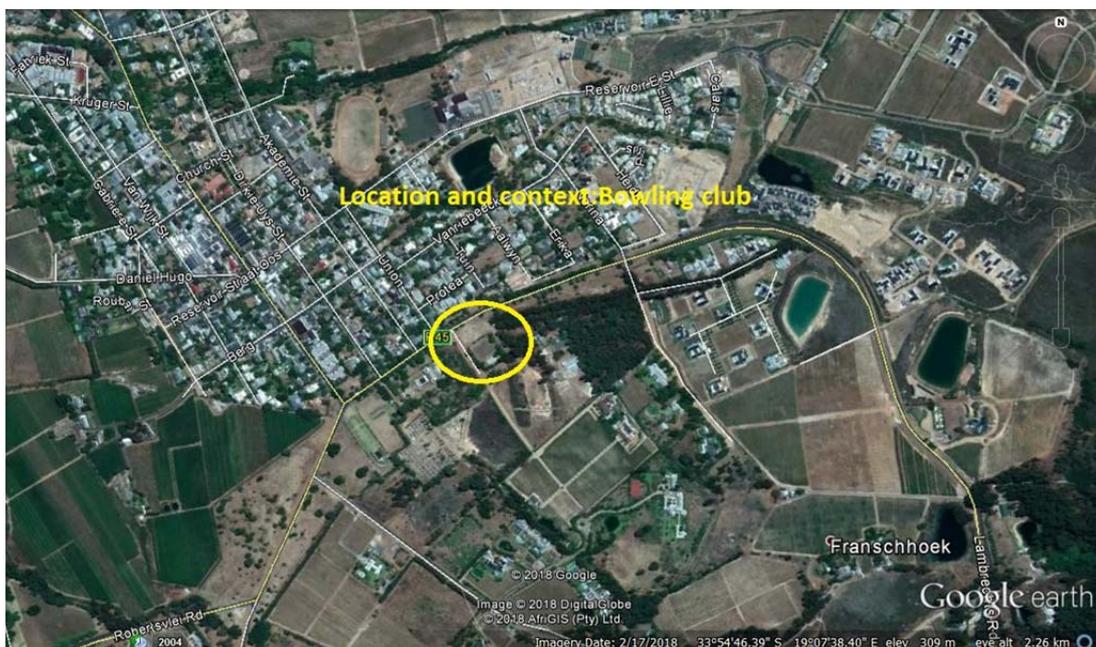


Fig 1: Location and context



Fig 2 Extent of property

6.3.1 Legal requirements

6.2.2.1 Asset Transfer Regulation

In terms of Section 34 (1) of the ATR a Municipality may grant a right to use, control or manage a capital asset only after-

- c) The Accounting officer has concluded a public participation process*; and
- d) The municipal council has approved in principle that the right may be granted.

*Sub regulation (1) (a) (public participation process), however, must be complied with only if-

- c) The capital asset in respect of which the right is to be granted has a value in excess of R10M*; and
- d) A long-term right is proposed to be granted (i.e. longer than 10 years).

None of the assets has a value in excess of R10M.

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality (read Mayco) may grant the right only in accordance with the disposal management system* of the municipality, irrespective of:-

f) the value of the asset; or

g) the period for which the right is granted

*The policy on the Management of Council owned property is deemed to be Stellenbosch Municipality's disposal management System.

6.3.1.2 Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act.

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Such agreements may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comment.

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

Seeing that the Bowling Club is a sporting body, and seeing that they are responsible for the upkeep of the grounds, and taking into account the high prices in Franschhoek, it is recommended that they be responsible for 10% of market rental, to be determined by an independent valuer.

6.5 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted, except the income that will derive from the rentals.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

The initial contract was not considered by this council.

6.7 Risk Implications

The risks have been addressed in the item.

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

Supports the recommendations

No other comments received

ANNEXURES:

APPENDIX 1: Application

APPENDIX 2: Old rental agreement

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	2020 – 08 - 03

APPENDIX 1



Franschoek Rolbal Klub

Lambrechts str

Franschoek

7690

Aan wie dit mag gaan:

Hiermee wil ons as Franschoek Rolbalklub ons huur kontrak met die Stellenbosch Munisipaliteit net weer vir die volgende bepaalde tydperk hernieu.

Die Rolbal klub bied vir Franschoekers `n uitstekende geleentheid om `n sport binne hulle gemeenskap te kan beoefen.

Ons as Rolbal klub sal graag wil vra dat die huur wat gehou word, minimaal gehou word omdat die instandhouding van die veld en gebou deur die klub befonds word.

By voorbaat dank

Gerrit vd Walt

Voorsitter

APPENDIX 2

HUUROOREENKOMS

tussen

MUNISIPALITEIT STELLENBOSCH

en

FRANSCHHOEKSE ROLBALKLUB

VERHUUR VAN GEDEELTE VAN

ERF 23, FRANSCHHOEK

Handwritten signature and initials in the bottom right corner of the page.

OOREENKOMS VAN VERHUUR aangeaan deur en tussen

DIE MUNISIPALITEIT VAN STELLENBOSCH

hierin verteenwoordig deur PETRUS DU PLESSIS SMIT in sy hoedanigheid as Direkteur: Korporatiewe Dienste, behoorlik daartoe gemagtig om namens en ten behoeve van die Raad van die genoemde Munisipaliteit (hierna genoem die "verhuurder") aan die een kant en

DIE FRANSCHHOEK ROLBALKLUB

hierin verteenwoordig deur JAN KOTTER in sy hoedanigheid as VOORSITTER en handelende as sulks namens en ten behoeve van genoemde Klub (hierna genoem die "huurder") aan die ander kant.

NADEMAAL die huurder 'n aansoek gerig het aan die verhuurder vir die huur van die stuk grond (hierna genoem "die grond") "A" aangetoon op die aangehegte plan gemerk aanhangsel "A" vir 'n tydperk van 9 jaar en 11 maande vir die doel om 'n rolbalbaan aan te lê en bypassende geboue op te rig.

EN NADEMAAL die verhuurder toegestem het om die gesegde grond aan die huurder te verhuur.

NOU DERHALWE WORD HIERMEE OOREENGEKOM:

dat die verhuurder, ingevolge die magtiging aan hom verleen by die Kaapse Munisipale Ordonnansie, nr. 20 van 1974, soos gewysig, hiermee toestem om te verhuur en die huurder hiermee toestem om te huur die gesegde grond op die volgende voorwaardes:

1. Die huur sal vir 'n tydperk van 9 jaar en 11 maande wees gereken vanaf 01 Oktober 2003.
2. Die huurder sal aan die verhuurder 'n huurgeld van Eenhonderd en twintig Rand (R120.00) per jaar ten opsigte van die grond betaal, welke huurgeld jaarliks vooruitbetaalbaar sal wees teen nie later as 30 Oktober van elke jaar. Die huurgeld sal jaarliks teen 10% eskaleer.
3. Hierdie huur sal in alle opsigte onderhewig wees aan die bepalings van die Kaapse Munisipale Ordonnansie, nr 20 van 1974, soos gewysig.
4. Hierdie huur sal onderworpe wees aan alle serwitute en voorwaardes, indien enige, wat bindend op die Raad is ten opsigte van die grond.
5. Die grond en sodanige geboue en ander strukture wat bestaan of wat ooreenkomstig die bepalings van hierdie ooreenkoms opgerig mag word sal gebruik word slegs vir die genoemde doel. Die Raad sal die reg hê om die gebruik van die grond, geboue en strukture te beperk gedurende sodanige ure en vir sodanige doeleindes as wat hy dit raadsaam mag ag.
6. Die huurder sal nie sy regte onder hierdie ooreenkoms oormak nie of 'n gedeelte van of die hele stuk grond onderverhuur nie, uitgesondered met die vooraf skriftelike toestemming van die verhuurder gegee onder die handtekening van die Munisipale Bestuurder.

[Handwritten signatures]

7. Die huurder sal nie enige geboue en/of strukture op die grond oprig, of laat oprig nie, sonder die vooraf skriftelike toestemming van die verhuurder gegee onder die handtekening van die Munisipale Bestuurder, of enige verbeterings of toevoegings aanbring aan enige geboue of strukture wat bestaan of wat opgerig mag word ooreenkomstig die bepalinge van hierdie ooreenkoms nie of enige aansienlike afwykings of veranderings aan die grond aanbring nie, sonder die vooraf skriftelike toestemming van die verhuurder gegee onder die handtekening van die Munisipale Bestuurder.
8. Toegang tot die grond deur die huurder of persone wat dit gebruik met sy magtiging sal slegs langs sodanige paaie en ingange of op sodanige punte wees as waartoe skriftelik ooreengekom mag word deur die verhuurder en huurder.
9. Die huurder sal nie enige omheinings, geboue en/of strukture wat op die grond is of hierna opgerig mag word gebruik of toelaat om gebruik te word vir die vertoning van kennisgewings of advertensies van enige beskrywing hoegenaamd nie.
10. Geen bome wat op die grond groei sal afgekap of mee ingemeng word nie sonder die vooraf skriftelike toestemming van die verhuurder gegee onder die handtekening van die Munisipale Bestuurder.
11. Die huurder sal te alle tye verantwoordelik wees vir die bewaring van goeie orde, gedrag of beheer op die grond en binne enige geboue en/of strukture daarop en sal nie toelaat dat dit besoek word deur persone van slegte reputasie of karakter nie.
12. Die huurder sal nie enige grond, klei, gruis, sand of ander materie op of onder die oppervlakte van die grond verwyder of laat verwyder of toelaat om te verwyder nie, sonder die vooraf skriftelike toestemming van die verhuurder gegee onder die handtekening van die Munisipale Bestuurder.
13. Die huurder onderneem om te alle tye die grond en alle geboue, omheinings en strukture daarop in 'n goeie toestand te hou en om dit geskik te hou vir die doel van die huur, daar die doel van hierdie huur is om deur middel van die klub by te voeg tot die aantreklikhede van die omgewing.
14. Die verhuurder mag te alle tye deur sy amptenare en werknemers op die grond of enige geboue of strukture daarop opgerig betree en dit ondersoek en mag 'n opname neem van alle gebreke of sake wat herstel vereis waarvoor die huurder verantwoordelik is soos hierin bepaal en binne 14 dae na ontvangs van 'n skriftelike kennisgewing van die Munisipale Bestuurder waarin hy versoek word om dit te doen moet die huurder alle gebreke of sake wat herstel vereis herstel en indien die huurder versuim om dit te doen mag die verhuurder die grond, geboue en strukture betree en sodanige gebreke herstel en die bogenoemde herstelwerk uitvoer en die koste van die huurder verhaal.
15. Die verhuurder behou die reg voor van vrye toegang, sonder kennisgewing, tot die grond vir soveel van sy amptenare en werknemers as wat nodig mag wees vir die doeleindes van inspeksie, instandhouding, hernuwing, skoonmaak, herstel en herbou van, of in verband met vuil dreineringswerke, waterpype, vloedwatervore, elektriese kables of enige ander bybehorende werke of ten opsigte van enige sodanige of ander munisipale dienste wat die verhuurder in die toekomst in of oor die grond mag lê en die verhuurder behou die reg voor om sodanige dienste sonder kennisgewing daar te stel. Die huurder sal nie oor sodanige dienste bou of dit verander of op enige wyse dit versteur nie, tensy met die uitdruklike skriftelike toestemming van die Ingenieur of sy uitvoerende amptenaar ten opsigte van die betrokke diens en met behoorlike voldoening aan enige uitdruklike voorsorgmaatreëls. Indien enige werk wat instandhouding, opruiming,

- konstruksie, rekonstruksie of herstel meebring, nodig word, moet die verhuurder tydens die uitvoer van sodanige werk so min moontlik ongerief aan die huurder veroorsaak, inagnemende die aard van die werk en die verhuurder sal die versteurde grond so na aan die oorspronklike toestand as redelik moontlik herstel, met dien verstande dat die verhuurder nie aanspreeklik sal wees vir enige skade hoegenaamd wat opgedoem mag word deur die huurder as gevolg van die uitvoering deur die verhuurder van genoemde werke nie.
16. Indien die huurder ontbind of ophou om te bestaan op enige tydstip binne die tydperk van genoemde 9 jaar en 11 maande sal hierdie huurkontrak nietig word. In hierdie geval of by verstryking van hierdie huur sal die grond, geboue en strukture en enige verbeterings daarop aangebring deur die huurder, terugval na en berus by die verhuurder sonder betaling van enige vergoeding hoegenaamd of indien die verhuurder verkies mag die huurder toegelaat word om sodanige geboue en/of strukture wat deur die huurder uit sy eie fondse op die grond ooreenkomstig hierdie ooreenkoms opgerig mag gewees het, te verwyder.
 17. Die huurder, onderneem om vir die duur van hierdie huur die geboue en strukture wat opgerig mag word op die grond ooreenkomstig hierdie ooreenkoms teen skade of verlies deur brand te verseker vir sodanige bedrag of bedrae as wat die verhuurder van tyd tot tyd mag vereis en die huurder moet sodanige versekeringspolis aan die verhuurder sedgeer en die jaarlikse hernuwingskwitansies aan die Munisipale Bestuurder voor of op die vervaldatum elke jaar stuur.
 18. Die huurder kom ooreen met die verhuurder dat die huurder die huurgeld soos hierbo vermeld sal betaal en onderneem ook om getrou elke voorwaarde van hierdie ooreenkoms na te kom en uit te voer en in geval die huurgeld nie binne 30 dae vanaf die datum waarop dit verskuldig word betaal is nie, of die gesegde grond, omheinings, geboue en strukture voornoem nie in 'n behoorlike toestand van herstel en 'n goeie toestand van herstel gehou word nie, of ingeval enige of almal van die voorwaardes van hierdie ooreenkoms nie nagekom en uitgevoer word ooreenkomstig die ware doel en betekenis daarvan nie, sal die verhuurder geregtig wees om die huurkontrak te kasselleer en nietig te laat verklaar en om die grond, omheinings, geboue en strukture voornoem en enige ander verbeterings daaraan of daarop aangebring weer te betree en in besit te neem, sonder betaling van enige vergoeding vir enige verbeterings aangebring deur die huurder en sonder benadeling van die reg om enige verskuldigde huurgeld in te vorder en om van die huurder sodanige bedrag ten opsigte van verlies of skade as wat gelyk mag gewees het te verhaal of uitgawes wat die verhuurder sal moet aangaan as gevolg van die versuim van die huurder om die voorwaardes van die ooreenkoms na te kom en uit te voer.
 19. Die huurder sal by die beëindiging van hierdie huur die gesegde grond, geboue en strukture en verbeterings daarop vir die verhuurder in 'n bevredigende toestand tergugee en oorhandig.
 20. Die huurder onderneem dat hy die elektrisiteitsvoorsieningsvoorraad wat hy nodig het vir die beligting van sy geboue en grond en die watervoorraad vir sodanige geboue en grond van die Raad deur meters sal neem. Enige kostes daaraan verbond word deur die huurgeld gedek soos bepaal word in klousule 2.
 21. Die huurder onderneem hierby om die verhuurder te vrywaar en gevrywaar te hou teen alle gedinge, stappe, eise en vorderings, koste, skadevergoeding en uitgawes wat gehof, gebring of gemaak mag word teen die verhuurder of wat die verhuurder

mag betaal, opdoen of aangaan as gevolg van enige nalatige handeling aan die kant van die huurder, sy werknemers of persone wat onder sy beheer handel.

Die huurder stel hierby onherroeplik vir alle doeleindes van en in verband met hierdie huur Hugeneteweg 32, Franschhoek, 7690 om die domicilium citandi et executandi van die huurder te wees en die diening van enige kennisgewing of enige geding op genoemde plek gerig aan die huurder sal beskou word as voldoende gedien te gewees het op die huurder. Enige regsgedinge teen die huurder mag na gelang die verhuurder mag verkies, aanhangig gemaak en gevoer word in die hof van die magistraat te Paarl en toestemming tot enige vermeerde jurisdiksie benodig vir daardie doel word hierby deur die huurder gegee. Vir die doel van enige regsgeding teen of in verband met die huurder sal die President beskou word om in alle opsigte die wettige verteenwoordigers van die huurders te wees, en mag dienooreenkomstig gedagvaar of vervolgd word. Die huurder sal gebind word deur alle gedinge wat teen hulle ingestel mag word as sy verteenwoordigers, agente, bediendes of lisensiehouers.

23. Nieteenstaande enige bepaling in hierdie ooreenkoms vervat mag die verhuurder herbesit neem van die hele of enige gedeelte van die grond te eniger tyd nadat drie maande skriftelike kennisgewing te dien effekte gegee is indien dit benodig word vir enige munisipale of regeringsdoeleindes en mag die huur dienooreenkomstig gekanselleer of gewysig word. In enige van hierdie gevalle mag die verhuurder aan die huurder, nadat onversteurde besit van die grond aan die verhuurder gegee is vergoeding betaal vir verbeterings aangebring op die grond deur die huurder, met dien verstande dat indien slegs 'n gedeelte van die grond weer in besit geneem word en dit is van so 'n grootte dat die orige gedeelte volgens die mening van die huurder nie van volgoende grootte is vir die doeleindes waarvoor die grond verhuur is nie, sal die huurder die opsie hê om die huur te kanselleer en om vergoeding te eis ten opsigte van die verbeterings aangebring op die orige deel van die grond. Die vergoeding ooreenkomstig hierdie voorwaardes sal betaalbaar wees slegs vir verbeterings aangebring deur die huurder uit sy eie fondse en nie vir verbeterings aangebring uit fondse voorsien deur die verhuurder nie en slegs vir verbeterings wat werklik bestaan op die tydstip waarop die huur gekanselleer of gewysig is. Die verhuurder behou die reg voor om in sy absolute diskresie te besluit vir welke verbeterings hy vergoeding sal betaal ooreenkomstig hierdie voorwaardes en geen vergoeding sal in enige geval betaalbaar wees nie tensy die huurder binne 1 maand na voltooiing van sodanige verbeterings 'n gewaarmerkte staat wat aantoon die werklike kapitale koste daarvan by die verhuurder ingehandig het nie. Die verhuurder sal geregtig wees, indien hy verkies, om die huurder se boeke te inspekteer ten einde die staat te verifieer. Vergoeding ooreenkomstig hierdie voorwaardes, indien betaal sal volgens die volgende formule bereken word:

CX

Y

waar C gelykstaan aan die kapitale koste van die verbeterings, X aan die getal kalendermaande tussen die datum van herbesitname deur die verhuurder ooreenkomstig hierdie voorwaarde en die verstryking van die tydperk waarna verwys word in klousule 1 hiervan en Y gelykstaan aan die kalendermaande

tussen die datum van voltooiing van die verbeterings en verstryking van die tydperk waarna verwys word in klousule 1 hiervan.

24. Die verhuurder sal ter eniger tyd die reg hê, deur middel van die Direkteur: Finansiële Dienste om insae te hê in die boeke, rekenings, rekords, ens gehou deur die huurder en die huurder sal jaarliks finansiële state voorlê aan die Direkteur: Finansiële Dienste.
25. Die huurder mag nie die grond wat hierby verhuur word, onredelik van ander persone of organisasie weerhou of tot nadeel van ander persone of organisasies gebruik nie.

 \$

ALDUS GEDOEN EN GETEKEN TE STELLENBOSCH OP HIERDIE

9 de DAG VAN Oktober 2003

GETUIES

1. 

2. 



namens VERHUURDER

ALDUS GEDOEN EN GETEKEN TE FRANSCHHOEK OP HIERDIE

6 DAG VAN Oktober 2003

GETUIES

1. 

2. 



namens HUURDER

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
-----	--

NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
-----	--

7.5.1	B/SM 91/18 SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING
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Collaborator No:

692313

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 September 2020

1. SUBJECT: B/SM 91/18 SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING

2 PURPOSE

To obtain the necessary approval to extend the scope of work of tender BSM 91/18 to allow for additional work required to comply with STS Association requirements. The latter is to avoid Token Identifier(TID) Rollover on the 24 November 2024.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd in October 2018 for a period of two(2) years, nine(9) month ending June 2021 to supply install and management of STS compliant prepayment electricity vending. Part of the scope of work to do be done by Syntell is to do audits on all electricity prepayment and credit meters. Auditing of meters requires Syntell to have a team that will be visiting all addresses where municipal meters is install to check the status of each meter and provide a report to the municipality on any findings.

An additional work is required for Syntell Pty to do TID Rollover services where each and every household or business with an electricity prepaid meter will be visited by trained personnel to enter into the meter a special set of tokens that will reconfigure TID rollover ready therefore elemenating the risk of the meter not accepting tokens purchased post 24 November 2024.

The Department; Electricity Services, opted not to follow SCM process because it is not financially viable to appoint another service provider that will be doing house to house visits, whereas there is a service provider that is doing meter audits of all prepayment meters. If another, service provider is appointed the costs to do the service might be similar or more than the existing cost to audit meters provided that the new service provider will be adding fuel costs to come to Stellenbosch and personal cost to provide such service. Secondly, there is an urgency to start with the TID Rollover field work so that we will not be behind schedule and complete the work in time.

An attempt to have the additional work approved using a deviation was done. However the Bid Adjudication Committee advised that MFMA section 116(3) be the process to be followed to have the request approved, hence the department is following the route of MFMA section 116(3).

5. RECOMMENDATIONS

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 30 (VAT exclusive) to be added to the current audit amount of R 216.96 (VAT exclusive) per meter, in favour of Syntell (Pty) Ltd, be approved.

6. DISCUSSION / CONTENTS

6.1. Background

Syntell (Pty) Ltd was appointed in October 2018 through bid number B/SM 91/18 for a period of two (2) years, nine (9) months ending June 2021 to supply install and management of STS compliant prepayment electricity vending. Part of the scope of work to do be done by Syntell is to do audits on all electricity prepayment and credit meters. Auditing of meters requires Syntell to have a team that will be visiting all addresses where municipal meters is installed to check the status of each meter and provide a report to the municipality on any findings.

As from the middle of 2019 Standard Transfer Specification (STS) Association, an independent organization that regulates the electricity prepayment meters and vending systems, announced that by 24 November 2024 all STS compliant prepayment meters will run out of token combinations, therefore meaning that any token purchased thereafter will be rejected by the meter. To remedy the situation all STS members, of which Stellenbosch Municipality is one of, were advised by the STS association to;

- (a) Upgrade their vending systems to STS version 2. This has been done.
- (b) Change the base date of all STS prepayment meters to 1 January 2014, which will push the TID Rollover to 2053. This process requires that a special set of tokens be entered into all STS prepayment meters and Stellenbosch Municipality still needs to do this.

6.2 Discussion

The scope of work in which Syntell is appointed under contract number B/SM 91/18 does not include work to be done in preparation of the Token Identifier (TID) Rollover. TID Rollover process involves house to house visits by skilled personnel, establishing a separate TID Rollover call centre and implementation of phase approach. Syntell is currently the service provider that do meter audits for Stellenbosch Municipality at a cost of R216.96 per meter. Syntell has since provided a cost to do work associated with TID Rollover at an additional cost of R30 VAT exclusive per meter, bringing the total cost to audit and provide a TID rollover service to R246.96 VAT exclusive. It is our opinion that using the current service provider will make economic sense than procuring another service provider.

Stellenbosch Municipality has a meter base of about 28 350 prepayment meters, which we anticipate to complete the TID configuration by 2023.

Therefore the purpose of this memorandum is to get approval to include the additional work of doing the TID Rollover services, to the existing tender number B/SM 91/18's scope. Syntell has submitted a formal quotation to provide such a service and is attached to this memo.

To avoid deviation of similar nature in future, the department will incorporate the TID Rollover services into the new prepaid vending specification for a new contract to start at 1 July 2021.

The intention to follow a Section 116(3) process was advertised under Notice 33/2020 in the local newspaper, Eikestad Nuus on 30 July 2020 with closing date on 13 August 2020 (**ANNEXURE B**). No comments were received from the public (Annexure D). Council to take note that the advertisement was published during the extended Level 3 lockdown period.

6.3. Financial Implications

Additional funding will be available from UKey number 20190703005946 on the 2020/21 budget, equating to an additional amount per meter, indicated in the table below.

Sweep audit amount per meter (VAT exclusive)	R 216.96
Additional amount per meter for TID Rollover (VAT exclusive)	R 30
New total amount per meter (VAT exclusive)	R 246.96
Total additional amount based on 28 350 meters currently (VAT exclusive)	R 850 000.00

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

Not applicable

6.7 Risk Implications

If the work associated with the TID rollover is not done by the municipality before 24 November 2024, all electricity pre-payment users will be at a risk of having their electricity meters rejecting any electricity tokens purchased there after.

6.8 Comments from Senior Management:

In order

6.8.1 Director: Infrastructure Services

Author of this report

ANNEXURES

Annexure A: Appointment Letter

Annexure B: Advertisements for S116 as advertised

Annexure C: Current Service Provider quote for additional work

Annexure D: Proof - No Objections received

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	13 August 2020

ANNEXURE A



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

SUPPLY CHAIN MANAGEMENT UNIT

Enquiries: Ms G Mettler E-mail scm.appeals@stellenbosch.gov.za Ref: 6/1/1 Tel: (021) 808 8025 Fax: (021) 886 6749

As per fax: 086 239 8061

As per email: zahir@syntell.co.za

Attention: Mr Zahir Lalla

SYNTELL (PTY) LTD

P. O. Box 30298

Tokai

Cape Town

7966

Dear Sir/Madam

BID: B/SM 91/18: SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING.

Stellenbosch Municipality has accepted your offer dated **18 May 2018**, supply, installation and management of STS compliant prepayment electricity vending, subjected only to the terms and conditions embodied in the Tender specifications and the general conditions of contract.

Please note the above provisions will run concurrently from the date of notification of the decision.

If there is any uncertainty regarding the scope of work, it should be addressed as soon as possible. Please liaise with **Victor Dyusha** at the following number **021 808 8341**.

Yours faithfully


.....
pp Financial Services
Municipal Manager


.....
Date

ANNEXURE B



Home gets a spring-clean

Shofar Cloeteville, together with the organisation United in Christ, are grateful to Proto Cleaning Services for the kind gesture of cleaning 40 rooms at Huis Ebenhaeser in Cloeteville as part of their Mandela Day initiative. All the rooms were deep-cleaned, and management was given the necessary essential equipment that will assist the old-age home in the fight against the Covid-19-pandemic.

Violist wins scholarship

Student violist Uliana Alekseev, who is fast becoming a musical sensation in South Africa, has been awarded a coveted 10-day job-shadow scholarship by the management of the Stellenbosch International Chamber Music Festival (SICMF).

Although the festival will not take place for the first time in 17 years, the festival management decided to grant the scholarship, first awarded in 2013 and valued at R45 000.

It provides the means for a deserving student to travel internationally to the place of work or residence of a Stellenbosch International Chamber Music Festival (SICMF) faculty member, engaging in lessons, rehearsals, recording sessions and the daily life of the member for 10 days.

Alekseev, a student of Paula Gabriel at the South African College of Music, has won numerous awards as both soloist and chamber musician. She also performed as a soloist with the Cape Town Philharmonic Orchestra at its annual Youth Music Festival in September 2018.

The scholarship recipient attended the SICMF in both 2016 and 2018, making her

eligible for this year's award.

SICMF faculty members Gareth Lubbe and Alissa Margulis, both of whom teach at the Folkwang University of the Arts in Essen, Germany, have undertaken to mentor Alekseev for the duration.

This most dedicated of young music students is also pedigreed in the music arts. She the daughter of Cape Town-based violinist Farida Bacharova, herself a faculty member of the SICMF.

Festival director Peter Martens says: "Whereas the concerts and daily activities of the SICMF over a period of 10 days each year are truly sensational, it is the plethora of instruments, sheet music and accessory donations, connections made and international study scholarships that see the reach of the SICMF extend well beyond a mere 10 days each year."

Loyal patrons can still log on to the website www.sicmf.co.za to watch last year's concerts in anticipation of the 17th edition of the SICMF, which will take place in July 2021.



Uliana Alekseev

Eatery partners with SFC on local feeding schemes

True to their ethos of sharing more, and to honour Madiba's legacy of *ubuntu*, take-away and eatery Hungry Lion helped feed the children of Stellenbosch by supporting the Stellenbosch Football Club's (SFC) feeding schemes in various areas around Stellenbosch.

SFC, with Hungry Lion, turned Mandela Day into a weekend of two days of giving on 17 and 18 July. The local police station, health clinic and municipality were also treated to Hungry Lion meals in a gesture of gratitude for keeping the community safe and healthy.

Chief Marketing Officer for Hungry Lion, Tashalene Reid, explained: "We

are so grateful to make a contribution to Stellenbosch Football Club's ongoing community projects. By doing so, we are able to put our share more principle into action"

To honour Madiba's legacy of showing compassion for others, Hungry Lion also donated essential items to the Stellenbosch Night Shelter.

"Mandela Day is an opportunity for all South Africans to give back to our local communities," Reid said. "Covid-19 has become part of our daily lives, so having access to masks and soap is a necessity, and we were so happy to be able to help the residents of the shelter in this way."



The Stellenbosch Football Club, with Hungry Lion, turned Mandela Day into a weekend of two days of giving on 17 and 18 July.

Leerders doen ook hul deel vir Madibadag



As deel van Mandeladagvieringe het personeel en leerders van die Hoërskool Cloeteville 1 000 toebroodjies aan StellSorg geskenk. Die skoolhoof, Dorian Meyer, oorhandig die skenkings aan Charlene Meiring van StellSorg.



Leerders van die Hoërskool Cloeteville berei die toebroodjies voor.



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE 33/2020

NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL PTY LTD (B/SM 91/18) FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING

Notice is hereby given in terms of Section 116 (3) (a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that it is the intention of Stellenbosch Municipality to amend the existing contract:

Number: B/SM 91/18

Description: AMENDMENT TO THE TENDER AWARDED FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS ASSOCIATION'S COMPLIANT PREPAYMENT ELECTRICITY VENDING

Service Provider: SYNTELL (PTY) LTD

Reasons for the proposed amendment: To amend the current contract period to extend the scope of work for BSM 91/18 to allow for additional work required to comply with STS Association's requirements to avoid Token Identifier (TID) rollover on 24 November 2020.

The original approved scope and value of tender will be amended.

Notice is hereby further given in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the local community and interested/affected parties are invited to submit comments or representations to the Municipality in respect of the above, such comments or representations must be received within 14 days of advertisement via electronic mail to the e-mail address provided below, or be delivered to the undersigned to the mailing address provided hereunder. Persons who are physically disabled or who cannot read or write but wish to participate in the process, may come during office hours to the Municipal Offices, Supply Chain Department, Plein Street, Stellenbosch where a staff member will assist that person to transcribe that person's comments or representations.

Comments and/or representations must be submitted to the following email address: s116.contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 91/18: COMMENTS ON NOTICE OF AMENDMENT TO THE TENDER AWARDED FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS ASSOCIATION'S COMPLIANT PREPAYMENT ELECTRICITY VENDING"

The closing time for the submission of representations and/or comments must be received by **13 August 2020 at 12:00**. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:

Name & Surname: Victor Dyusha
Telephone Number: Email enquiries only
E-mail address: victor.dyusha@stellenbosch.gov.za
Physical address: Stellenbosch Municipality
Department: Infrastructure Services (Electrical Services)
Ecclesia Building
1st Floor
Plein Street
Stellenbosch
7600

Geraldine Mettler
Municipal Manager

ANNEXURE C

Tel: +27 21 204-6200
 Fax: 0865 397 504
 e-mail: ettiene@syntell.co.za
 Web: [http:// www.syntell.co.za](http://www.syntell.co.za)

01 November 2019

Stellenbosch Municipality
 71 Plein Street
 Ecclesia Building
 Stellenbosch
 7600

Dear Mr V. Dyusha

Re: Token Identifier Rollover Programme Pricing

Syntell is able to assist Stellenbosch Municipality with a key change token field audit process by generating and entering a special pair of TID rollover Key Change Tokens into each meter changing the current STS5 key to a new STS6 key.

	Meter base	Per Meter
Token Identifier Rollover	26 000	246,96

Please Note: This is an additional R30 to the current audit pricing and our comprehensive TID programme includes the following:

Stellenbosch meter knowledge base (meter sampling)
 Custom call centre operations
 Field work tools
 Customer marketing campaign
 Skilled resources (Project managers, field engineers, contact centre support staff, etc)
 Business processes
 Implementation phased approach.
 Comprehensive reporting
 Weekly management updates

Syntell will work closely with the Stellenbosch Municipality approved meter installer.

Yours faithfully

Zahir Lalla
 General Manager
 for **SYNTELL (PTY) LIMITED**

Silvia Pretorius

From: Ettiene Thomas <ettiene@syntell.co.za>
Sent: Monday, 22 June 2020 12:53
To: Victor Dyusha
Subject: [EX] RE: TID Rollover Programme Pricing

Hey Victor

I trust that you are well.

I hereby confirm that our pricing proposed for the TID rollover remains the same as indicated in our proposal.

Please also advise on the way forward regarding the PO. We have started auditing in other areas and would like to start in Stellenbosch as soon as possible.

Please also advise if the PO will now include the TID work.

Feel free to contact me if you want to discuss.

Thanks

From: Ettiene Thomas
Sent: Friday, 01 November 2019 6:25 AM
To: 'Victor Dyusha' <Victor.Dyusha@stellenbosch.gov.za>
Subject: TID Rollover Programme Pricing

Hi Victor

Trust that you are well.

Please find attached TID pricing as requested.

Please feel free to contact me if you have any concerns.

Thank you

Ettiene Thomas
Business Development Manager – Networks
Syntell (Pty) Ltd

Mobile: +27 83 2948 332
Office: +27 21 204 6306
Fax: +27 21 710 2283

www.syntell.co.za

www.paycity.co.za - *for connected citizens*

Confidentiality: This message is intended for the addressee only and contains privileged and confidential information. Should the reader hereof not be the intended recipient, kindly notify us immediately by return e-mail and delete the original message.

Please consider the environment before printing.

ANNEXURE D

Silvia Pretorius

From: Levita Pool
Sent: Thursday, 13 August 2020 13:18
To: Silvia Pretorius
Cc: Victor Dyusha
Subject: RE: S116(3) NOTICE 33/2020 (SYNTELL - BSM 91/18)

Good day Silvia,

No comments or any other inputs received.

Kind regards,

Levita Pool

*Supply Chain Management
Financial Services*

T: +27 21 808 8721 • F: +27 21 886 6903
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

From: Silvia Pretorius [mailto:Silvia.Pretorius@stellenbosch.gov.za]
Sent: Thursday, 13 August 2020 13:17
To: Levita Pool
Cc: Victor Dyusha
Subject: S116(3) NOTICE 33/2020 (SYNTELL - BSM 91/18)

Good day Levita

Please confirm whether any comments/input were received on Notice 33/2020 - AMENDMENT TO TENDER AWARDED TO SYNTELL PTY LTD BSM 91/18) FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING.

The notice was published on 30 July 2020 in the Eikestad Nuus with closing dated/time : 13 August 2020 at 12h00.



Silvia Pretorius

Manager: Support Services

Infrastructure Services

T: +27 21 808 8261 | C: +27 82 940
3061 **WHATSAPP: +27 76 951 0768**

Plein Street, Stellenbosch, 7600

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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7.7.1	REPORT ON THE STATUS UPDATE OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS
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Collaborator No: 691709
IDP KPA Ref No: Good governance and compliance
Meeting Date: 16 September 2020

1. SUBJECT: REPORT ON THE STATUS UPDATE OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS

2. PURPOSE

To present a status update of the situation with respect to the backlog in the processing of the land use applications.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred historically over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 151 (previously reported as 146) to 29 applications. Of the 151 backlog applications, 122 Professional Planning assessment reports have been finalised and 88 decisions have already been taken and communicated to the applicants.

5. RECOMMENDATION

that the current status in addressing the backlog in the processing of land use applications, **BE NOTED.**

6. DISCUSSION / CONTENTS

6.1 Due to a number of interventions, the following progress have been made since 1 February 2020 and through the lockdown period to address the backlog in the processing of land use applications:

- (a) A total number of 146 land use applications was previously identified as backlog applications as of 1 February 2020. Our consistent internal verification and auditing have since revealed that the the number of land use applications considered to be backlog, as of 1 February 2020, is 151.
- (b) A total number of 122 professional planning reports have been prepared to evaluate the land use applications.

- (c) Importantly, of the planning reports completed, a total number of 88 (at the time of the previous report it was 61) decisions have been taken and communicated to applicants.
- (d) A total number of 29 backlog applications are currently still in the system and needs to be evaluated.

It needs to be noted that the land use applications which were designated as backlog applications, were those applications which were finalised in terms of the required administrative processing as of 1 February 2020, and which were ready for evaluation and decision making.

6.2 Financial Implications

None

6.3 Legal Implications

None

6.4 Staff Implications

In terms of the Directorate: Planning and Economic Development strategy to address the backlogs and improve operational efficiencies moving forward it should be noted that the following human resource and operational related interventions are currently ongoing:

- Urgent recruitment of funded vacant posts.
- Review of land use staff job descriptions.
- Review of internal operating procedures.
- Development and implementation of a web-based application registration and tracking system (TPAMS = Town Planning Application Management System and BPAMS = Building Plan Application Management System).

6.5 Previous / Relevant Council Resolutions

2020-07-29: Progress report on backlog applications.

6.6 Risk Implications

Protracted delays in the processing and decision-making on land use applications lead to delays in income generating developments (income via application fees; scrutiny fees; development contributions; and resultant fees from property rates and service charges) that affect the long-term financial sustainability of the Stellenbosch Municipality. Furthermore, these delays have an adverse impact on the image of the municipality, especially as an investment destination. These delays also impact on the movement of private / investor money in the economy, which is ultimately the creator of much needed jobs.

RECOMMENDATION FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 5.2.1

that the current status in addressing the backlog in the processing of land use applications, **BE NOTED.**

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	stiaan.carstens@stellenbosch.gov.za
REPORT DATE	27 August 2020

7.7.2	FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD HELD ON 23 JULY 2020
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Collaborator No: 691656

IDP KPA Ref No: *Good Governance*

Meeting Date: 16 September 2020

1. SUBJECT: FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD HELD ON 23 JULY 2020

2. PURPOSE

To provide Council with a synopsis of the comments and inputs obtained during the webinar and by the communicated dated of 07 August 2020. The intention is to investigate the manner in which Council could assist businesses and industries to alleviate the impact of COVID-19 on their enterprises and 'kickstart' the economic revival process within the Stellenbosch Municipal Area through the compilation of an action plan.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 23 July 2020, Council held a webinar, Minutes attached as **APPENDIX 1**, at the behest of the Executive Mayor for the following purposes:

- Establish the impact COVID-19 had on all the economic sectors within the Stellenbosch Municipality, through inputs by representatives of the various economic sectors;
- Obtain further written comments from the economic sectors within Stellenbosch Municipality, on how Council could positively assist the revival of the economy within its constitutional mandate, and act as facilitator for matters not within the mandate of the municipality;
- Through these engagements and further discussions with relevant municipal departments determine whether these comments and / or inputs could be achieved as requested;
- Develop and action plan to ensure that, where possible, such interventions be implemented to assist the economic sector.

5. RECOMMENDATIONS

- (a) that Council takes note of the comments and / or inputs submitted during the webinar and the written submissions;
- (b) that the Department: Development Planning be authorised to through the Office of the Municipal Manager allocate point person(s) from each Directorate to investigate the submissions and compile an action plan, which must be submitted to the next Council Meeting; and

- (c) that as part of point (b) that engagement be held with the following sectors, through virtual meetings, and if required, in person engagements, on the following preliminary dates, schedule attached as **Appendix 3**:
- Tourism (Wine Industry, Events & Filming) – 04 September 2020
 - Manufacturing – 08 September 2020
 - Construction & Finance – 15 September 2020
 - Agriculture – 09 September 2020
 - Informal Sector – 10 September 2020
 - Education – 18 September 2020
- (d) that the Department: Development Planning compile a detailed proposed action plan, to be included in the Stellenbosch Municipality Economic Recovery Plan, which must be completed before end February 2021, and which must be submitted to Council for consideration, taking into account the financial, operational and risk implications by November 2020; and
- (e) that in the event 'quick' wins or responses are identified that such initiatives be brought to Council at the next Council Meeting and be documented as part of the proposed action plan, and where such interventions are delegated to the Municipal Manager, that such intervention be implemented and Council be notified accordingly.

6. DISCUSSION / CONTENTS

6.1 Comments / Inputs Received during the Webinar

Comment / Input Received	Departmental Response, if applicable	Suggested Mandated Directorate / Institution
Franschhoek Wine Valley (Reinher Behrens)		
Need to communicate consistently with communities and develop a more focused communication poster regarding COVID-19, as well as creating discussion groups, etc. in the village.	Noted and must be further discussed.	Section: Communications
Cost exemptions for Erecting Signage and clear Policy in respect of signage requirements.	Signage Policy has been approved by Council.	Department Development Planning & Directorate: Finance
Outdoor as a huge opportunity to leverage from a tourism and local employment point of view, particularly around the area of the Berg river dam	The Berg River Dam currently owned by the National Department of Public Works	Department: Development Planning

Request municipal support on a project called "Project Linkage". Linking Stellenbosch with Franschhoek and Paarl via mountain bike route.	Item was prepared, but must be circulated for comment the internal departments, as well as the broader residents within the Stellenbosch Municipality.	Department: Development Planning
It is critical to move away from food relief to food security. Has an indirect relationship with tourism? A small successful project has already been established. Its working and it is blueprint. Would really like to upscale it and request the municipality's assistance this respect.	Noted and must be further discussed.	Directorate: Community Services
Franschhoek they would like to keep their unique boutique interesting shopping alive and ensure the right people establish businesses in the Franschhoek area.	Must be further investigated.	Directorate: Planning & Economic Development
Retain the unique character and culture of Franschhoek and note applications being submitted within the Valley.	Must be further investigated.	Directorate: Planning & Economic Development
Allocation of traders at the Franschhoek Arts & Craft Market	Item submitted for noting purposes to MAYCO.	Department: Development Planning
Infrastructure upgrade to lure tourist	Clarity must be obtained i.r.o. what type of infrastructure.	Directorate(s): Engineering Services & Planning & Economic Development
Visit Stellenbosch (Jeanneret Momberg)		
Need for close collaboration by means municipal assistance and requirements	More clarity must be provided.	Department: Development Planning
Lobbying- continuing with the lobbying to get ban on alcohol lifted, open up tourism for local market.	Level 2 Restrictions lifted the alcohol ban.	Not applicable
Road signage – Need assistance with applications.	Signage Policy has been approved by Council.	Department: Development Planning
Rates and taxes particularly for accommodation to provide relief in terms of rates.	Need to be investigated.	Directorate(s): Finance, Engineering & Planning & Economic Development.
Business Plan – fast-track Channel for approvals- events, rezoning to reduce red tape and need flexibility in zoning scheme regulations.	Noted and must be further discussed.	Directorate(s): Planning & Economic Development and Community Safety
Attractive, safe and secure town – Tourists must feel safe. Address homeless and vagrants on the long run.	Noted.	Directorate: Community Safety
Parking a problem, no control and bus parking in town.	Noted.	Directorate: Engineering Services.
Huge disruption in employment; need employment matching & retraining of staff; support for NGOs in this regard.	Noted and Council's role with private sector must be clearly defined and discussed.	Directorate(s): Planning & Economic Development & Community Safety
COVID-19 safety is key for tourism-Stellenbosch leads with adoption of WTTC standards, and this must be communicated to the market.	Noted.	Department: Communications

Proudly Stellenbosch campaign- buy local, enjoy Stellenbosch as locals.	The Jobseekers Database is in the process of being populated by the Department: Development Planning.	Directorate(s): Development Planning & Finance (SCM)
Youth Entrepreneur (Fezile Ramncwana)		
Township business has stepped in to fulfil social needs within the community –doing shopping for residents as well as delivering food.	Noted.	Department: Community Services
There is an ongoing need for COVID-19 safety education within the community which the Municipality should guide.	Noted and will be further discussed.	Department: Community Services and Communication, WCG: Health & Community Services.
Community Investment Venture Holdings (REMGRO) (Raymond Ndlovu)		
Communication infrastructure is central to the new reality and the reality of the digital divide in South Africa impacts the way forward. Need to bridge this gap and enable small businesses to access the digital economy.	Comment noted.	Department: Corporate Services
Municipality must be responsive to applications for wayleaves and trenching.	Noted and will be further investigated.	Directorate(s): Engineering Services & Corporate Services
Municipality must provide accurate mapping of existing infrastructure to avoid damage and disruption to existing services.	Noted.	Directorates: Engineering Services & Planning & Economic Development.
Agricultural Society (Angelika van der Merwe)		
Grape producers have been in crisis prior to the pandemic.	Noted	WCG: Agriculture & Directorate: Planning & Economic Development
Agricultural realities - the requirements around COVID-19 safety and the alcohol ban.	Alcohol ban lifted as part of the Level 2 easy of the economy.	WCG: Agriculture & Directorate: Planning & Economic Development.
Climate Change and drought.	Noted.	Directorate(s): Engineering Services, Planning & Economic Development, Community Safety, and WCG
Decline in vineyard replanting, Incentives for vineyard establishment.	Noted will coordinate meeting between relevant role-players.	Department: Development Planning & WCG: Agriculture
Processes and delays to diversify economic activity on farms- zoning schemes and by-laws and development contributions to not be applied for new tourism activities on farms.	Research Zoning Scheme and MSDF	Directorate(s): Planning & Economic Development, Engineering Services & Finance.
Employment loss and difficulty to create new opportunities and the Municipality can help through creation of growth opportunities.	Noted.	Department: Development Planning
Sale and re-use of purified water.		Directorate: Engineering Services

There is close cooperation and engagement between agricultural industry role-players. This must include the close communications with the Municipality to discuss proposals and to do further investigations.	Noted will coordinate meeting between relevant role-players.	Directorate: Planning & Economic Development & WCG: Agriculture & DEA&DP.
Support optimal use of existing farm buildings and the effective use of vacant agricultural land.	Noted and will be investigated.	Directorate: Development Planning, and WCG: Agriculture & DEA&DP
Foundation Capital (Conrad Burke)		
See a sense of shared urgency to turn the economy around and old economy sectors such as construction and property development are not immune from the economic effects of the pandemic.	Comment.	
Developers want to be solution-driven and have identified some "Green Shoots"- have taken a hit in the commercial sector but see resilience in the residential sector and will play to this area.	Noted.	Directorate(s): Planning & Economic Development & Engineering Services.
Thankful for the rates and taxes holidays but are well aware of the impact that this has on Municipal budgets.	Positive comment.	Directorate: Finance
Immediate benefit from a Council perspective is economic development on serviced land, concerting assets into rates-generating entities with the accompanying job creation and economic stimulus.	Noted.	Directorate(s): Planning & Economic Development, Engineering Services & Finance.
Need creative thinking around the implementation of Development Contribution such as security upgrades to benefit the broader public.	Noted and this matter will be discussed with the relevant parties and coordinate by the Department: Development Planning	Directorate(s): Engineering Services and Planning & Economic Development
Council must enable developers to harvest low-hanging fruit on serviced land, leading to securing of jobs, creation of opportunities, and economic stimulus.	Noted.	Directorate(s): Engineering Services and Planning & Economic Development
Vacancies in the Planning Department have been well-filled- there has been good momentum throughout the lockdown.	Positive comment.	Municipal Manager & Directorate: Corporate Services
University of Stellenbosch (Lesley van Rooi)		
Stellenbosch University has established the University Business Continuity Structure- all major infrastructure projects continue as and where possible within the constraints of lockdown regulations.	Comment to note.	
The University was able to complete instruction for first semester, and will make up minimal lost time to complete second semester, and 9000 students- mainly post-grad- invited back for in-contact in-person tuition.	Comment to note.	
The university is supportive of local business and a buy local initiative. There has been a joint meeting on campus to link procurement to local business and buying local in general for extending into 2020/2021.	Comment to note.	Directorate(s): Planning & Economic Development (LED) & Finance (SCM)
The University continues support for local NGOs- an investment into the town.	Part of partnering initiatives in Stellenbosch Municipality.	All Directorates
Structures have been created to facilitate	Referring to the Mayor	All Directorates.

meetings with the Municipality and other partners due to the urgency of current circumstances.	and Rector Forum Meetings, and other meetings.	
Summary of the discussion points and comments sent by close of business 07 August 2020, copies attached as APPENDIX 2		
Issues of access to Municipal land were raised- specifically for making Municipal land available to emerging entrepreneurs.	Report to be submitted to Council during the August 2020.	Directorate(s): Corporate Services & Planning & Economic Development
Occupancy of informal trading that have been empty or under-utilized.	Allocation item completed and submitted to relevant delegated authority during August 2020.	Department: Development Planning
The role of technology in enabling economic development at ground level.	Noted.	Directorate(s): Corporate Services, Engineering Services & Finance.
Recovery assistance post-pandemic	More detail and clarity must be provided.	All directorates.
More efficient Municipal processes with specific reference to building control and land use applications as an economic stimulus. Reduce red tape)	Noted and will be investigated. Currently TPAMS and BPAMS have been developed is being tested by the relevant Department. The on-line system will be official launch during 2020.	Department: Development Management
Economic access and development opportunities for small business, and the role they can play in skills transfer to new entrants in the job market.	Noted and must be further discussed. Must be coordinated by Department: Development Planning	All of government, Coordinated by Department: Development Planning.
The issue of safety and security a thread running through all undertakings.	Noted.	Directorate(s): Community Safety & Planning & Economic Development
Active promotion of a Buy Local mindset.	The Jobseekers Database is in the process of being populated by the Department: Development Planning.	Directorate(s): Planning & Economic Development (LED) & Finance (SCM)
Temporary relaxation of selected regulations targeting to stimulate economic activity.	Noted.	Coordinated by Department: Dev. Planning (LED)
Access to financial support for events and entertainment industry.	Need to discuss with industry to be more specific on type of support	Department: Development Planning
Tourism is the core activity in Local Economic Development.	Comment noted.	Department: Development Planning
Need an action plan to pull the discussion together- must implement.	Outcome of this initiative	Department: Development Planning
Good to see different role-players uniting in discussion.	Positive comment.	All departments

The Department: Development Planning will through the Office of the Municipal Manager arrange sessions with the relevant directorates and government institutions to discuss and coordinate their initial inputs and arrange for the scheduling of sector specific engagements during the month of September / October 2020. A final report and proposed action plan will be submitted to Council by November 2020, which will include the implications on Council in respect of the finance, policy, etc. The action plan is specific to assist economic sectors with the recovery of the economy.

6.3 Financial Implications

The investigations and engagements will be done by the existing internal staff as far as possible, and should the need arise to appoint service providers, thus will be discussed at the Directors Meeting.

6.4 Legal Implications

The legal implications for Council will be highlighted through the engagements with the relevant departments, as there are a number of comments which may impact Council differently depending on the area of competence. Such legal impact may thus vary from policy deviations, to amendment or relaxations of bylaw stipulations, etc.

6.5 Previous / Relevant Council Resolutions

No current Council resolutions are applicable.

6.6 Risk Implications

At this stage, no risk has been identified, as Council has made no undertakings in respect of the requests and / or comments submitted. Council will duly investigate all proposals and duly evaluate such risks to Council.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2020-09-01: ITEM 6.1.1

During deliberations on the matter, the Chairperson requested the Administration to submit a report on the establishment of a database per sector at the next Planning and Economic Development Committee.

RECOMMENDATIONS FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.1.1

- (a) that Council takes note of the comments and / or inputs submitted during the webinar and the written submissions;
- (b) that the Department: Development Planning be authorised to, through the Office of the Municipal Manager, allocate point person(s) from each Directorate to investigate the submissions and compile an action plan, which must be submitted to the next Council Meeting;
- (c) that as part of point (b), an engagement be held with the following sectors, through virtual meetings, and if required, in person engagements, on the following preliminary dates, as per schedule attached as **APPENDIX 3**:
 - Tourism (Wine Industry, Events & Filming) – *04 September 2020*
 - Manufacturing – *08 September 2020*
 - Construction & Finance – *15 September 2020*
 - Agriculture – *09 September 2020*
 - Informal Sector – *10 September 2020*
 - Education – *18 September 2020*
- (d) that the Department: Development Planning compile a detailed proposed action plan, to be included in the Stellenbosch Municipality Economic Recovery Plan, which must be completed before end February 2021, and which must be submitted to Council for consideration, by November 2020, taking into account the financial, operational and risk implications; and
- (e) that in the event 'quick' wins or responses are identified, that such initiatives be brought to Council at the next Council Meeting and be documented as part of the proposed action plan, and where such interventions are delegated to the Municipal Manager, that such interventions be implemented and Council be notified accordingly.

APPENDICES

- Appendix 1: Minutes of Webinar held on 23 July 2020
- Appendix 2: Copies of written submission received by 07 August 2020
- Appendix 3: Preliminary Schedule for Engagement with Specific Economic Sectors

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Widmark Moses</i>
POSITION	<i>Manager: Local Economic Development</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8179</i>
E-MAIL ADDRESS	<i><u>Widmark.Moses@stellenbosch.gov.za</u></i>
REPORT DATE	<i>20 August 2020</i>

APPENDIX 1

Meeting Minutes

WEBINAR: STELLENBOSCH WC024 & COVID 19 – REALITIES, REMEDIES AND ROAD AHEAD Status

DATE OF MEETING: 23 July 2020 (Zoom)

ATTENDANCE: Business owners from the different economic sectors

APOLOGIES: None

Agenda

The Stellenbosch Network announce their platform and set rules	(2mins)
Director: Planning and Economic Development	(3mins)
Programme Director and briefly convey the agenda to the Webinar participants and explain how the Webinar will be run.	
Executive Mayor :Welcome and Setting the Scene:	(5mins)
Keynote 1: HOD or Delegate: Department of Economic Development & Tourism	(20mins)
Delegate / Stakeholder Input Session:	(60mins)
Tourism	
Tourism & Wine Industry	
Construction	
Agriculture	
Informal Sector	
Financial	
Education	
Municipal Manager Way forward, Thanks and Closure	(5mins)

Director:
Planning and
Economic
Development

- Focus of the engagement is "Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead"
- Purpose of the engagement is to solicit inputs as to what we should do differently in order to revive the economy of Stellenbosch municipal area since the municipality does not know everything and is not in control of everything.
- The engagement offers an opportunity for participants to raise suggestions and ideas as to what should of could be done differently to revive our local economy.

- Based on the inputs received the municipality will put together a draft action plan which will be shared with stakeholders for input and discussion.
- Not a once of engagement, there will be focus group discussions in the future
- Not a once of engagement, following this engagement more focused engagements to take place. Start of a long strategic partnership with all stakeholders

Executive
Mayor

"In the words of John Lennon written in the late 70's, "Nobody told me there would be days like these. Strange days indeed"

- Municipality has implemented some measures but it does not mean it is enough. There is now a much bigger task at hand
- Need to assist business. If not successful in assisting businesses to raise up again battle is lost.
- No magic wand to wave, there is a need to sit down and comprehend what need to be done
- Have to navigate our way through a reality of a very regulatory environment both local, national and international
- Stellenbosch Municipal area particular impacted by the consequences of travel and tourism restrictions as well as the devastated effects of the provision of alcohol sales which account for a huge amount of our direct and indirect local economy.
- Stellenbosch Municipality have more IQ per square kilometre than most cities in the world. We will find our competitive advantage and redefine our future both sustainable and equitable
- "Start Local, think local, do local" is the only solution
- Time for re-imagine the way we do business, burning on our history, world class experience, skills, committed people
- Municipality wants to listen, discuss, distil, formulate and then move to action.
- Need to understand your challenges and then draft a positive practical plan not a tick box exercise, a positive approach how to best deal with the situation.

Jo-Ann.
Johnson
(Acting HoD
Department
Economic
Development
& Tourism)

Take-away points specific to the Stellenbosch municipal economy:

- Key assumptions for tourism domestically and internationally in the economic modelling:
- Not allowed to trade under most of lockdown stages
- There will be no international travel for 6 months
- High degree of self-regulation among tourism customers or consumers.
- Opening up does not mean that tourist will come. Number will not just pick up after international flights are allowed
- There will be continued safety concerns until a vaccine is developed
- Decline in disposable income, due to source markets less money goes around. People travel to nearby destinations
- Change in how people do business- increasing shift to using digital platforms for communication, for conferences etc.
- Tourism the bigger loser of the pandemic – worst impacted sector
 - GVA losses would be nearly 70%
 - Unemployment losses nearly 50%

Informal Sector

- Second highly impacted is Informal Sector
- 90% less income, more job losses
- More competition due to the fact that more people tend to venture into this sector due to large unemployment

Stellenbosch

- Tourism, wine industry and agriculture is closely intertwined- agri-tourism and wine sales on farms.
- Stellenbosch GDP represents 0.4% of National GDP
- Economic growth has track the national growth path. Growth has been fairly flat over the last 3 to 4 years
- I.t.o job numbers – 80 000 people have employed and the unemployment rate was at 19.7%, relative to national which was at 28.2%
- Employment growth was fairly stagnant to a large extent
- In terms of sector composition manufacturing is relatively strong in Stellenbosch
- One would assume the agriculture composition is much bigger but it is not. What this talks to is that Stellenbosch municipalities is quite unique in having an entire value chain, drawing in part from agriculture right through to manufacturing which is a competitive advance that most other municipalities do not have.

- Stellenbosch GDP per employee is lower than the rest of the country
- The Stellenbosch literature rate is much higher than the rest of the country
- The Human Development Index is better than the rest of the country
- While the people under the poverty line in comparison to the rest of South Africa which is nearly 60% the Stellenbosch figure 48.4%. In comparison to the rest of the country Stellenbosch looks good, but when you actually consider that there is 50% of Stellenbosch residents that struggle to have proper nutrition and live below the upper poverty line – it should be a cause for concern
- Projections for Stellenbosch indicates a current GVA of 8.41% decline and 7.2% decline in employment. Cut out inflation the real decline in GVA will 9.81% and 8.6% in employment
- There will be a slight recovery in 2021 but again this is off the lower base
- Tourism will be impacted in terms of nett loss of 20.5% in GVA going forward
- Agriculture seems to be positive- it has managed to recover.
- Food security is a major concern
- There is a strong linkage between the bottling, manufacturing industry who is depended on farms and the wine, beverage space. This has not been factored in the GVA which could cause a more severe situation as what the figures mentioned demonstrate.
- Stellenbosch is blessed and have a number of strong institutions – wine, agricultural tourism and financial sector.
- The University of Stellenbosch adds quite a lot of GDP injections into the economy
- The above present opportunities major opportunities for growth simply because of the innovation present and how dynamic the municipality and residents are. The question how to capitalise on the above
- Part of the difficulty Stellenbosch faces is logistics and connectivity.
- The following should be considered if one wants to stimulate the economy:
 - DEDT started with an economic problem statement. Done a lot of naval gazing because of Covid-19
 - Developed a five-year plan looking at what needs to be done. Looking at structural issues and quick wins.
 - Covid has a forced us as a collective not to simple put bandages over some structural challenges - need to confront them head-on

- The problem statement looked at what was preventing economic growth and talks to firms and firm profitability. What prevents a firm to be profitable and allows businesses to invest or expand. This particular analysis was done. 42:53

Tourism: Reinher Behrens (Franschhoek Wine Valley Tourism)

Identified a few thoughts:

- Critical is the overall Covid safety
- Need to communicate consistently with communities
- Want to see a far more focused communication poster campaign in the village
- "If you drive into the village there are one or two posters of the Western Cape but no strong ongoing message that's been communicated to the community at large around Covid and obviously social distancing and all the other relevant input."
- Want to see more education on the ground, sharing of information in all the communities in the valley.
- Critical do that on an ongoing basis and not just rely on posters but also create discussion groups on the ground to really drive the message home of the importance of the safety campaign
- Law Enforcement involvement in a more positive way to support the education, to sensitize people and to support the awareness in terms of encouraging people rather than "penalising" people.
- Need to understand who should be approach to implement this request.
- Signage - Anything from erecting a sign outside the village and posters, possible cost exemptions. Were and how many allowed to erect.
- That is for them a very important part in going forward
- See outdoor as a huge opportunity to leverage from a tourism and local employment point of view, particularly around the area of the Berg river dam.
- Would really like to engage more constructively with the municipality to understand what, where and how the municipality can assist them
- Leverage national and provincial bodies involved in the Bergriver dam is a critical
- Request municipal support on a project called "Project Linkage". Linking Stellenbosch with Franschhoek and Paarl via mountain bike route

- Parts of the routes are already in place but another part is critical to make it a destination for cyclist which should also fit in with the Western Province's overall tourism strategies.
- It is critical to move away from food relief to food security. Has a indirect relationship with tourism. A small successful project has already been established. Its working and it is blueprint. Would really like to upscale it and request the municipality's assistance this respect.
- As doors open in Franschhoek they would like to keep their unique boutique interesting shopping alive and ensure the right people establish businesses in the Franschhoek area.
- Need the municipality's assistance as applications come into the valley
- Would like to sit down and work with the municipality to ensure that they keep their unique individual character and culture
- Need to know when will the trading spaces next to the town hall be filled.
- It is an opportunity to create employment and would like to see this project come to completion and respective traders appointed so that they could fill that corner up with a vibrant trading environment particularly over the weekend when a lot of guests come to Franschhoek
- What is critical is that in times like these it is important to upgrade the infrastructure.
- Need well-built infrastructure in order to lure tourist.
- Worked well together with the municipality in the past and would like to continue. That means also seeing how to manage the steady stream of outsiders coming into the valley. This is something that needs to put down on paper and be cognisance of and where necessary the municipality to assist them in their endeavour to lobby for different opportunities of opening certain businesses and where and how the municipality can assist them.
- Last is to establish working groups to follow up on these requests and create a constructive working groups that they can work together

Tourism & Wine Industry:
Jeanneret Momberg (Visit Stellenbosch)

- Need for close collaboration
- Municipal Assistance and Requirements:
- Lobbying- continuing with the lobbying to get ban on alcohol lifted, open up tourism for local market.
 - Road signage – Need assistance with applications

- Rates and taxes particularly for accommodation to provide relief in terms of rates
- Rates currently commercial and residential rates are requested temporarily. A channel is needed to discuss the above
- Business Plan – fast-track Channel for approvals- events, rezoning
- Attractive, safe and secure town – Tourists must feel safe. Address homeless and vagrants on the long run.
- Busy with a private initiative, and expanding it to a public private partnership
- Parking a problem, no control
- Bus parking in town
- Huge disruption in employment; need employment matching & retraining of staff; support for NGOs in this regard.
- Need to feed a channel where the employer and employees can meet
- Support NGO – lot of uncertainty in funding. Align with municipal plans to ensure sustainability
- Continue with work groups – Confirm moving towards integrated process with different sector and partners.
- Covid safety is key for tourism- Stellenbosch leads with adoption of WTTC standards, and this must be communicated to the market
- Proudly Stellenbosch campaign- buy local, enjoy Stellenbosch as locals.

Construction:
Conrad Burke
(Foundation
Capital)

- See a sense of shared urgency to turn the economy around.
- Old economy sectors such as construction and property development are not immune from the economic effects of the pandemic
- Developers want to be solution-driven and have identified some “Green Shoots”- have taken a hit in the commercial sector, but see resilience in the residential sector and will play to this area.
- Thankful for the rates and taxes holidays but are well aware of the impact that this has on Municipal budgets.
- Immediate benefit from a Council perspective is economic development on serviced land, concerting assets into rates-generating entities with the accompanying job creation and economic stimulus.
- Need creative thinking around the implementation of Development Contribution such as security upgrades to benefit the broader public.

	<ul style="list-style-type: none"> • Council must enable developers to harvest low-hanging fruit on serviced land, leading to securing of jobs, creation of opportunities, and economic stimulus. • Vacancies in the Planning Department have been well-filled- there has been good momentum throughout the lockdown.
<p>Agricultural Sector: Angelika van der Merwe (Agricultural Society)</p>	<p>Grape producers have been in crisis prior to the pandemic</p> <ul style="list-style-type: none"> • Agricultural realities- the requirements around Covid safety and the alcohol ban. • Climate Change and drought • Decline in vineyard replanting • Processes and delays to diversify economic activity on farms- zoning schemes and by-laws • Employment loss and difficulty to create new opportunities • The Municipality can help through creation of growth opportunities • Property tax rebates • Sale and re-use of purified water • Incentives for vineyard establishment • Development contributions to not be applied for new tourism activities on farms • Need to reduce red tape and need flexibility in zoning scheme regulations • Support optimal use of existing farm buildings • Effective use of vacant agricultural land <p>Conclusion</p> <p>There is close cooperation and engagement between agricultural industry role players. This must include the close communications with the Municipality to discuss proposals and to do further investigations.</p>
<p>Informal Sector: Fezile (Fez) Ramncwana (Youth Entrepreneur)</p>	<ul style="list-style-type: none"> • The pandemic has been a challenging time for township businesses. • Township business has stepped in to fulfil social needs within the community –doing shopping for residents as well as delivering food. • There is an ongoing need for Covid safety education within the community which the Municipality should guide.

Financial Sector:
Raymond Ndlovu
(Community Investment Ventures Holdings (Remgro))

- Communication infrastructure is central to the new reality.
- The reality of the digital divide in South Africa impacts the way forward.
- Need to bridge this gap & enable small businesses to access the digital economy.
- This is an opportunity to direct investment support into small and micro enterprises.
- Enable connection to online markets for products and services.
- Must unlock the installation of infrastructure such as trenches and towers
- Municipality must be responsive to applications for wayleaves and trenching

Municipality must provide accurate mapping of existing infrastructure to avoid damage and disruption to existing services

Education:
Lesley van Rooi
(University of Stellenbosch)

- Stellenbosch University has established the University Business Continuity Structure- all major infrastructure projects continue as and where possible within the constraints of lockdown regulations.
- The University was able to complete instruction for first semester, and will make up minimal lost time to complete second semester
- 9000 students- mainly post-grad- invited back for in-contact in-person tuition.
- The university is supportive of local business and a buy local initiative. There has been a joint meeting on campus to link procurement to local business and buying local in general for extending into 2020/2021.
- The University continues support for local NGOs- an investment into the town.
- Structures have been created to facilitate meetings with the Municipality and other partners due to the urgency of current circumstances.

Geraldine Mettler :
Municipal Manager

- There will be ongoing dedicated sessions with sectors- tourism, safety, construction informal to build on the issues raised.
- A buy local campaign is imperative

**Stellenbosch
Municipality**

- There must be a fast tracking of building plans and land-use applications
- Catalysing of existing infrastructure to support economic resilience.
- Social issues such a safety must be addressed in support of tourism, and to attract business.
- A new normal of Smart City principles is envisaged
- Need to secure an economy in support of our citizens.
- The establishment of a dedicated desk in support of events and tourism is envisaged and is in the planning phase.
- Need to identify and embrace the opportunities in the new reality through active engagement with our citizens.

APPENDIX 2

Actual written Interaction

Questions:

Is the issue of access to municipal land going to be addressed?

We are a black owned egg business that would like to move our operation onto municipal land.

There is increased need for food security and we have solutions to this problem both in terms of job creation and producing nutrient dense food.

Thank you

Farmer Angus

ezibfarming@gmail.com

Alex Harris 01:56 PM

The trading buildings next the the town hall in franschhoek has been standing empty for months so when can the traders move into these premises as I don't understand the delay?

Please assist in pointing me to the correct individual to connect with in the Municipality/Visit Stellenbosch/ Stellenbosch Network:

stelliesAPP is a free app with low maintenance costs ready to launch to promote supporting local to residents, assist authorities in effective communication and stimulate local economic development on a large scale on ground-level.

We share the same objectives with the governing institutions and would like support in executing this amazing tool like we've done with paarlAPP, zululandAPP and tygerAPP.

Thanks,

Arno Hattingh

townAPPS

arno@townapps.co.za

0100356897

Tourism

Alex Harris 02:03 PM

"Bed & breakfasts" cannot survive with this continued lockdown so they need help with the rates as just mentioned. So what is the Municipality's response as this has been requested before on social media and no response

john Peters 02:18 PM

Given that the construction industry (with its current order book) can relatively quickly stimulate the economy, will the municipality be improving its efficiencies regarding building control and land use applications?

Lynne Rippenaar-Moses 02:28 PM
Wrap it Up PR & Communications.

There is a strong focus on the tourism and hospitality industry, which is important, however, what plans are in place or what discussions will take place to support ALL businesses including those that provide services from copywriting, consulting, events management, etc. As a small business focused on communications and PR, we try each year to employ an intern who is either a young graduate (still searching for a permanent job), studying or a matriculant, to ensure that we can provide skills transfer and training to help those interns improve their employability. So it would be great to hear about plans for the service provider industry and discussions that will still take place so one can get involved in working towards workable solutions and support mechanisms.

Andre Pelsler

Safety and Security should be part of future discussions

Widmark Moses

From: Michael Fouche <michael.fouche@hsh-global.co.za>
Sent: Thursday, 23 July 2020 14:39
To: Sharon Pedro
Subject: [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead

Good day

Thank you for hosting the Webinar , this will help all in the Stellenbosch area, well done.

We at HSH Global Software developed the new Social and GAP housing system which included a mobile housing application App. We are also currently busy with the new unemployment database for Stellenbosch Municipality.

We can supply information regarding a tourism desk in the Municipality to facilitate all events and applications from business for tourism activities. This desk can include mobile , web and in office access for the public and the management backend system for the use by the municipality. The current infrastructure as listed will have added benefits.

Kind regards

Best regards!

Michael Fouché
Head of Sales

HSH Global Software (Pty) Ltd.

Office S3, 2nd Floor, Cnr De Beers Ave & Broadway Blvd, The Sanctuary,
Somerset West, Cape Town 7130, South Africa

Tel: +27 (0)82 5538422

Directors: Stephan R. Hauber, Michael Kratz

Company Reg. No. 2011/133456/07
VAT No. 4730 260 983
www.hsh-global.co.za

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Widmark Moses

From: Angus McIntosh <ezibfarming@gmail.com>
Sent: Thursday, 23 July 2020 14:15
To: Sharon Pedro
Cc: Widmark Moses
Subject: [EX] Question re access to land

Hello Sharon

Craig Alexander suggested that I make contact with you.

Widmark Moses had suggested that I get on the call today for the LauchLab and from there Craig directed me to you.

As of 1 April this year I sold 85% of my egg business to my staff. Farmer Angus Eggs is now 85% black owned and of that 51% black female owned. All the owners have lived in Stellenbosch for longer than 5 years and so according to my discussion with Widmark we could qualify to apply to rent municipal land.

We have been running this business on Spier for the last 11 years.

We have just listed with Checkers and so we would like to move onto bigger premises (we need 40 hectares with irrigation water) to meet the increased demand from Checkers.

Not only is this a job creation exercise it also a regenerative agriculture practice.

I have no idea what this process involves so could you please let us know how we can proceed.

Here is a short video with no sound about our egg operation and the venture with Checkers. <https://www.youtube.com/watch?v=FrqpRC5Jzbg>

Malebogo from Department of Agriculture has been very helpful and we are working with her on a funding proposal.

Angus

Web www.farmerangus.co.za
Tel +27 82 379 4391

Widmark Moses

From: Annemien Kotze <annemien.kotze@gmail.com>
Sent: Thursday, 23 July 2020 13:09
To: Sharon Pedro
Subject: [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead

Dear Sharon

We suggest that those hotels and guest houses zoned for commercial zoning qualify for a rebate on their rates and taxes because we cannot operate as a business at this time.

Kind regards

Annemien Kotzé
0834259772
Bonne Esperance Guest House
www.bonneesperance.com

Widmark Moses

From: Arno Hattingh <arno@townapps.co.za>
Sent: Thursday, 23 July 2020 13:23
To: Sharon Pedro
Subject: [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead

Good day Sharon,

I would like to thank you and the roleplayers in this opportunity for considering our proposal cover letter below.

stelliesAPP is a Community Information App geared toward stimulating sustainable local economic development using three pillars we've implemented in previous projects:

1. Marketing LOCAL businesses to the residents and visitors of the Stellenbosch Area on an app including Local POSITIVE news, Events Calendar, Special Deals promotion and Loyalty Rewards for supporting local.
2. EDUCATING Business owners by creating or promoting events where experts in marketing and management share their knowledge free of charge.
3. Facilitating and stimulating COHESION between businesses in the area.

I started paarlAPP for the Drakenstein Area in 2016 and the App is still running as a profitable and well supported venture.

We would like to take hands with Stellenbosch Municipality, Stellenbosch Network and Launch Lab in order to speed up the launch process for the app.

Our current business model (open to discussion with the abovementioned respected entities) is that we need 20 businesses to commit to contributing content for the app and pay a monthly membership fee of R250 per month. This fee is no longer viable for most small businesses. We have, though, started giving unemployed individuals the opportunity to generate income by acting as sales representatives recruiting business members for the app.

In a case where we can cover these costs from a collaborative funding model, we would be able to support the entire business community at lower, if any, costs.

You're welcome to have a look at my latest launched app - tygerAPP, available for free on Play Store and App Store, as an example of what we aim to achieve.

Please don't hesitate to contact me on my personal cell: 0832504666 to start discussions.

Arno Hattingh
townAPPS

☎ 021 286 6068 📞 061 506 2980 🌐 www.townapps.co.za 📱




Widmark Moses

From: Craig Alexander
Sent: Friday, 24 July 2020 13:42
To: Reinher Behrens
Cc: Sharon Pedro; Bernabe De La Bat; Widmark Moses; Anthony Barnes
Subject: RE: After todays Zoom session>>> Meeting - Friday 13th at 12h00 in Stellenbosch.

Importance: High

Dear Reinher

Firstly, I have to thank you for your inputs at the webinar, and the purpose was to provide Council with ideas and suggestions of how we could assist in enabling the recovery and even start-up of the economy during and post COVID-19. I have requested our team to look into the background and current strategic thinking of Council around this property, as well as considering the options and will provide you with a response as soon as possible.



Kind regards,

Craig Alexander Pr Pln

Senior Manager: Development

Planning

**Planning and Economic
Development**

T: +27 21 808 8196 | C: +27 83 461 9604

Email:

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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Reinher Behrens <ceo@franschhoek.org.za>
Sent: Thursday, 23 July 2020 17:10
To: Craig Alexander <Craig.Alexander@stellenbosch.gov.za>; Widmark Moses <Widmark.Moses@stellenbosch.gov.za>
Cc: Sharon Pedro <Sharon.Pedro@stellenbosch.gov.za>

Subject: [EX] After todays Zoom session>>>> Meeting - Friday 13th at 12h00 in Stellenbosch.
Importance: High



Dear Craig and Widmark.

This is a note I sent in March.

PLEASE can I have some feedback regarding the Berg River Dam project as per the Board meeting and the new stands for t
 Both of these I mentioned in the session today.

My apologies in advance if I come across like a "fox terrier" not wanting to let go, but both of these are critical to our over
 I will keep on following up – especially the Berg River project – I recall in the board meeting mention was made that you w

Happy to set up a session to discuss.
 Looking forward to hearing from you.

Regards,
 Reinher.

Reinher Behrens

CEO

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F: +27 (0)21 876 2768

W: www.franschhoek.org.za

E: ceo@franschhoek.org.za



From: Franschhoek Ambassador <ceo@franschhoek.org.za>

Date: Monday, 09 March 2020 at 06:00

To: Craig Alexander <Craig.Alexander@stellenbosch.gov.za>, "Widmark.Moses@stellenbosch.gov.za" <Widmark.Moses@stellenbosch.gov.za>

Cc: "Sharon.Pedro@stellenbosch.gov.za" <Sharon.Pedro@stellenbosch.gov.za>

Subject: Meeting - Friday 13th at 12h00 in Stellenbosch.

Dear Craig and Widmark.

Would it be possible to meet you in Stellenbosch on the 13th / Friday / March at 12h00?

I'd like to discuss the following:

- The Berg River Dam project as discussed at our last board meeting.
- The status about the traders and the new stands
- The status of the Grant in Aide 2020/21 application.
- AOB.

I hope the date and time is suitable and look forward to hearing from you.

Kind regards,
Reinher.

Disclaimer: 1) Confidentiality: This email sent by ceo@franschhoek.org.za to Craig.Alexander@stellenbosch.gov.za, is confidential and contains privileged or copyright information. You may not present this message to another party without consent from the sender. If you are not the intended recipient please notify the sender and delete this email, and be aware that you are bound to confidentiality, may not copy, distribute or use this email. 2) Liability: This email is not a binding agreement and does not conclude an agreement without the express confirmation by the sender's superior or a director of the Company. 3) Viruses: The Company does not certify that this email is free of viruses or defects. 4) Requested: The Company does not consent to its employees sending un-asked for emails which contravene the law. In the event that you feel this email is such, please notify the Company in order for the appropriate corrective action to be taken. 5) Advice: This email is the view/opinion of the sender and must not be construed as advice. Any actions taken on the basis of this email are at the reader's own risk. The sender of this email is expressly required not to make any defamatory statements or infringe any copyright or any other legal right and shall be held responsible for any arising damages or liability

Widmark Moses

From: Philip Welman <pwelman@kaboni.co.za>
Sent: Tuesday, 04 August 2020 22:25
To: Sharon Pedro
Subject: [EX] FW: Stellenbosch WC024 & Covid-19 - Realities, Remedies, Road Ahead

Dear Ms Pedro

I refer to my e-mail below.

Can you please confirm that you have received this e-mail and that it is being attended to?

Thank you

Philip Welman
 e-mail : pwelman@kaboni.co.za
 Mobile : +27 (0)82 4672696

From: Philip Welman
Sent: Wednesday, July 29, 2020 10:49 AM
To: Sharon.Pedro@stellenbosch.gov.za
Subject: Stellenbosch WC024 & Covid-19 - Realities, Remedies, Road Ahead

Dear Ms Pedro

I attended the webinar entitled "Stellenbosch WC024 Covid-19 – Realities, Remedies, Road ahead" last Thursday (23rd) where we were invited to submit suggestions in support of the initiative to this e-mail address.

Herewith two suggestions from my side:

1. myStellenboch Buy Local Programme (Think local, do local)

This "Buy local" programme will be aimed at stimulating economic activity (and stopping the decline) during these very difficult times for small businesses in the Stellenbosch municipal area. This can be achieved by encouraging spending at local businesses through discounts offered to buyers (local or visiting) in this area. The buyer will receive the discount at the point of purchase, while the merchant/retailer will claim the equivalent amount from a fund set up by the Municipality and other potential contributors ("concerned benefactors" from this region/town). The aim is therefore to mobilize spending in desired/targeted sectors of about 4x the volunteered funds into this programme – say an amount of R1m is assembled into the fund, then a 25% discount offering will attract R4m of spending into the local economy. The programme will be managed by a web application and using mobile devices.

I don't want to go into more detail without there being any traction for the idea. Suffice it to say that this idea (not novel in any way) comes from a similar programme implemented by a city in another country with great success. According to reports the equivalent of approximately R6m was claimed over a period of one month, meaning that approx. R24m was spent into the economy by locals during this period providing crucial injection for local business – and they have therefore decided to extend the programme with the City Council the primary contributor. They have obviously developed the (practical) rules, legal framework, marketing material, web and mobile applications to run this programme. I have already contacted the City Council concerned to enquire about their willingness to share what has been developed with others wishing to run a similar programme. This programme obviously has only a short lifetime - it will continue only as long as there are funds available in the programme.

2. SME Business Platform (Re-imagining the way we do business)

The second is a more comprehensive initiative, namely, to develop a digital business platform for use by SME's in this (and other) region(s). The platform will be aimed at providing support (in many ways) for SME's in growing their businesses and will probably change the way new businesses are established. A conceptual framework for such a platform has been developed as point of departure, but partners will be required to take this to a development stage and ultimately to implementation. More information can be shared if there is a real interest.

I trust that these ideas will be considered and hope to hear from you again.

Regards

Philip Welman

e-mail : pwelman@kaboni.co.za

Mobile : +27 (0)82 4672696

Widmark Moses

From: Sharon Pedro
Sent: Friday, 14 August 2020 09:31
To: Widmark Moses
Subject: FW: Webinar: "Stellenbosch WC024 & COVID 19 – Realities , Remedies and Road Ahead."
Attachments: [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead; FW: [EX] Webinar: Final Programme; [EX] Question re access to land; [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead; [EX] Stellenbosch WC024 & Covid-19- Realities, Remedies, Road Ahead; RE: After todays Zoom session>>> Meeting - Friday 13th at 12h00 in Stellenbosch.; [EX] FW: Stellenbosch WC024 & Covid-19 - Realities, Remedies, Road Ahead

fyi



Kind regards

Sharon Pedro

Admin. Assistant : LED & Tourism

Planning & Economic Development

T: +27 21 808 8974 | F: +27 886 7323
 58 Andringa Street, Stellenbosch, 7600 /
 P O Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Widmark Moses
Sent: 31 July 2020 10:45 AM
To: Widmark Moses
Subject: Webinar: "Stellenbosch WC024 & COVID 19 – Realities , Remedies and Road Ahead."

Dear Participant

Thank you so much for attending the Webinar: "Stellenbosch WC024 & COVID 19 – Realities , Remedies and Road Ahead." We are proud to have brought together such an amazing group of participants to discuss the recovery of our economy. All your contributions are highly appreciated.

Here is the recording of the webinar: <https://bit.ly/39rtfoA> for your reference. You may still contribute to the discussion by e-mailing your suggestions to the following e-mail address: Sharon.Pedro@stellenbosch.gov.za with the subject heading "Stellenbosch WC024 & COVID 19 – Realities , Remedies and Road Ahead "

Closing date for further comments/suggestions proposals is 7 August 2020.

Once again, your interest and contributions to improve the economy of our municipal area is highly appreciated.



Kind regards

Widmark Moses

Manager : LED & Tourism

Planning & Economic Development

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APPENDIX 3

PRELIMINARY SCHEDULE OF SPECIFIC SECTORS ENGAGEMENTS

PRELIMINARY DATES	ECONOMIC SECTOR	REPRESENTING DIRECTORATE /STATE DEPARTMENTS	PROPOSED COORDINATOR / FACILITATOR PER SECTOR
04 September 2020	Tourism (Incl Wine Industry, Events & Filming)	<ul style="list-style-type: none"> • Planning & Economic Development (LED, Spatial Planning, Heritage, LUM) • Engineering Services (Development and Roads) • Finance (Budget & SCM) • Community Safety (Events & Security) • Corporate Services (Property Management) 	Craig Alexander, Senior Manager: Development Planning
08 September 2020	Manufacturing	<ul style="list-style-type: none"> • Planning & Economic Development (LUM, Spatial Planning) • Finance (Budget & SCM) • Engineering 	Widmark Moses, Manager: Economic Development & Tourism
09 September 2020	Agriculture	<ul style="list-style-type: none"> • Planning & Economic Development (Spatial Planning, LED, BDM) • Engineering Services (Water) • Corporate Services (Property Management) • Finance • WCG: Agriculture • WCG: DEA&DP 	Bernabe De La Bat, Manager: Spatial Planning
10 September 2020	Informal Sector	<ul style="list-style-type: none"> • Planning & Economic Development (LUM, LED) • Community Safety • Finance (SCM) 	Vusumzi Zwelendaba, Senior Economic Development Officer
15 September 2020	Construction & Finance	<ul style="list-style-type: none"> • Planning & Economic Development (LUM, BDM, Spatial Planning) • Engineering Services (all sections) 	Anthony Barnes, Director: Planning & Economic Development / Jeri-Lee Mowers, Senior

		<ul style="list-style-type: none"> • Finance (Budget & SCM) 	Manager: Development, Asset Management and Systems & Project Management Unit (PMU)
18 September 2020	Education	<ul style="list-style-type: none"> • Planning & Economic Development (LUM, BDM, Spatial Planning) • Engineering Services (all sections) • Finance • Corporate Services (Property Management, Governance) 	Shireen De Visser: Senior Manager: Governance

7.7.3	INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES
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Collaborator No: 691675

IDP KPA Ref No: Valley of Opportunity

Meeting Date: 16 September 2020

1. SUBJECT: INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES

2. PURPOSE

To request approval to investigate possible economic development opportunities of the two gardens within the Rhenish Complex.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council to approve the request to investigate potential economic development opportunities of the two gardens at the Rhenish complex, namely the Patronage front garden facing Market Street and the Voorgelegen Binnetuin, for potential economic development opportunities.

5. RECOMMENDATIONS

- (a) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish complex without any noticeable implementation;
- (b) that Council approves the request of the Directorate Planning & Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas for potential economic development opportunities to kick start the development of entire Rhenish complex;
- (c) that the investigation into the development of the Council owned landholdings consider the context of the surrounding spaces in the town centre; and
- (d) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals.

6. DISCUSSION / CONTENTS

6.1 Background

The Rhenish complex comprises of a grouping of historic buildings and associated spaces and gardens bounded by Market Street, the Braak, Herte Street and Dorp Street in central Stellenbosch.



Figure 1: The location of the Rhenish complex in central Stellenbosch

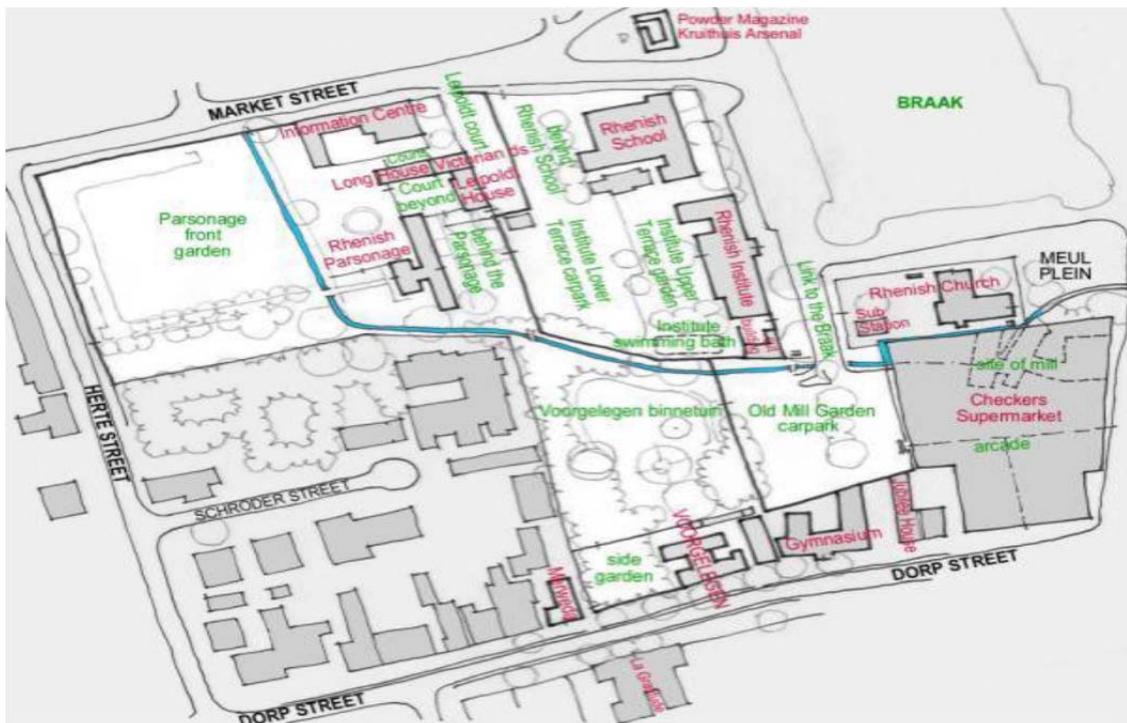


Figure 2: The buildings, spaces, and gardens comprising the Rhenish complex



Figure 3: Land ownership of the Rhenish complex and surrounds

The focus of this discussion relates specifically to the two gardens in the Rhenish Complex namely the Patronage front garden facing Market Street and the Vorgelegen Binnetuin. See the location of these gardens in **figure 2**.

Over the years numerous studies and surveys has been done on the Rhenish Complex with a common thread going through all these studies emphasizing the exceptional potential of the precinct to contribute in many ways to the rejuvenation and further development of the centre of Stellenbosch town.

The Rhenish complex, the Braak, and other adjacent buildings current heritage status is “Grade 1 National Heritage Landscape”, the only of its kind in the Stellenbosch region.

“Despite this considerable focus, the Rhenish complex and its surrounds possibly remains the most neglected and underutilised heritage asset in Stellenbosch. Notwithstanding its central location, and varied spaces, large and small, public and more secluded, few citizens have reason – or are encouraged – to go there” This extract is from a report prepared by the Directorate of Planning and Economic Development in collaboration with the Stellenbosch Heritage Foundation, November 2016.

Current efforts within the administration to make productively use of the above discussed area (specific the garden facing Market Street) relates to the efforts of the Department: Community Development investigating the idea of establishing a garden similar to the Oranjezicht City Farm, to provide income and job opportunities for the homeless.

The Oranjezicht City Farm is an educational non-profit project in Cape Town, celebrating local food, culture and community through urban agriculture. It is part of the SA Urban Food & Farming Trust, which works through food and farming to strengthen South Africa’s urban communities and the ecosystems that sustain them.

Other initiatives also include the use of the Patronage Garden to establish the Stellenbosch Slow Food Market and including the use of the adjacent, vacant Council

Buildings for economic activities, e.g. restaurants, coffee shops, gift shops, galleries, etc., linked to the proposed Slow Food Market.

Given the above discussion it is clear that a considerable planning has been done to develop the Rhenish Complex but nothing tangible derived from it. The Directorate Planning & Economic Development is of the opinion that the development of the two gardens in the complex will kick-start the development of the greater Rhenish complex and that it will contribute to much needed increased economic activity needed to re-ignite the local economy.

6.2 Financial Implications

There are no financial implications associated with the investigation of the development of the two gardens within the Rhenish Complex if work should be done within the Directorate Planning & Economic Development.

6.3 Legal Implications

There are no legal implications in the investigation phase.

6.4 Previous / Relevant Council Resolutions

At the 8th Council Meeting on 26-04-2017 Council resolved the following on on heritage buildings including the Rhenish Complex.

- (a) that Council supports the establishment of a “heritage portfolio” that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;
- (b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category-A assets;
- (c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;
- (d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;
- (e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;
- (f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and
- (g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.

6.5 Risk Implications

The Directorate Corporate Services must be consulted to determine whether any lease agreements currently exist, and also whether any other Council mandated proposals are currently being investigated for the use of these properties. The latter Directorate will be consulted during the envisaged investigations undertaken by the Directorate: Planning & Economic Development.

RECOMMENDATION FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.1.4

- (a) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish complex without any noticeable implementation of the approved recommendations;
- (b) that Council approves the request of the Directorate Planning & Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas as depicted within the boundaries of Dorp-, Herte-, Alexander-, Market-, Bird- and Mill Street for potential economic development opportunities to kick start the development of the entire Rhenish complex;
- (c) that the investigation into the development of the Council owned landholdings consider the context of the surrounding spaces in the town centre; and
- (d) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Craig Alexander</i>
POSITION	<i>Senior Manager: Development Planning</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8196</i>
E-MAIL ADDRESS	<i>Craig.alexander@stellenbosch.gov.za</i>
REPORT DATE	<i>19 August 2020</i>

7.7.4	FEEDBACK AND WAY FORWARD IN RESPECT OF THE ALLOCATION OF INFORMAL TRADING STALLS – FRANSCHHOEK ARTS & CRAFT MARKET
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Collaborator No: 691679

IDP KPA Ref No: *Good Governance*

Meeting Date: 16 September 2020

1. SUBJECT: FEEDBACK AND WAY FORWARD IN RESPECT OF THE ALLOCATION OF INFORMAL TRADING STALLS – FRANSCHHOEK ARTS & CRAFT MARKET

2. PURPOSE

To provide the Executive Mayoral Committee with the proposal, for noting purposes, for the allocation of the informal trading stalls at the Franschhoek Arts & Craft Market, which must be submitted to the Municipal Manager in terms of Section 10 of the Stellenbosch Municipality Informal Trading Policy, 2019, for approval.

3. DELEGATED AUTHORITY

Executive Mayoral Committee for noting purposes.

4. EXECUTIVE SUMMARY

MAYCO takes note of the allocation criteria which was used to determine the proposed allocation of the informal trading stalls for a period of six (6) months, which is renewable, as prescribed in the Council adopted Stellenbosch Municipality Informal Trading Policy, 2019, and that these recommendations be submitted to the Municipal Manager for approval.

5. RECOMMENDATIONS

- (a) that MAYCO takes note that the 20 highest scoring applicants as depicted in **APPENDIX 1**, be recommended as the tenants to trade at the Franschhoek Arts & Craft Market;
- (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy;
- (c) that the lease agreement be signed with a renewable validity period of six (6) months; and
- (d) that the Senior Manager: Development Planning be authorized to renew such lease agreement by six (6) months, whereafter new applications must be considered.

6. DISCUSSION / CONTENTS

6.1 Background

On 23 October 2019, at the 32nd Council Meeting, see Council resolution attached as **APPENDIX 2**, Council adopted the Stellenbosch Municipality Informal Trading Policy, 2019.

On 31 October 2019, Council published a notice in the Eikestadnuus for “Invitations to Apply for a Trading Stall at the Franschoek Arts and Craft Market”, with the closing date for applications of 15 November 2019 at 16:00. See **APPENDIX 3** for the notice published. A total of forty-eight (48) applications were received by the closing date.

On 23 December 2019, a briefing session was held in the Franschoek Council Chambers to inform prospective applicants on the criteria and selection process when applying for a trading stall. A total of forty-two (42) persons attended the briefing session, the attendance register is attached as **APPENDIX 4**.

In terms of Section 9.5.4 of the Informal Trading Policy, 2019 the allocation of trading stalls will be based on the following criteria and considerations:

- 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 be in conflict with or unduly compete with:
 - The type of goods / services sold by formal businesses in the trading area / close to the bay;
 - The type of goods / services, sold informally, in the same 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 applicant’s ability to meet the trading hours set for the trading area.
- Preference will be given to Historically Disadvantaged Individuals (“HDI”).
- Consideration shall be given to new traders on the municipality’s database.
- Only one stall 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 lease agreement holder, provided that
 - There are more trading stalls than applicants; and
 - The applicant is not economically dependent on the existing lease agreement holder.
- Preference will be given to applicants who reside in, or close to, the trading area for which the lease agreement is applied;

- The trader must be in possession of a valid South African Identity document or relevant documentation in the form of a working permit of a not a South African Citizen.
- In the case of foodstuff being processed and traded, the trader must be in possession of the required Business License food preparation, and accompanying Certificate of Applicability).

Based on the above criteria, a total of twenty (20) applications were considered of which four (4) are not South African Citizens and the sixteen (16) have South African Identity Documents. This would mean that 80% of the recommended applicants are South African Citizens. Of the 80%, six (6) were however not born in South Africa, but your country of birth is not a criterion for consideration. It must also be noted that the based on the applications submitted, the recommended applicants all reside within the Stellenbosch Municipal Area.

The addresses of all recommended applicants have been verified by the local ward Councillors been verified

The Franschhoek Art and Craft Market is focussed on specific products which is associated with such markets. A list of preferred products to be traded with is attached as **APPENDIX 5**.

It must be noted that the Franschhoek Art and Craft Market has been constructed and has been vacant since March 2020, it is thus imperative that the allocations be approved in accordance with the said policy in order to utilise the trading area optimally.

It should be noted that addresses of all recommended applicants have been verified by the local ward Councillors. (See **APPENDIX 6** as proof of the meeting for the verification)

6.2 Financial Implications

There are no financial implications associated with the allocation of the trading stalls. Council will generate a minimum fee as noted within the Council's Tariff Policy.

6.3 Legal Implications

There are no legal implications and the management and enforcement requirements are dealt with in terms of 9.7 and 9.6, respectively of the said Policy.

6.4 Previous / Relevant Council Resolutions

On 23 October 2019, at the 32nd Council Meeting, Council resolved the following:

- That, after considering the comments made by the public, Council adopts the Stellenbosch Municipality Informal Trading Policy;*
- That the Stellenbosch Municipality Informal Trading Bylaw be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.*

6.5 Risk Implications

Currently, 80% of the recommended applicants are South African Citizens, and two (2) were not born in South Africa, but based on the information at hand, have obtained South African Citizenship. It must also be noted that at the briefing session held on 23 December 2019, applicants were duly informed of the requirements as per the said policy, as well as the preferred products which may be sold at this market.

RECOMMENDATION FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.2.1

During deliberations on the matter, the Chairperson requested the Administration to attach a copy of the Draft Lease Agreement before submission to Mayco.

RECOMMENDATION FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.2.1

- (a) that MAYCO takes note that the 20 highest scoring applicants as depicted in **APPENDIX 1**, be recommended as the tenants to trade at the Franschoek Arts & Craft Market;
- (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy;
- (c) that the lease agreement be signed with a renewable validity period of six (6) months; and
- (d) that the Senior Manager: Development Planning be authorized to renew such lease agreement by six (6) months, where after new applications must be considered.

APPENDICES

Appendix 1: Evaluation Criteria of the Applications Received for the Franschoek Art & Craft Market

Appendix 2: Extract of Council Resolution for the adoption of the Stellenbosch Municipality Informal Trading Policy

Appendix 3: Invitation for applications placed in the Eikestadnuus dated 31 October 2019

Appendix 4: Attendance Register of Briefing Session held on 23 December 2019

Appendix 5: List of preferred products to be traded at the Franschoek Arts & Craft Market

Appendix 6: Proof of the meeting for the verification of addresses

APPENDIX 1

EVALUATION OF APPLICATIONS FOR THE FRANSCHHOEK ARTS & CRAFT MARKET											
NUMBER	Date: 08-01-2020	ID NUMBER	Product(s)	Qualifying criteria							COMMENTS
	NAME OF APPLICANT			50	20	30	30	130	100	Ranking	
				I am a local resident	Reside within WC024	Suitability of product offering	South African Origin	Total	Converted Score		
6	Masande Nyanga	8607295540086	Wood curve tableware	50	20	30	30	130	100	1	recommended
36	Getrude Lungile Lunga	7906260835088	Handcrafted wood Chess	50	20	30	30	130	99.9	1	Recommended
43	Themba Buhlwane	8004275768087	Traditional Attire/Clothing	50	20	30	30	130	99.9	1	Recommended
47	Vuyisa Elvis Potina	7702026562086	Ceramic Artwork	50	20	30	30	130	99.9	1	Recommended
11	Charles Mabutho	711108550082	Hand crafted wood carved products	50	20	29	30	129	99.2	2	Recommended
15	Themba Lize	7608126033086	Leather bags	50	20	29	30	129	99.2	2	Recommended
31	Charmaine Jacobs	6204060245083	Handcrafted Tableware	50	20	29	30	129	99.2	2	Recommended
38	Chavon Meagen Van Niekerk	8308140190082	Tableware:Table cloths & P/Mats	50	20	29	30	129	99.2	2	Recommended
39	Margaret Vuyiswa Hanise	4904010628088	Handcrafted wood chess	50	20	29	30	129	99.2	2	Recommended
13	Thobeka Mfazwe	6906101533083	Hand crafted carved animals,chess b	50	20	28	30	128	98.4	3	Recommended
42	Lubabalo Philiso	8512185635089	Handcrafted Wire Art	50	20	28	30	128	98.4	3	Recommended
16	Josephine Mpfu	67103000197082	African Print aprons & Clothes	50	20	28	30	128	98.4	3	Recommended
12	Salwen Rogers Constable	6710175498086	Hand crafted beadwork and kitchenware	50	20	26	30	126	96.6	4	Recommended
30	Yasmine Gondal	9106070155086	Crafted Artwork	50	20	15	30	115	88.4	5	Recommended
19	Idah Nyoni	FN 391011	Handcrafted Leather works	50	20	30	0	100	76.9	6	Recommended
34	Roger Tambwe	66022005886184	Canvas & Wire Art	50	20	30	0	100	76.9	6	Recommended
18	Taurai Mbofana	EN408909	Ceramic Artwork	50	20	29	0	99	76.1	7	Recommended
27	Dunmore Mdzingwa	CTR - 005038-03	Handcrafted Wire Art	50	20	29	0	99	76.1	7	Recommended
28	Kenneth Chinzara	EN 835325	African Stone Carved Art	50	20	29	0	99	76.1	7	Recommended
9	Msafiri Nankaranga	7503186076184	Tableware:Table cloths & P/Mats	50	20	27	0	97	75	8	recommended
20	Andrew Soraidema	PTA 1234/2018/PRP	Wood carved Animals/Tableware	50	20	27	0	97	74.6	8	Not recommended
24	Ngonindzashe Dhlwayo	CN 137017	Wood/Stone carved	50	20	27	0	97	74.6	8	Not recommended
10	Maseko Mgcini	EN13822	Hand crafted wire products	50	20	25	30	125	73	9	Not recommended
22	Ngalula Kayembe	7911116530263	Canvas Artworks	50	20	25	0	95	73	10	Not recommended
23	Tinos Nduku	CN139240	Wood carved Animals/Tableware	50	20	18	0	88	67.6	11	Not recommended
21	Kudakwashe Soraidema	PTA ZWE005280917	Ceremic Artwork	50	20	17	0	87	66.9	12	Not recommended
7	Wanangwaimba	MA151490	Handmade Jewelry	50	20	15	0	85	65	13	Not recommended
25	Gift Musemwa	CTR/005095/03	Canvas Artworks	50	20	15	0	85	65.3	13	Not recommended
44	Zimba Magawa Langson	MB 048228	Hand woven grass baskets	50	20	15	0	85	65.3	13	Not recommended
29	Isaac Kangethe	CTR KAZ 0680908	Animal Skins/Pelts	50	20	13	0	83	63.8	14	Not recommended
8	Blessing Chibanda	CTR/000520/06	Ceremic Artwork	50	20	12	0	82	63	15	Not recommended
32	Timothy Nduku	BN 867235	Tribal/Animal Figurines	50	20	12	0	82	63	15	Not recommended
35	Faith Chinzara	EN 367507	Handcrafted Wire Art	50	20	12	0	82	63	15	Not recommended
37	Senesia Pfundirwa	CN935705	Wire/A.Stone Crafted Chess Table	50	20	10	0	80	61.5	16	Not recommended
46	Zoleka Niang	7811220840089	Traditional Attire/Clothing	0	20	30	30	80	61.5	16	Not recommended
48	Bada Ndiaye	7311206022182	Leather, Belts and Bags	0	20	30	30	80	61.5	16	Not recommended
45	Charity Emma Machingambi	CN137005	Leather shoes and Bags	50	20	5	0	70	53.8	17	Not recommended
17	Joel Biza Miemoukanda	CTRC0900058110	Canvas Artworks	0	20	20	0	40	30.7	19	Not recommended

Criteria for Suitability of product

- > 25-30 Excellent
- > 20-25 Good
- > 15-20 Good fit
- > 10-15 Reasonable fit

APPENDIX 2

13.3	ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 23 October 2019

1. **SUBJECT: ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY**
2. **PURPOSE**
To request Council to adopt the Informal Trading Policy after considering comments received from the public.
3. **DELEGATED AUTHORITY**
Council
4. **EXECUTIVE SUMMARY**
The Stellenbosch Informal Trading Policy, which guides the strategic direction in terms of informal trading, has been advertised for public comments and are now presented to Council for adoption after considering the comments from the public.

32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3**RESOLVED** (majority vote)

- (a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and
- (b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@ Stellenbosch.gov.za
REPORT DATE	10-10-2019

APPENDIX 3

Gaan Suid-Afrika oukei wees?

Tafelberg-uitgewers en *Eikestadnuus* nooi jou na die bekendstelling van *Gaan Suid-Afrika oukei wees?* deur Jan-Jan Joubert Donderdag

21 November om 19:00 in die Drostyd-teater. James-Brent Styan, gaan in gesprek met Joubert wees. Kaartjies kos R60. Meer op netwerk24.com.



Ubuntu fellows

Ubuntu Dialogues announced its first cohort of Ubuntu Dialogues Fellows. Fourteen fellows from Stellenbosch University (SU) will participate in a partnership between an American university and SU Museum. More on www.netwerk24.com.

Pa kry ná 12 jaar antwoorde

Elmarine Anthony

Toe hy die saak kry, het hy vir homself gesê hy gaan sy bes probeer, want 12 jaar het verbygegaan sonder dat 'n familie enige antwoorde oor hul kind se dood gekry het.

“Vir my is dit een van die bevredigendste dinge wat ek nog ooit in die polisie gedoen het. Net om die familie op 'n plek te kry waar hulle berusting het. Daar is sekere sake in jou loopbaan wat jy nooit sal vergeet nie. Hierdie is een van hulle,” vertel sers. Kelvin Moses van Stellenbosch-polisie se speurtak.

Moses was die ondersoek-beampte in die Felicity Cilliers-moordsaak. Hy het in 2016 sy kollega, sers. Clinton Malan, met die saak gehelp, maar dit oorgeneem toe Malan na 'n ander tak is. Andrew Jordaan is 24 Oktober lewenslank vir Felicity se moord en 10 jaar vir haar verkragting in die Wes-Kaapse hooggeregshof gevonnissen.

Volgens Moses was dit 'n gesprek met Felicity se pa, Johannes Cilliers, wat tot 'n deurbraak in die saak gelei het. Johannes het genoem dat nog 'n vrou kort ná sy dogter se liggaam gevind is, op 'n soortgelyke wyse vermoor is. Moses het eers jare ná die tweede moord by die speurtak aangesluit en was dus nie bewus daarvan nie.

“Toe ek hom vra of daar enigiemand vir die moord aangekla is, het hy gesê Andrew Jordaan. Hy het al die koerantuitknipsels van die moord gehou en vir ons gewys. Dit is eintlik wat die liggie in my laat afgaan het oor Jordaan, want toe ons weer onderhoude voer en rondvra

oor die moord op Felicity het niemand Andrew Jordaan genoem nie, net haar pa.”

Jordaan was uit op parool ná hy skuld beken het op die tweede moord en 10 jaar tronkstraf opgelê is. Moses en sy kollega, Rodger Jooste wat hom gehelp het met die saak, het Jordaan se DNS laat vergelyk met dit wat destyds op Cilliers se liggaam gevind is. Die DNS-ontleding het getoon dat dit wel Jordaan se semen was.

Dit sou kritiese bewyse in die hofsak word. Toe Moses en Jooste vir Jordaan in Zoar naby Ladismith, waarheen hy verhuis het, vra of hy ooit seks met Felicity gehad het, het hy “nee” gesê. “Daai is een van die beste dinge wat kon gebeur het in die ondersoek, want dit het my gronde gegee om hom in hegtenis te neem en Stellenbosch toe te bring,” vertel Moses.

Toe Jordaan met die DNS-bewyse in die hof gekonfronteer word, het hy sy deuntjie verander en gesê hy en Felicity het konsensuele seks gehad. “Die hof het egter deur sy leuens gesien,” vertel Moses.

Dit was volgens Moses 'n moeilike saak omdat dit grootliks op omstandigheds-getuïenis (die DNS-bewyse) berus het. Moses en Jooste het vir twee dae in die hof getuig. “Net omdat iemand se DNS op 'n slagoffer gekry is, beteken nie hulle is outomaties skuldig nie. Jy moet dit bo redelike twyfel kan bewys.”

Jooste vertel: “In só 'n saak het jy net twee dinge: Omstandighedsgetuïenis en of die persoon 'n bekentenis gaan maak en of die hof dit gaan aanvaar. Dis die enigste twee maniere hoe jy die ou gaan skuldig kry.”



Sersante Rodger Jooste en Kelvin Moses. Foto: Elmarine Anthony

Dit is juis hoekom hulp van die gemeenskap – om as getuïenis navore te kom in sake waar die polisie dit benodig – van kardinale belang is, volgens Moses.

“Partykeer maak ons staat op die gemeenskap. Baie wil nie in 'n hof getuig nie. Daar is sekere sake wat jy op jou eie kan oplos. Ander keer maak jy staat op omstandigheds-getuïenis en getuïenis. Dit gaan moeilik as ons nie die gemeenskap se hulp het nie.”

Jooste herhaal hierdie belangrike punt. “Iemand kan byvoorbeeld vir jou sê wie die moord gepleeg het of mense vra hoekom is daai persoon nie toegesluit nie. Jy weet vir 'n feit, as jy daai saak hof toe vat, gaan niemand getuig nie en dit maak dit vir jou moeiliker.”

Gevra hoekom die saak so lank geneem het, verduidelik Moses die polisie se prosedures.

“Met die aanvanklike ondersoek in 2007 is daar twee mans in hegtenis geneem. Hulle is vrygelaat toe die DNS-toets nie met hulle DNS ooreengestem het nie. Die saak is toe voorlopig toegemaak omdat daar niemand anders daarmee

verbind kon word nie. Toe word dit weer geopen.”

Kapt. Nathalie Martin, Stellenbosch-polisiewoordvoerder, vertel dis soms beter om 'n saak langer te ondersoek as wat jy iemand vin in hegtenis neem net vir die saak om uit die hof gegooi te word. “Jy sal liewers 'n moord langer ondersoek en al jou teite korrek hê voordat jy iemand in hegtenis neem en 'n siviele eis kry as dit nie die regte man is nie. Jy ondersoek dit deeglik en sorteer al die gebreke in die saak uit dan weet jy, jy gaan hof toe met 'n vol boek – al neem dit lank.”

Die feit dat die saak egter ná 12 jaar opgelos is, is bewys dat die polisie nooit opgee op 'n saak nie, volgens Martin.

“Dit gaan nie oor hoeveel mediadekking 'n saak kry nie, in watter gebied die persoon vermoor is of wie vermoor is nie. Ons behandel almal dieselfde. Elke moord is vir ons belangrik. Ons kan uit hierdie saak leer dat ons speurders 100% gegee het en 'n ekstra myl gestap het. Ons doen wat ons moet doen,” verduidelik Martin.

Stock thieves caught

Good cooperation among security companies, the police as well as Stellenbosch Watch led to the arrest of two stock thieves on Monday 28 October.

In a statement by Tim Flack, PR official for the Stellenbosch CPF, officials received a call about trespassers on a farm on the R44.

David Brecker of Fidelity ADT was first on scene, followed by Stellenbosch Watch teams Alpha 1 and 2, officials from TSU and two additional Stellenbosch Watch Tango vehicles seconds later.

“One suspect had already been apprehended after he was caught stealing two chickens. Two of his friends evaded security and escaped with two bags full of live chickens,” says Flack.

While searching for the two additional suspects along the road a TSU member found a young male walking with a box in his arms. “When the suspect was stopped, officials found that the box contained half a sheep that he had slaughtered on a nearby farm. The two incidents are unrelated.”

“Klapmuts SAPS detained both suspects. Charges have been laid, and both admitted to the stock theft. Thank you to SAPS Klapmuts for your efficient work, David Brecker from Fidelity, Stellenbosch Watch and TSU. This is a fantastic example of how community policing and strategic partnerships can make a positive impact in the fight against crime in our Stellenbosch cluster.”



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INVITATION TO APPLY FOR A TRADING STALL AT FRANSCHOEK ART & CRAFTS MARKET

Stellenbosch Municipality through its Department of Local Economic Development (LED) & Tourism will soon launch and open the Franschoek Art & Crafts Market. The municipality is therefore inviting all interested traders to apply for a trading stall in order to sell their locally produced products. Preference will be given to local residents of Franschoek, residents of the Greater Stellenbosch and the unemployed. Applicants must be 18 years of age or older. Application forms are available from LED Offices at 58 Andringa Street, Stellenbosch. Traders from Franschoek area will receive preference.

PLEASE KINDLY NOTE THAT THE PREVIOUS ADVERTISEMENT DATED 16TH May 2019 IS NULL AND VOID, THEREFORE WE ENCOURAGE PREVIOUS APPLICANTS TO REAPPLY

Only applications submitted with all the required information will be considered. Non-South African Citizen applicants are URGED to submit supporting documents for verification purposes. Applicants need to submit the application form with a certified copy of ID/Passport, a small ID Photo (For both owner & assistant) and proof of address of both employer and employee [Assistant(s)]. Non South African Applicants to submit all the necessary documentation i.e.; asylum papers, work permits etc.

NB: Stellenbosch Municipality may request at any time, any additional information and or documentation that it requires from an applicant in order to assist the department in making an informed decision: APPLICATIONS ARE TO BE PHYSICALLY DROPPED-OFF AT THE LED OFFICE.

Tariffs as approved by Council for the 2019/20 financial year for trading lease agreements in the Franschoek Art & Crafts Market are as follows:

	Resident	No-resident
Cost per Month :	R 180.00	R 216.00
Cost per Year :	R 1500.00	R 1800.00

Enquiries can be directed to, and application forms can be obtained from **Vusumzi Zwelendaba** on 021 808 8178/8121 or at vusumzi.zwelendaba@stellenbosch.gov.za. Alternatively you can visit our offices at 58 Andringa Street, Stellenbosch and Opposite Food Lovers Market or next to The Happy Oak Pub & Grill. Closing date for applications: 15th November 2019 Time: 16h00 pm.

APPENDIX 4



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INFORMATION SESSION INTERVIEW WITH FRANSCHOEK INFORMAL TRADERS

Venue : COUNCIL CHAMBERS IN FRANSCHOEK

Date : 23 DECEMBER 2019

Time : 10:00 – 13:00

Name & Surname	Products	Contact Details	Email Address	Signature
Senesiq Phandini	Handbag art	0787542163	Senesiqphandini@gmail.com	
NGALULA KAYEMBE (FLORENT)	ART & CRAFT	0761927364	FLORENTKAYEMBE@GMAIL.COM	
DUNMORE Mdzungwa	ART & CRAFT	0785639030		
Blessing Chibanda	ART & CRAFT	0797879349		
Thobeka Mfozwa	ART & CRAFT	0620606074	thobekamfozwa@gmail.com	
TAURAI MBOFANA	ART & CRAFT	0747573068		
Ngonidzasho Mhlangu	ART & CRAFT	0822254815	ndhlangu3@gmail.com	
Wanangwa Ziba	ART & CRAFT	0786266397		
Joel KIZA	ART & CRAFT	0619616088		
MGCINI MASIKO	ART & CRAFT	0719243738		
ISAAC M. KANGETHA	ART & CRAFT	0603571524		
GIFT MUSEMWA	ART & CRAFT	0616440274		
TINOS NDUKU	ART & CRAFT	0719284646	TINAKU83@GMAIL.COM	
Lungela Badila	Art & Crafts	0834820674		
Cheronne Van Nieken	Art & Craft	0719560514		
CHARMAINE JACOBS	Art & Craft	0762371628	charmainejacobs66@gmail.com	

Name & Surname	Products	Contact Details	Email Address	Signature
YASMINÉ GONDAL	ART & CRAFT	081 324 7182	shirli.j.jacobs@gmail.com	
BADA	ART & CRAFT	024		
Margaret Vuyiswa Hanise	ART & CRAFT	073 109 0478	None	M.V. Hanise
Faith Chinzara	ART	0611816981	N/A	
SALWEN CONSTABLE	ART & CRAFT	074 359 6667	salwenc@photo.co.uk	
Valentine Kasekera	Art and clothing	0813 494612	N/A	
LUBABALO Philiso	ART & CRAFT	061 688 7346	Philiso.LUBABALO@gmail.com	
LANGSON M ZIMBA	ART & CRAFT	0657087547	non	
CHARIS MATELITHO	ART	0529 05991		
JACKY A. MAKARANGA	PAINTS & EGGS	0653570489		
Gertida Lungi Te Lungi	ART & CRAFT	071 028 0966	None	G. Lungi
Zoleka NIANIS	Clothing Bags	060 457 5163		
KENNETH CHINZARA	ART & CRAFT	0619676867	kennethc@sigmail.com	
DANIE MWANGI	ART & CRAFT	0638655840		
ROGER T. TAMBWE	ART and CRAFT	0719678504	roger.tambwe@gmail.com	
TIMOTHY NDURU	ART and CRAFT	0616905287		
IDAHA NYONI	ART and craft	081 302 8152	N/A	
Kudakwashe Soraidema	Art and Craft	064 074 5592		
charity Machingambi	clothing and accessories	063 831 3308	N/A	
ANDREKI SORAIDEMA	ART, Stone, wood	074 7054 706	N/A	
Xolisa Duvud MHLAHLA	COOKED FOOD	052 049 8255	Xolisa Mhlahla@gmail.com	
Simon Mabapa	ART	073 033 2056	simon.mabapa@gmail.com	Simon Mabapa
JOSIE PHINE MPOFU	CREATING ART	081 453 8188	jossydesigner@gmail.com	
Themba Lize	Handcrafted Leather Goods	084 880 3128	themba.lize@gmail.com	
Vuyisa Potina	Pottery	073 230 1337	Potina@hotmail.co.za	
THEMBA P Bulwane	Claves and Art	0733613256	n/a	



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 WELKE MENSE KENNIEK EN VERLEEF
 MET WERK, TOEGANG TOT EN VERBODEN TOEGANG

Register: FRANSCHOEK ART & CRAFT MARKET (APPLICATIONS)

Date: 31-OCTOBER-2019 – 15 NOVEMBER 2019

Venue: LOCAL ECONOMIC DEVELOPMENT & TOURISM DEPARTMENT

No:	Name:	Surname:	Contact:	Email:	Collection Date:	Signature:	Submission Date:	Signature:
1	GIFT	Musema	061 644 004		01/11/2019	[Signature]	01/11/2019	[Signature]
2	MACINI	MASEKO	0719248733		01/11/2019	[Signature]	04/11/2019	[Signature]
3	Kenneth	Chinzara	0619676867		01/11/2019	[Signature]	04/11/2019	[Signature]
4	NEALLA	KAYEMBE	0761927364		01/11/2019	[Signature]	04/11/2019	[Signature]
5	TIMOTHY	NDLIKU	0616905287		01/11/2019	[Signature]	04/11/2019	[Signature]
6	TABAI	MBOFANA	0747513068		01-11-2019	[Signature]	01/11/2019	[Signature]
7	DAH	MIONI	0812028152		01-11-2019	[Signature]	04/11/2019	[Signature]
8	CETLIDE	LUNGA	061744008		01/11/2019	[Signature]	04/11/2019	[Signature]
9	Charles	Mabutho	0613839740		01/11/2019	[Signature]	04/11/2019	[Signature]
10	Lungela	Badila	0934820674		01-11-2019	[Signature]	04-11-2019	[Signature]
11	Thobeka	Mlawa	0622060004		01/11/2019	[Signature]	04/11/2019	[Signature]
12	DUNMORE	MDZINSWA	0785633030		01/11/2019	[Signature]	04/11/2019	[Signature]
13	Klanning	KASERERA	06134946	12/02/2019	01/11/2019	[Signature]	04/11/2019	[Signature]
14	TAMPANE	TAMPANE	074678504		01/11/2019	[Signature]	12/11/2019	[Signature]
15	Joel	BIDA	0619616058		01/11/2019	[Signature]		
16	Kudakwe	Coridema	0810945592		01/11/2019	[Signature]	04/11/2019	[Signature]
17	Sepesela	Pfundurwa	0767542163		01/11/2019	[Signature]	14/11/2019	[Signature]
18	Andrew	SOORIDEMA	0747054706	andrew@sooridema.com	01-11-2019	[Signature]	04/11/2019	[Signature]
19	Blessing	Chibanda	0797879349		01-11-2019	[Signature]	13-11-2019	[Signature]

[Handwritten initials/signature]

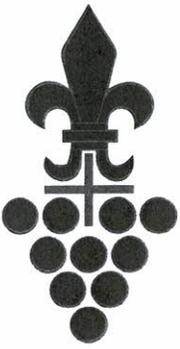
51	SALWEN	CONSTABLE	0743576667	Silwene@yahoo.com	13/11	0743576667	13-11-19	0743576667
52	YOSMINE	GONDAL	0813247188					
53	CHARMAINE	JACOBS					14-11-19	
54	Genesis	Pfennig	0787571623	AM				
55	Jelcha	Selati	0625787892					
56	CHAVONNE	VAN MECOU	0719540916	Chavon			15-11-19	Chavon
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APPENDIX 5

APPENDIX 4 : Broad group of preferred products

Abstract Stone Carvings,
Tribal/Animal Figurines
Tribal Bead work
Handcrafted Belts
Handmade Candles
Candle Holders
Canes/Walking Sticks
Handcrafted Chess Sets
Traditional Clothing
Cooking Utensils
Handcrafted Cushions
Traditional Tribal Drums
Leather Footwear
African Traditional Furniture
Gemstones Sculptures
Traditional Hats, Animal Horns / Skulls, African Traditional Jewelry
Leather
Lights and Lamp shades
Handcrafted Masks
Ostrich eggs
Tribal Paintings
Stone Carved Animals
African Carved Stone Eggs
African Stone Carved Tableware
Tablecloths & Placemats
Handcrafted Wire Art
Wood Carved Animals
Wood Carved Tableware
Hand Woven Grass Baskets
Handcrafted Shields
One of a kind African sculptures
Traditional Canvas Art, Ceramic Artworks

APPENDIX 6



Attendance Register

21 August 2020

Verification informal Trading Market

Name Surname	Date	Signature
1. ^{Mme} Sotshonwale	21 August 2020	
2. Salie Peters	21 August 2020	
3. H. FRAZENBURG	21 AUG. 2020	
4. W.C. Petrusen	21/08/2020	
5.	21/08/2020	
6.		

7.7.5	ALLOCATION OF INFORMAL TRADING STALLS – CLOETESVILLE MARKET
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Collaborator No: 691675
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 16 September 2020

1. SUBJECT: ALLOCATION OF INFORMAL TRADING STALLS – CLOETESVILLE MARKET

2. PURPOSE

To provide the Executive Mayoral Committee with the proposal, for noting purposes, for the allocation of the informal trading stalls at the Cloetesville Market, which must be submitted to the Municipal Manager in terms of Section 10 of the Stellenbosch Municipality Informal Trading Policy, 2019, for approval.

3. DELEGATED AUTHORITY

Executive Mayoral Committee for noting purposes.

4. EXECUTIVE SUMMARY

MAYCO takes note of the allocation criteria which was used to determine the proposed allocation of the informal trading stalls for a period of six (6) months, which is renewable, as prescribed in the Council adopted Stellenbosch Municipality Informal Trading Policy, 2019, and that these recommendations be submitted to the Municipal Manager for approval.

5. RECOMMENDATIONS

- (a) that MAYCO takes note that the 10 highest scoring applicants as depicted in **APPENDIX 1**, be recommended as the tenants to trade at the Cloetesville Market;
- (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy;
- (c) that the lease agreement be signed with a renewable validity period of six (6) months;
- (d) that stalls be allocated to the ten (10) qualifying applicants, and that a further process of advertising be followed to invite further applications for the remaining stalls; and
- (e) that the Senior Manager: Development Planning be authorised to renew such lease agreement by six (6) months, where after new applications must be considered.

6. DISCUSSION / CONTENTS

6.1 Background

On 23 October 2019, at the 32nd Council Meeting, see Council resolution attached as **APPENDIX 2**, Council adopted the Stellenbosch Municipality Informal Trading Policy, 2019.

On 16 January 2020, Council published a notice in the Eikestadnuus for “Invitations to Apply for a Trading Opportunity at the Cloetesville Market”, with the closing date for applications of 30 January 2020 at 16:00. See **APPENDIX 3** for the notice published. A total of twenty-five (25) applications were received by the closing date.

On 29 January 2020, a briefing session was held in the Eikestad Hall, Cloetesville to inform prospective applicants on the criteria and selection process when applying for a trading stall. A total of seventeen (17) persons attended the briefing session, the attendance register is attached as **APPENDIX 4**.

In terms of Section 9.5.4 of the Informal Trading Policy, 2019 the allocation of trading stalls will be based on the following criteria and considerations:

- 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 be in conflict with or unduly compete with:
 - The type of goods / services sold by formal businesses in the trading area / close to the bay;
 - The type of goods / services, sold informally, in the same 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 applicant's ability to meet the trading hours set for the trading area.
- Preference will be given to Historically Disadvantaged Individuals (“HDI”).
- Consideration shall be given to new traders on the municipality's database.
- Only one stall 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 lease agreement holder, provided that
 - There are more trading stalls than applicants; and
 - The applicant is not economically dependent on the existing lease agreement holder.
- Preference will be given to applicants who reside in, or close to, the trading area for which the lease agreement is applied;

- The trader must be in possession of a valid South African Identity document or relevant documentation in the form of a working permit of a not a South African Citizen.
- In the case of foodstuff being processed and traded, the trader must be in possession of the required Business License food preparation, and accompanying Certificate of Applicability).

Based on the above criteria, a total of twenty (20) applications were considered of which four (4) are not South African Citizens and the sixteen (16) have South African Identity Documents. This would mean that 80% of the recommended applicants are South African Citizens. Of the 80%, six (6) were however not born in South Africa, but your country of birth is not a criterion for consideration. It must also be noted that the based on the applications submitted, the recommended applicants all reside within the Stellenbosch Municipal Area.

The Cloetesville Market is not specific on the type of products which may be traded with at the market. IT should however be noted that on 7 February 2020 a product demonstration was held with the prospective traders. See photographs attached as **APPENDIX 5**.

It must be noted that the Cloetesville Market has been constructed and is ready, it is thus imperative that the allocations be approved in accordance with the said policy in order to utilise the trading area optimally. Currently there are 20 stalls, and only ten (10) stalls are at this stage awarded, as the other applicants did not present their products as required.

It is thus the recommendation that the 10 qualifying traders be awarded stalls and that a further process of advertising urgently commence to request applications for the remaining 10 stalls.

6.2 Financial Implications

There are no financial implications associated with the allocation of the trading stalls. Council will generate a minimum fee as noted within the Council's Tariff Policy.

6.3 Legal Implications

There are no legal implications and the management and enforcement requirements are dealt with in terms of 9.7 and 9.6, respectively of the said policy.

6.4 Previous / Relevant Council Resolutions

On 23 October 2019, at the 32nd Council Meeting, Council resolved the following:

- that, after considering the comments made by the public, Council adopts the Stellenbosch Municipality Informal Trading Policy;*
- that the Stellenbosch Municipality Informal Trading Bylaw be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.*

6.5 Risk Implications

Currently, 100% of the recommended applicants are South African Citizens but based on the information at hand.

RECOMMENDATIONS FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.2.2

During deliberations on the matter the Chairperson requested the Administration to attach a copy of the Draft Lease Agreement before submission to Mayco.

She also requested that it be minuted that Ward Councillors should never interfere in the Administration. However, the Administration must engage with and alert Ward Councillors and Ward Offices about things that will take place in their respective wards, because the community requests feedback from them as the representatives of the community. She further urged with the Administration to hold meetings with all Councillors from all political parties within that community, because in that way the Administration will know it did there bit.

RECOMMENDATIONS FROM THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-01: ITEM 6.2.2

- (a) that MAYCO takes notes that the 20 highest scoring applicants as depicted in **APPENDIX 1**, be recommended as the tenants to trade at the Cloetesville Market;
- (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy;
- (c) that the lease agreement be signed with a renewable validity period of six (6) months;
- (d) that stalls be allocated to the ten (10) qualifying applicants, and that a further process of advertising be followed to invite further applications for the remaining stalls; and
- (e) that the Senior Manager: Development Planning be authorised to renew such lease agreement by six (6) months, whereafter new applications must be considered.

APPENDICES

- Appendix 1:** Evaluation Criteria of the Applications Received for the Cloetesville Market
- Appendix 2:** Extract of Council Resolution for the adoption of the Stellenbosch Municipality Informal Trading Policy
- Appendix 3:** Invitation for applications placed in the Eikestadnuus dated 16 January 2020
- Appendix 4:** Attendance Register of Briefing Session held on 29 January 2020
- Appendix 5:** Photographs of products of prospective traders

FOR FURTHER DETAILS CONTACT:

NAME	<i>Craig Alexander</i>
POSITION	<i>Senior Manager: Development Planning</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8196</i>
E-MAIL ADDRESS	<i>Craig.alexander@stellenbosch.gov.za</i>
REPORT DATE	<i>07 August 2020</i>

APPENDIX 1

EVALUATION OF APPLICATIONS FOR THE CLOETESVILLE MARKET

NUMBER	NAME OF APPLICANT	ID NUMBER	ADDRESS	PRODUCTS	Pre-qualifying Criteria						Qualifying criteria				Total Score	Ranking	Converted Score	COMMENTS
					I am Unemployed	I do not have a SA Identity/Work permit or asylum	I am already a permit holder in the area	I do not have a suitable product for the market	I will not trade on a daily basis	I have a criminal record	50	20	30	30				
											I am a local resident (Cloetesville)	I reside within WC024	Suitability of the product	South African Origin				
1	Brigitte Jacobs	6805090099082	16 Carriem Str, Cloetesville	Clothing	No	No	No	No	No	No	0	0	0	0	0	1	0	Did not present product
2	Mervin John Adams	6611135207080	7 Jacaranda Str, Cloetesville	Food ,Clothing & Toilet paper	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
3	Leon Otto	6309165219089	11 Charlie Str, Cloetesville	Fish & Vegetable	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
4	Ricardo Lodewyk	7703215123086	40 North End, Cloetesville	Food ,Beverages,Sweets,Art& Crafts	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
5	Jo-Ann Cathleen	6704250133080	39 North end Cloetesville	Clothing	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
6	Cornelius Henry Du Toit	6011045209088	3 Anthony Str, Cloetesville	Food & Clothing	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
7	Wadia Abrahams	7901280173081	211 Dhelmini Str, Cloetesville	Boerewors rolls, burgers	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
8	Maria Charles	5210110027083	38 Williams Str, Cloetesville	Boerewors, Hot Chips & Biltong	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
9	Quiton Cupido	7001295268081	98 Carry Str, Cloetesville	Food, Beverages, Sweets,Toys, Art&Craft	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
10	Reginald Ross	6109245107084	13 William Str, Cloetesville	Dry&Frozen Fish & Beverages	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
11	Louise Margaret De Klerk	6912040080084	50 Sylviastraat, Cloetesville	Food, Beverages, Sweets,Toys, Clothing	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
12	Lona Manuel	6811180759080	128 Curry Str, Cloetesville	Food,Clothing	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
13	Sofie Roman	5510060062083	57 Asalea Str, Cloetesville	Fruit & Vegetables	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
14	Calvin Van Der Bergh	7705245266082	Cloetesville, Stellenbosch	Detergents	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
15	Judie Botes	7201030013087	103 Vredelus Str, Cloet	Food, Cold meat,meat,Chicken & Fish	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
16	Pamela Carmen Titus	8302190171084	28 Waaierpalm Str, Cloetesville	Food, Boerewors	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
17	Francis Cornelius	6401220161081	23 Primrose Str, Cloetesville	Groceries, Vegetables	No	No	No	No	No	No	0	0	0	0	0	0	0	Did not present product
18	Raymond William Davis	6104085246084	26 Azalea Str, Cloetesville	Shoe repair, Chemicals	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
19	Stefno Phillip Elvizo	9706225121089	59 Primrose Str, Cloetesville	Food	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
20	Carol Willemina Williams	6812250091081	6 Madelief Str, Tennantville	Variety (Food, Household Cleaning Consumerables)	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
21	James Charles	5311105104083	17 Medelief Str, Tennantville	Perfumes,Bags,Clothing& Detergent	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
16	Franklin William Daniels	6802275277088	4 February Str, Cloetesville	Charcoal- Various Goods	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
21	Heinrich Botes	8704205192080	51 Jakaranda Str, Cloe	Fruit & Veg	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
22	Johannes Jakobus Engelbrecht	6310025124089	16 Kastiaanghot Weltevrede,	Fruit& Veg , Wood , Sweets	No	No	No	No	No	No	50	20	30	30	130	1	100	Recommended
23	Eon Beneke	94110605045080	57 Primrose, Cloetesville	Art & Craft/Curios/Food	No	No	No	No	No	No	50	20	30	30	130	1	100	Invalid ID Number
24	Cheslyn Abrahams	7612015190082	18 Eike Str, Cloetesville	Food	No	No	No	No	No	No	50	20	20	30	120	2	92	Recommended
25	Julian September	7110055262084	13 Lang Str, Cloetesvill	Clothing	No	No	No	No	No	No	50	20	20	30	120	2	92	Recommended

APPENDIX 2

13.3	ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

23 October 2019

1. SUBJECT: ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY**2. PURPOSE**

To request Council to adopt the Informal Trading Policy after considering comments received from the public.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Informal Trading Policy, which guides the strategic direction in terms of informal trading, has been advertised for public comments and are now presented to Council for adoption after considering the comments from the public.

32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3**RESOLVED** (majority vote)

- (a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and
- (b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8491</i>
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	<i>10-10-2019</i>

APPENDIX 3

Annexure 1: Notice: Eikestadnuus: 16-01-2020

16 Januarie 2020

NUUS HERW: Eikestadnuus 11

Kylemore-punte meestal op

Hoewel van die skole in Stellenbosch hul 100%-slaagsyfers behou het, het ander skole se uitslae gedaal.

Die hoërskole Bloemhof, Rhenish en Stellenbosch het soos in 2018 se uitslae hul 100%-slaagsyfer vir 2019 behou.

Hoërskool Kylemore is die skool wat die grootste verbetering getoon het. Die uitslae vir 2019 was 74,5% in vergelyking met 2018 se slaagsyfer van 63,6%.

Dit is 'n styging van 10,9% ten spyte van die tragiese dood van die matriekleerder Jürgen Solomons in die

cindeskaam wat sy mede-matriekleeders hartseer en getraumatiseer gelaat het.

Makupula Sekondêre Skool in Kyamandi se uitslae het vir die derde agtereenvolgende jaar verbeter. Verlede jaar se slaagsyfer is 94,4%, in vergelyking met 2018 se syfer van 85,5% terwyl dit in 2017 op 83,8% gestaan het.

Stellenzicht se slaagsyfer van 64,4% in 2018 het gedaal na 62,9%. Luckhoff se uitslae het gedaal van 73,4% in 2018 tot 69,6% in 2019.

Hoërskool Khayamandi se uitslae was 80,8% in 2018 en 75,5% in 2019.

Skool	2018 (%)	2019 (%)
Bloemhof	100	100
Rhenish	100	100
Stellenbosch	100	100
Kylemore	63,6	74,5
Stellenzicht	64,4	62,9
Khayamandi	80,8	75,5
Franschhoek	97	94,1
Cloeteville	70,1	65,3
Luckhoff	73,4	69,6
Makupula	85,5	94,4
Paul Roos	99,2	99,6

Stellies is baie trots!

Hoërskool Stellenbosch se matrieks van 2019 het weer 'n 100%-slaagsyfer behaal. Dit is die vyfde agtereenvolgende jaar dat al die skool se matrieks hul skoolloopbane suksesvol afsluit het.

Altesaam 99 leerders het die eksamen geslaag, van wie 97,82% vir verdere studie kwalifiseer. Die skool prouk ook met 151 A-vakgemiddeldes.

Die volgende leerders het uitsonderlike prestasies behaal: Elise le Roux (94,3%; sewe onderskeidings), Marina Schoeman (69,8%; sewe onderskeidings), Lize du Toit (89%; agt onderskeidings), Albert Grobler (86,5%; sewe onderskeidings), Maja van Aalwegen (86%; agt onderskeidings) en Nelge Rooyen (83,8%; vyf onderskeidings).



Elise le Roux Marina Schoeman Lize du Toit

Hoër Meisieskool Bloemhof behaal 100%-slaagsyfer

Die klas van 2019 se lang gewone op hul nasionale senior sertifikaat-uitslae is Woensdag 6 Januarie 2020 betyding toe die 132 matrikulante van die Hoër Meisieskool Bloemhof jehour het dat almal die eksamen geslaag het. Altesaam 130 van hierdie leerders (98,5%) het met matrikulasievystelling geslaag.

deur. Buiten vir 'n 100%-slaagsyfer, prouk Bloemhof vanjaar ook met die volgende uitslae:

- Bloemhofers behaal 476 vakonderskeidings
- Altesaam 96 kandidate (72,7%) slaag met 'n gemiddelde B-simbol of hoër
- Vyftig kandidate (37,8%) slaag met 'n gemiddelde A-simbol
- Agtien kandidate slaag met sewe A's, 12 met ses A's, 11 met vyf A's en 12 met vier A-simbole
- Twee kandidate – Lana Prins en Alexa Genis – slaag met agt A-simbole.



Alexandra van der Spuy



Clara Dudley (links) en Lana Prins (regs) word deur Michelle Steyn omhels. Foto: Leon Pien

STELLENBOSCH
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<p>INVITATION TO APPLY FOR A TRADING OPPORTUNITY AT CLOETESVILLE MARKET</p> <p>Stellenbosch Municipality will soon open the Cloeteville Market. The municipality is therefore inviting all interested traders to apply for a trading stall in order to sell their products.</p> <p>Preference will be given to the local residents of Cloeteville, residents of the Greater Stellenbosch and the unemployed. Applicants must be 18 years of age or older. Application forms are available from the Cloeteville ward offices and Local Economic Development Offices at 58 Andringa Street, Stellenbosch. Traders from Cloeteville area will receive preference.</p> <p>PLEASE KINDLY NOTE: APPLICATION FORMS ARE AVAILABLE AT THE CLOETESVILLE WARD OFFICES AND THE LOCAL ECONOMIC DEVELOPMENT OFFICE AS FROM 16 JANUARY 2020. CLOSING DATE FOR APPLICATIONS IS 30 JANUARY 2020 AT 16:00 PM.</p> <p>Only applications submitted with all the required information will be considered.</p> <ul style="list-style-type: none"> • Non-South African Citizen(s) applicant(s) are URGED to submit supporting documents for verification purposes. • Applicants need to submit the application form with a certified copy of ID/Passport, a small ID Photo (for both owner & assistant (if there is an Assistant) and proof of address of both employer and employee (Assistant(s)). Non-South African Applicants to submit all the necessary documentation i.e.: asylum papers, work permits etc. <p>NB: A COMPULSORY INFORMATION SESSION WILL BE HELD ON THE 29 JANUARY 2020, EIKESTAD HALL @ 19H00 TO EXPLAIN THE SELECTION CRITERIA AS PER THE APPROVED INFORMAL TRADING POLICY AND A SCREENING INTERVIEW AND PRODUCT INSPECTION.</p> <p>Tariffs as approved by Council for the 2019/20 financial year for trading lease agreements at the Cloeteville Market are as follows:</p> <table style="width: 100%; border: none;"> <tr> <td>Cost per Month</td> <td>Resident</td> <td>Non-resident</td> </tr> <tr> <td>Cost per Year</td> <td>R 180,00</td> <td>R 210,00</td> </tr> <tr> <td>Cost per Year</td> <td>R 1500,00</td> <td>R 1800,00</td> </tr> </table> <p>Enquiries can be directed to, and application forms can be obtained from Vusumuzi Zwelenzaba on 021 808 6178/6121 or at vusumuzi.zwelenzaba@stellenbosch.gov.za. Alternatively you can visit our offices at 58 Andringa Street, Stellenbosch and Opposite Food Lovers Market or next to The Happy Oak Pub & Grill.</p>	Cost per Month	Resident	Non-resident	Cost per Year	R 180,00	R 210,00	Cost per Year	R 1500,00	R 1800,00	<p>INVITATION TO APPLY FOR A TRADING STALL AT KAYAMANDI/GEORGE BLAKE MARKET</p> <p>Stellenbosch Municipality will soon open the Kayamandi/George Blake Market. The municipality is therefore inviting all interested traders to apply for a trading stall in order to sell their products.</p> <p>Preference will be given to the local residents of Kayamandi, residents of the Greater Stellenbosch and the unemployed. Applicants must be 18 years of age or older. Application forms are available from the Kayamandi ward offices and Local Economic Development Offices at 58 Andringa Street, Stellenbosch. Traders from Kayamandi area will receive preference.</p> <p>PLEASE KINDLY NOTE: APPLICATION FORMS ARE AVAILABLE AT THE KAYAMANDI WARD OFFICES AND THE LOCAL ECONOMIC DEVELOPMENT OFFICE AS FROM 16 JANUARY 2020. CLOSING DATE FOR APPLICATIONS IS 30 JANUARY 2020 AT 16:00 PM.</p> <p>Only applications submitted with all the required information will be considered.</p> <ul style="list-style-type: none"> • Non-South African Citizen(s) applicant(s) are URGED to submit supporting documents for verification purposes. • Applicants need to submit the application form with a certified copy of ID/Passport, a small ID Photo (for both owner & assistant (if there is an Assistant) and proof of address of both employer and employee (Assistant(s)). Non-South African Applicants to submit all the necessary documentation i.e.: asylum papers, work permits etc. <p>NB: A COMPULSORY INFORMATION SESSION WILL BE HELD ON THE 23 JANUARY 2020, KAYAMANDI CORRIDOR @ 19H00 TO EXPLAIN THE SELECTION CRITERIA AS PER THE APPROVED INFORMAL TRADING POLICY AND A SCREENING INTERVIEW AND PRODUCT INSPECTION.</p> <p>Tariffs as approved by Council for the 2019/20 financial year for trading lease agreements at the Kayamandi-George Blake Market are as follows:</p> <table style="width: 100%; border: none;"> <tr> <td>Cost per Month</td> <td>Resident</td> <td>Non-resident</td> </tr> <tr> <td>Cost per Year</td> <td>R 180,00</td> <td>R 210,00</td> </tr> <tr> <td>Cost per Year</td> <td>R 1500,00</td> <td>R 1800,00</td> </tr> </table> <p>Enquiries can be directed to, and application forms can be obtained from Vusumuzi Zwelenzaba on 021 808 6178/6121 or at vusumuzi.zwelenzaba@stellenbosch.gov.za. Alternatively you can visit our offices at 58 Andringa Street, Stellenbosch and Opposite Food Lovers Market or next to The Happy Oak Pub & Grill.</p>	Cost per Month	Resident	Non-resident	Cost per Year	R 180,00	R 210,00	Cost per Year	R 1500,00	R 1800,00	<p>INVITATION TO APPLY FOR A TRADING OPPORTUNITY AT KLAPMUTS MARKET</p> <p>Stellenbosch Municipality will soon open the Klappmuts Market. The municipality is therefore inviting all interested traders to apply for a trading stall in order to sell their products.</p> <p>Preference will be given to the local residents of Klappmuts, residents of the Greater Stellenbosch and the unemployed. Applicants must be 18 years of age or older. Application forms are available from the Klappmuts ward office and Local Economic Development Offices at 58 Andringa Street, Stellenbosch. Traders from Klappmuts area will receive preference.</p> <p>PLEASE KINDLY NOTE: APPLICATION FORMS ARE AVAILABLE AT THE KLAPMUTS WARD OFFICE AND THE LOCAL ECONOMIC DEVELOPMENT OFFICE AS FROM 16 JANUARY 2020. CLOSING DATE FOR APPLICATIONS IS 30 JANUARY 2020 AT 16:00 PM.</p> <p>Only applications submitted with all the required information will be considered.</p> <ul style="list-style-type: none"> • Non-South African Citizen(s) applicant(s) are URGED to submit supporting documents for verification purposes. • Applicants need to submit the application form with a certified copy of ID/Passport, a small ID Photo (for both owner & assistant (if there is an Assistant) and proof of address of both employer and employee (Assistant(s)). Non-South African Applicants to submit all the necessary documentation i.e.: asylum papers, work permits etc. <p>NB: A COMPULSORY INFORMATION SESSION WILL BE HELD ON THE 28 JANUARY 2020, KLAPMUTS MULTIPURPOSE CENTRE @ 19H00 TO EXPLAIN THE SELECTION CRITERIA AS PER THE APPROVED INFORMAL TRADING POLICY AND A SCREENING INTERVIEW AND PRODUCT INSPECTION.</p> <p>Tariffs as approved by Council for the 2019/20 financial year for trading lease agreements at the Klappmuts Market are as follows:</p> <table style="width: 100%; border: none;"> <tr> <td>Cost per Month</td> <td>Resident</td> <td>Non-resident</td> </tr> <tr> <td>Cost per Year</td> <td>R 180,00</td> <td>R 210,00</td> </tr> <tr> <td>Cost per Year</td> <td>R 1500,00</td> <td>R 1800,00</td> </tr> </table> <p>Enquiries can be directed to, and application forms can be obtained from Vusumuzi Zwelenzaba on 021 808 6178/6121 or at vusumuzi.zwelenzaba@stellenbosch.gov.za. Alternatively you can visit our offices at 58 Andringa Street, Stellenbosch and Opposite Food Lovers Market or next to The Happy Oak Pub & Grill.</p>	Cost per Month	Resident	Non-resident	Cost per Year	R 180,00	R 210,00	Cost per Year	R 1500,00	R 1800,00
Cost per Month	Resident	Non-resident																											
Cost per Year	R 180,00	R 210,00																											
Cost per Year	R 1500,00	R 1800,00																											
Cost per Month	Resident	Non-resident																											
Cost per Year	R 180,00	R 210,00																											
Cost per Year	R 1500,00	R 1800,00																											
Cost per Month	Resident	Non-resident																											
Cost per Year	R 180,00	R 210,00																											
Cost per Year	R 1500,00	R 1800,00																											

APPENDIX 4



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INFORMATION SESSION INTERVIEW WITH CLOETESVILLE MARKET INFORMAL TRADERS

Venue: EIKESTAD HALL

Time : 10:00 – 13:00

Date : 29 January 2019

Name & Surname	Products	Contact Details	Email address	Signature
Mimi Sotshononda	LED	021 908 8121		
Widmark Moses	LED	x 8974		
STEPHE V RHYN	FOOD	081 074 0627	starrhyr01@gmail	
Johannes Jakobus Engelbrecht	Food, Changan	0625419821	johannes.jakubus@gmail.com	
Jay-Jay Perumal	Street Food	0848413322		
R. Ross (Reggie)	Dairy & Frozen Fish	0842668009	rossreginald@gmail.com	
Restina Adams	Groceries + veg	0780335775		
MELVIN ADAMS	Food	0657347296	restinaadams13@gmail.com	
SHERELEEN LAYMAN	Food, verskeerde goedere	0625769139	SHERELEENLAYMAN42@gmail.com	
Yvonne FORTIN	Furniture, Hand made	073399426		

Name & Surname	Products	Contact Details	Email address	Signature
Heinrich Bates	Food	0679074115	heinrichbates17@gmail.com	H Bates
Sophia Roman	Food	0849081357	sgan	S Roman
Jodye Jones	Food	079 7331330	sgan	Jodye Jones
Briquette Jacobs	clothing	061 3711 794		Briquette Jacobs
HANNY de TOIT	Food & Clothing	0682188699	hannydetoit1@gmail.com	HANNY de TOIT
CARD WILLIAMS	kerseke de-oid	017270665		Card Williams
CHELVY ABRAHAM	Food	072 6344 949	chevlyabraham25@gmail.com	CHELVY ABRAHAM
VINCENT SINGERS	Food	0641924235	vincent.singers@gmail.com	VINCENT SINGERS
JAMES CHANES	Household	0810482495	chanesjames@gmail.com	JAMES CHANES
XENIE CHANES	Hand Bags Toilet Paper	071 078 2803		XENIE CHANES
Monray Charles	Deptent	0603448777		M. J. CHARLES
N. Willems	ID PHOTO BOOTH	072 872 4573	n.willems101@gmail.com	N. WILLEMS
J. September	Clothing	067743638	j.september04@gmail.com	J. SEPTEMBER
L. OTTO	Fish/Vegetables	0829606400		L. OTTO
CASSIE & JULIE	FOOD: CRAB	0842980301		CASSIE & JULIE
ABDURAGMAN Cromba	Paintings			ABDURAGMAN CROMBA
CHRISTOPHER DANIEL	CLEANER WORK	0625005155		CHRISTOPHER DANIEL

Trading Applications
Final.

MHELLI !!



Name:	Surname:	Contact No:	Product Sold:	Collection Date:	Submission Date:	Trading Area/Market
1	CASSIM	JULIET	0842980201	FOOD	16/01/2020	Cloetesville
2	Rosina	Forduni	072 597 6094	FOOD	16/01/2020	28-01-20 Cloetesville
3	Doreen	Smith	0739748210	FOOD	16/01/2020	Cloetesville
4	JULIA	ISAACS	0832257172	Cleaning products	16/01/2020	Cloetesville
5	SHERELEEN	LAYMAN	0625769139	FOOD	16/01/2020	29-01-20 Cloetesville
6	ANGELA	JLINE	0794423432	FOOD	16/01/2020	Cloetesville
7	Melany	Johannes	0789613745	Clothing	16/01/2020	Cloetesville
8	Calvin	VIP BERN	0682380054	FOOD	16/01/2020	Cloetesville
9	STEFNO	Van Rijn	081740627	FOOD	16/01/2020	28-01-20 CLOETESVILLE
10	Proclency	Naomi	0838568911	FOOD	16/01/2020	Cloetesville
11	ROSE	ROSE	0713084193	CLEANING	16/01/2020	28-01-20 CLOETESVILLE
12	GEOFFARD	COETZEE	0546032182	Clothing	16/01/2020	Cloetesville
13	Seta/Bridget	JACOBS			28-01-20	Cloetesville
14	Eon	Beneke	063218600	Food and beverage	16/01/2020	X Cloetesville
15	ARVIN	ADAMS	0657347276	VARIETY	16/01/2020	28-01-20 Cloetesville
16	JOHANNES	JULIUS	0744742116	Toys/Sport	17/01/2020	Cloetesville
17	LION OTTO	OTTO	0829666428		20/01/20	29-01-20 CLOETESVILLE
18	VERONICA	WANZA	0818530544	Household goods	20/01/20	Cloetesville
19	LORENZO	BLAKE	0616786397	DRY FISH	20/01/20	Cloetesville
20	J. Gae	L. MELPHE	06254197	Pharmacy	20/01/2020	29/01/2020 Cloetesville
21	RICARDO	LOREWILL	0662660476	VARIETY	20/01/2020	X CLOETESVILLE
22	SICOMI	MELER	0835854653	FOOD	20/01/2020	CLOETESVILLE

(81) signed
book
attached

(21)

Annexure 3: Register of Applications Received

10

	NAME	SURNAME	Contact	Product/Service	Collection	Sub. date	Area / Signature
23	SILVIO	Hendricks	078223342	Greens	23-01-20		Cloeteville
24	CORNELIUS	HENEY	078159833	Deutsches Brot	22/01/20		11
✓25	James	Charles	0810482695	Flour	23-01-20	28-1-20	Cloeteville
26	Joanne	Philander		Kleantone	23-01-20	X	Cloeteville
27	Frederick	ISAACS	072292818		22-1-20		Cloeteville
28	ANNIE	WATTE	0825531333	Tapeware	23-01-20		Cloeteville
✓29	FRANCIS	Cornelius	078033575		23-01-20	27-01-20	Cloeteville
✓30	Raymon	DAVIDS	078628118	Miscellaneous	23-01-20	25-1-20	Cloeteville
✓31	Caroli	Williams	071727066		23-01-20	28-01-20	Cloeteville
32	Leon	malgas	0719778107	Fruit/veg	23-01-20		Cloeteville
✓33	Sofia	Roman	0849081357	Fruit/veg	23-01-20	29-01-20	Cloeteville
✓34	VINCENT	SLINGS	0641924235	Food	27/1/20	23-01-20	Cloeteville
✓35	Henry	DuToit	068218859	Foodstuff	27/1/20	29-01-20	Cloeteville
✓36	Wodica	Abraham	0847486639	Miscellaneous	27/1/20	29-01-20	Cloeteville
37	Jacqueline	Samuels			28/1/20		Cloeteville
38	Maria	Charles	0783191335	Kleantone	29/1/20	30-01-20	Cloeteville
✓39	Chealyn	Abrahams	072634495	Food	21/01/20	29-01-20	Cloeteville
✓40	Reginald	Ross	0842448009	fish sales	24/01/20	29-01-20	Cloeteville
✓41	Heinrich	Bates	0730591674	Vegetables	29-01-20	30-01-20	Cloeteville
✓42	Quinton	Cupido	0720795561		29-01-20	30-01-20	Cloeteville
41	Julian	September	0762743638		29-01-20	30-01-20	Cloeteville
42	Indie	Tejars	021-8864832		28-01-20	30-01-20	Cloeteville
43	Lamees	DeKlerk	078284247		30/01/20	30-01-20	Cloeteville

8121
Sethmoele Mmeli



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Cloetesville Informal Trading Centre Date: 7-2-2020

Name	Surname	Contact	Product	Area / Sign
Eom	Beneke	063 210 0621	Food	E Beede
SHERILLEN	Layman	0625 769139	Cloes Clothes	Sign
JULIAN	SEPTEMBER	0760743638	S/HAND CLOTHES	J.
M. Bobby ee Mscadi	Bobby ee	0728720663	Handcrafts	PK Bobby
Raymond	NAVIDS	0736813118	SPARE REPAIRS	Raymond
WYNANDI - CAROL	CAROLUS	0713 56922	FOOD	Wynandi
J.J. Engel BRECHT	Engel BRECHT	0625419921	Nam (Hans) Wors Kollies Wors Kollies	J.J. Engel
DICKI	CHARLES	0834606865	FOOD	Dicki
Bladsten	ANTHONY	0723543178	WORS ROLLETJIE CHIPS	Bladsten
VINCENT	SLINGERS	0641921235	FOOD	Vincent
Cheslyn Abrahams	Abrahams	0726344989	Fresh Foods	Cheslyn
Jody	Samuel	0738668098	cold meats	Jody
EROL	WILLIAMS	0717270666	CROCKERY / COOKING	Williams
JAMES	THOMAS	0810482495	HOUSEHOLD	James

11

Annexure 4: Product Demonstration



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 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

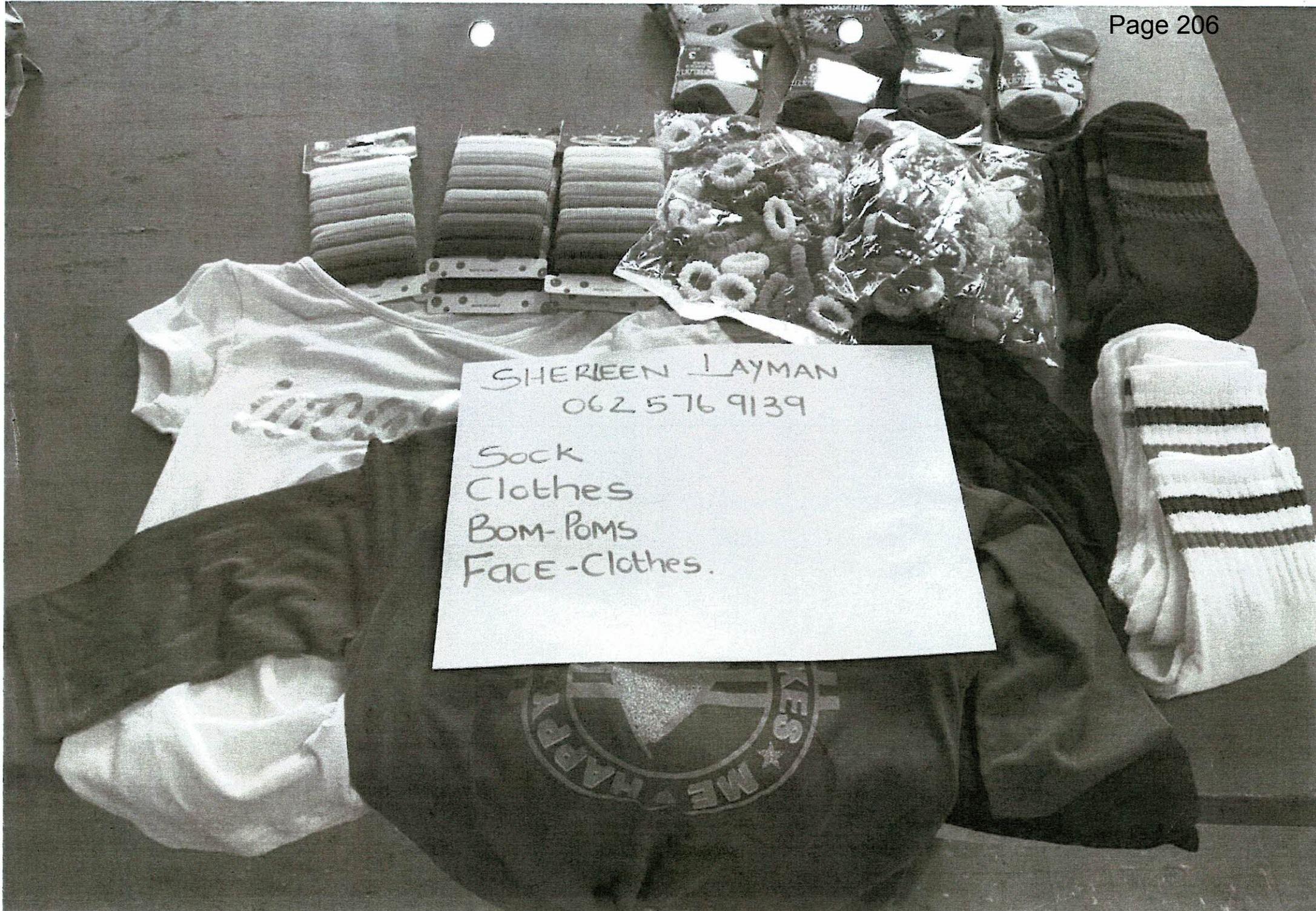
Cloetesville Informal Trading Centre Date: 7-2-2020

Name	Surname	Contact	Product	Area / Sign
Jo Ann	PHILIPPA		Klaar	Cloetesville
Georgie	ARMANISA	076536438	HANDICRAFT (Food)	Cloetesville
HEINRICH BOOTS	BOOTS	0730591674	VRUGTE & groente	Cloetesville

APPENDIX 5

SHERIEN LAYMAN
062 576 9139

SOCK
Clothes
BOM-POMS
FACE-Clothes.

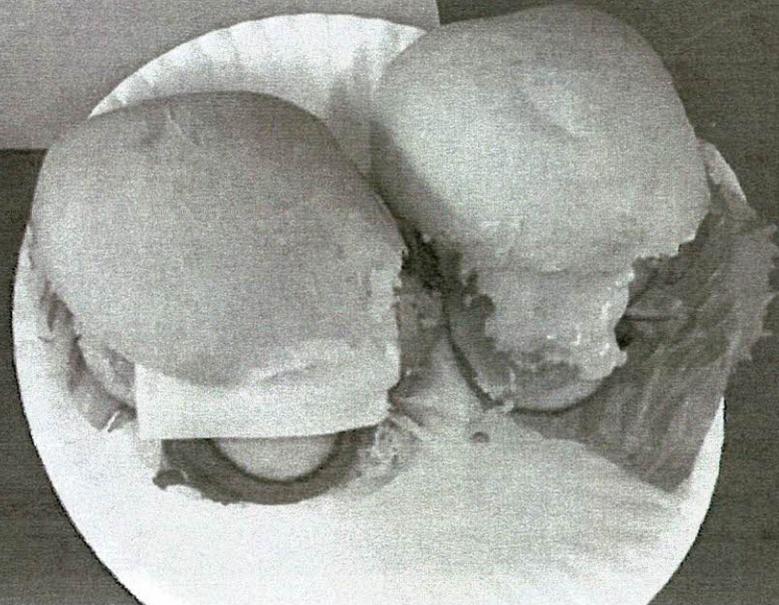
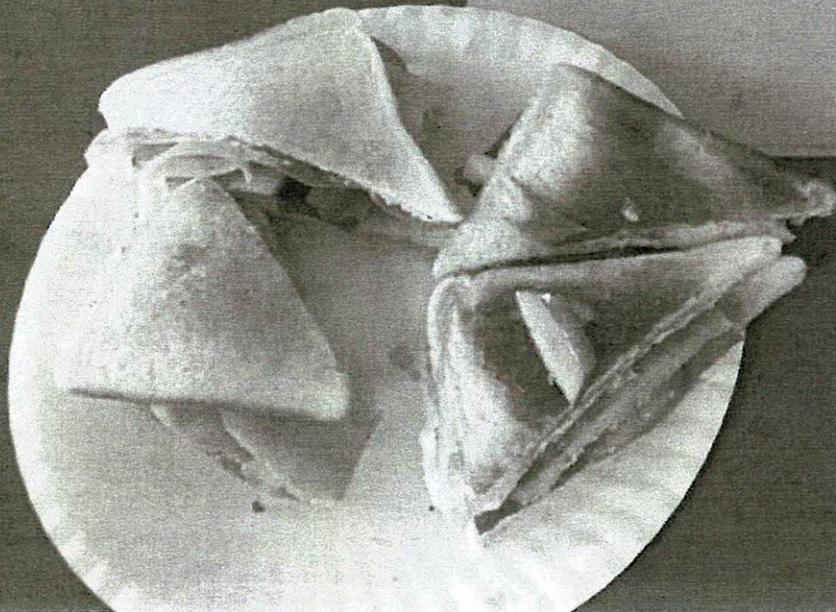


VINCENT (POLLA)

FOOD

0661924235

POLLA'S
GRILL



RICARDO LODEWYK
HANDCRAFTS & FOODS

072 482 7353

8





Jacky Samuels
073 846 8095
Cold MEATS 12
Drinks

Chestlyn Abrahams
0126344989
Fast Foods (11)



19



① Eon Benke
063 218 0621
Burgers chicken
Chiproles Gathy's
fries

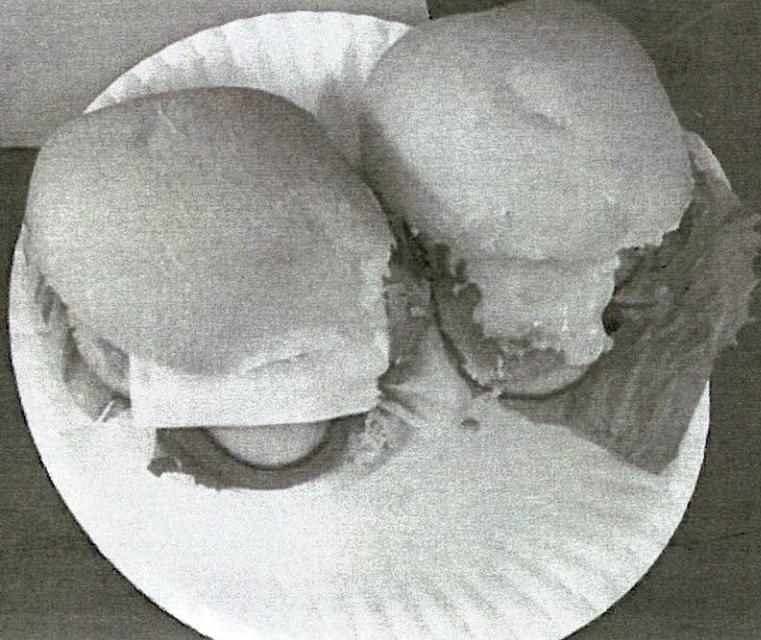
VINCEY (POLLA)

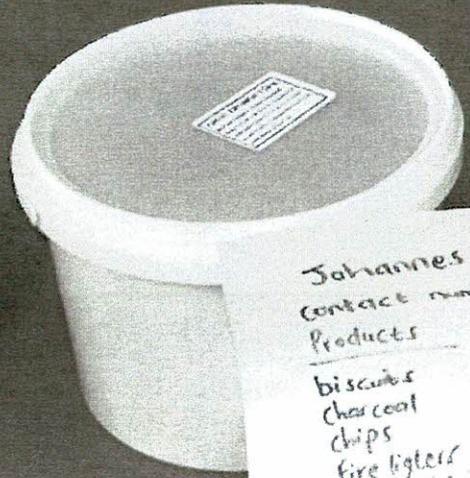
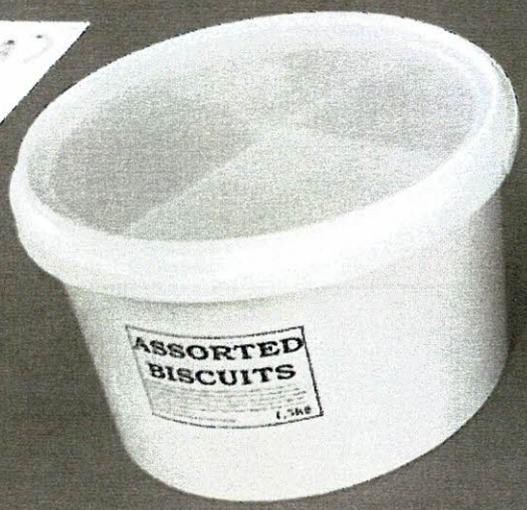
FOOD

0661924235

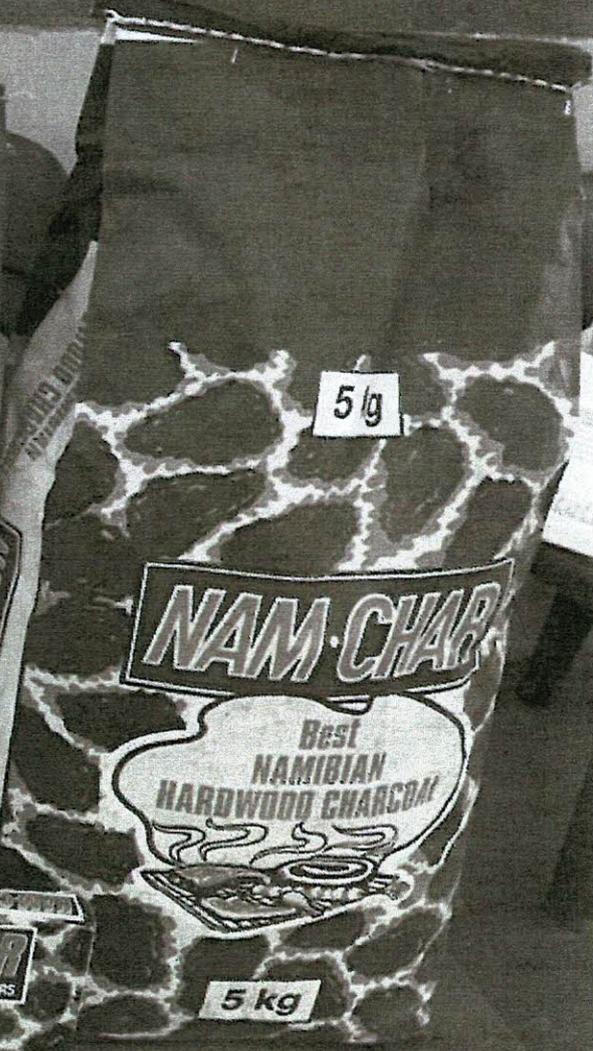
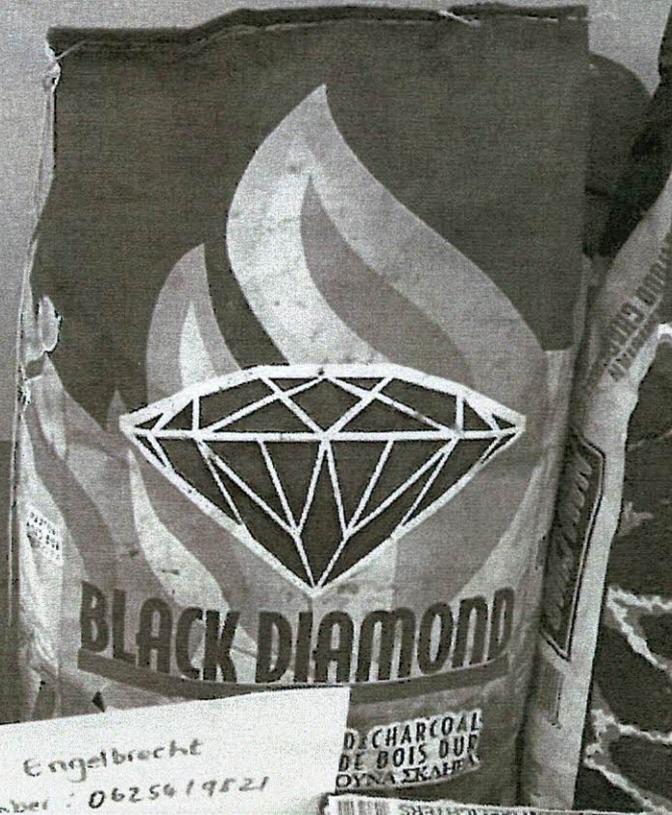
POLLA'S[®]

GRILL





Johannes Engelbracht
Contact number : 0625619521
Products
biscuits
charcoal
chips
fire lighters
wool ballen





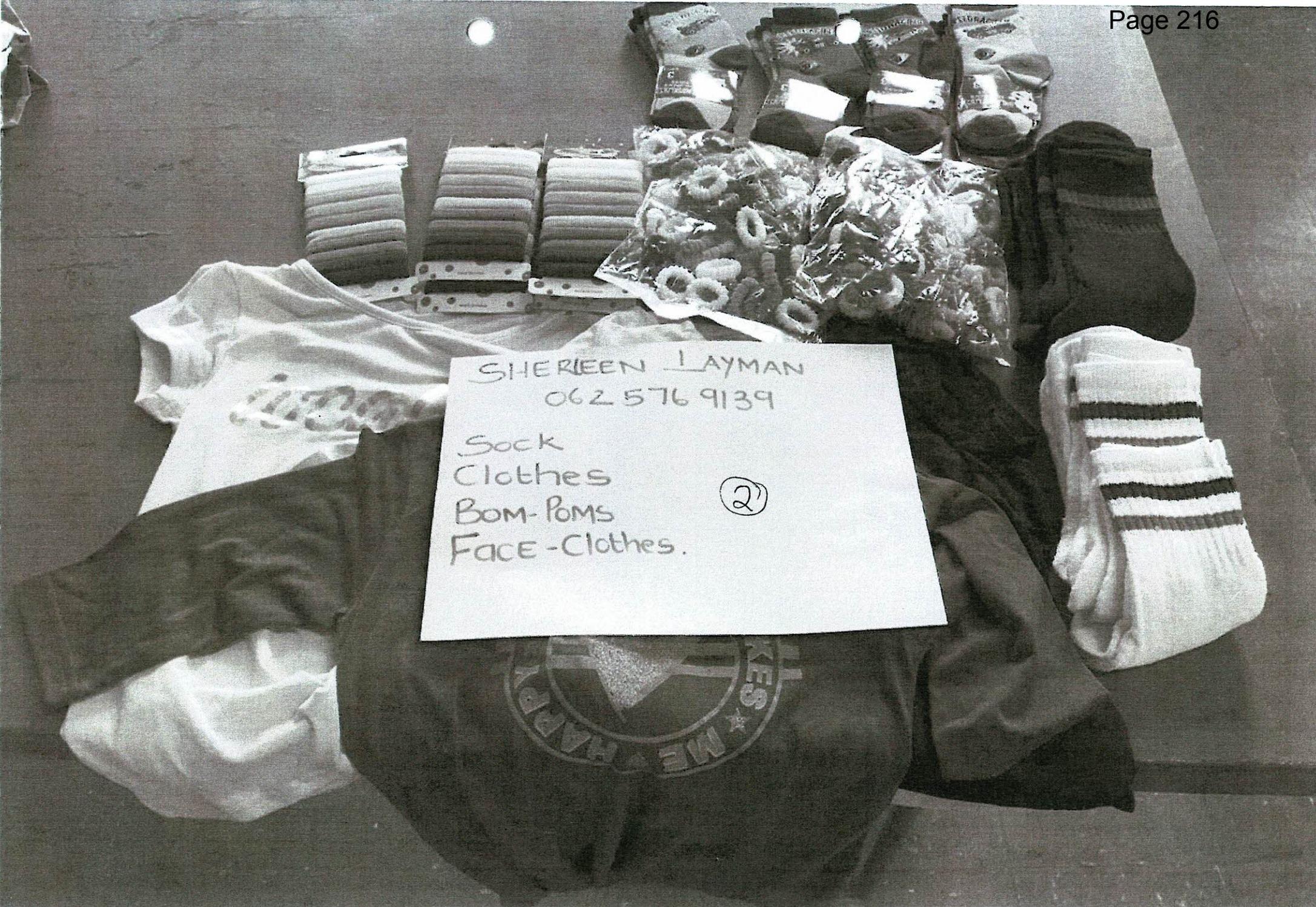
RICARDO LODEWYK
HANDCRAFTS & FOODS
072 482 7353

JULIA SEPTEMBER
0760-74363E
CLOTHING/GOODS

③

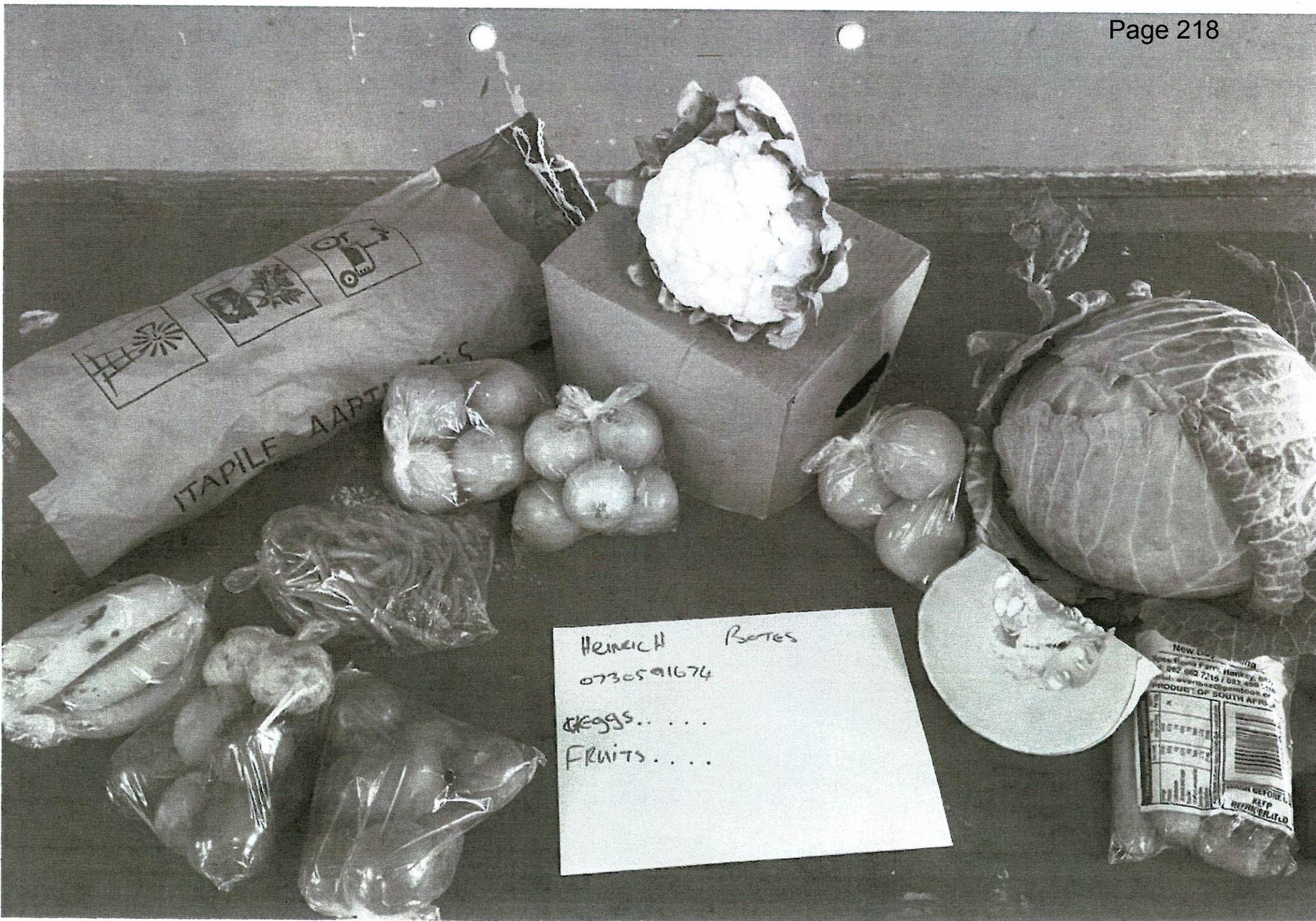
SHERIEEN LAYMAN
062 576 9139
Sock
Clothes
BOM-POMS
FACE-Clothes.

(2)





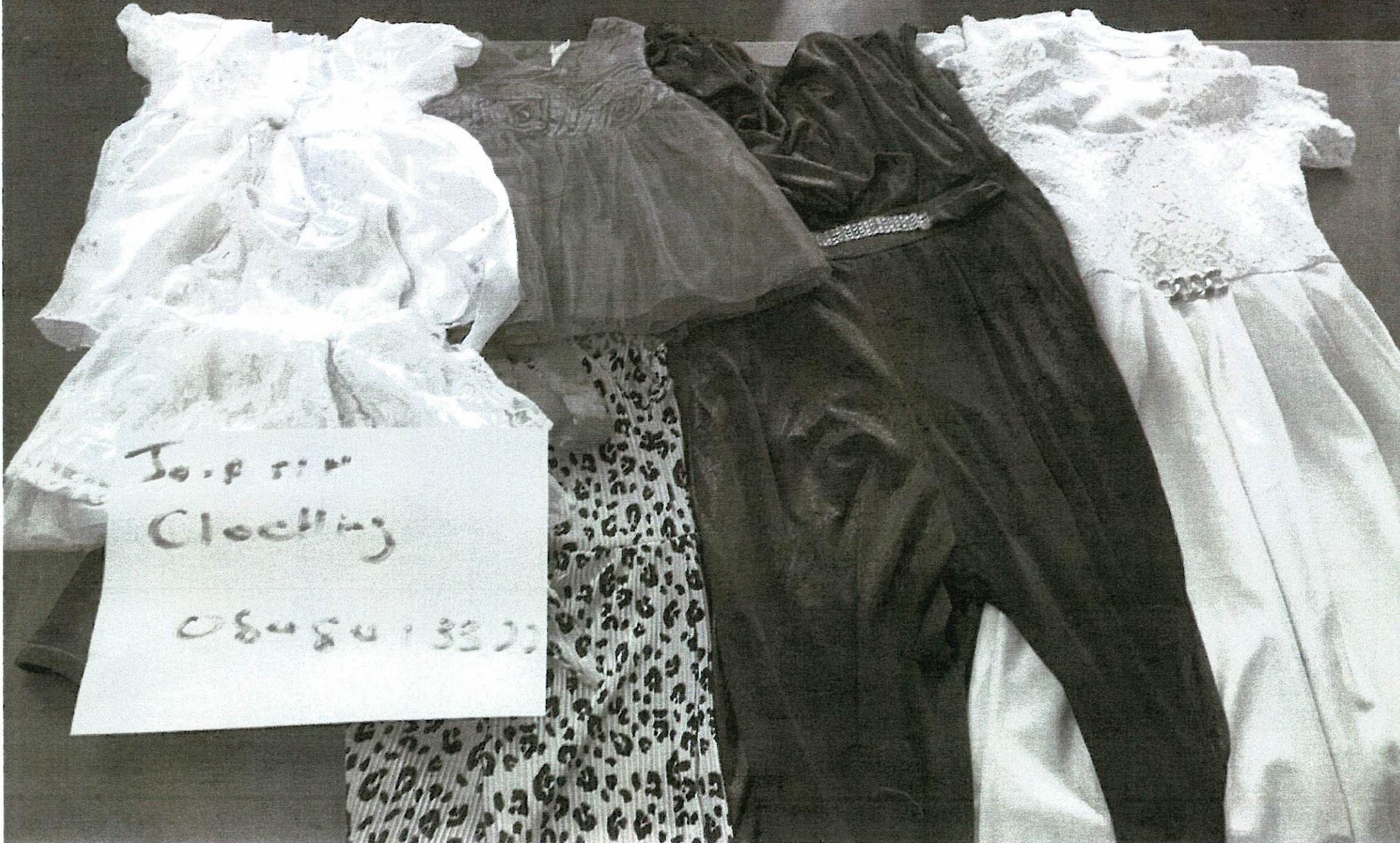
James Markes
0510432495 (84)
House Hold Detergents
Bags, Toys, Perfume
Lotions, nalkets
Toilet Paper



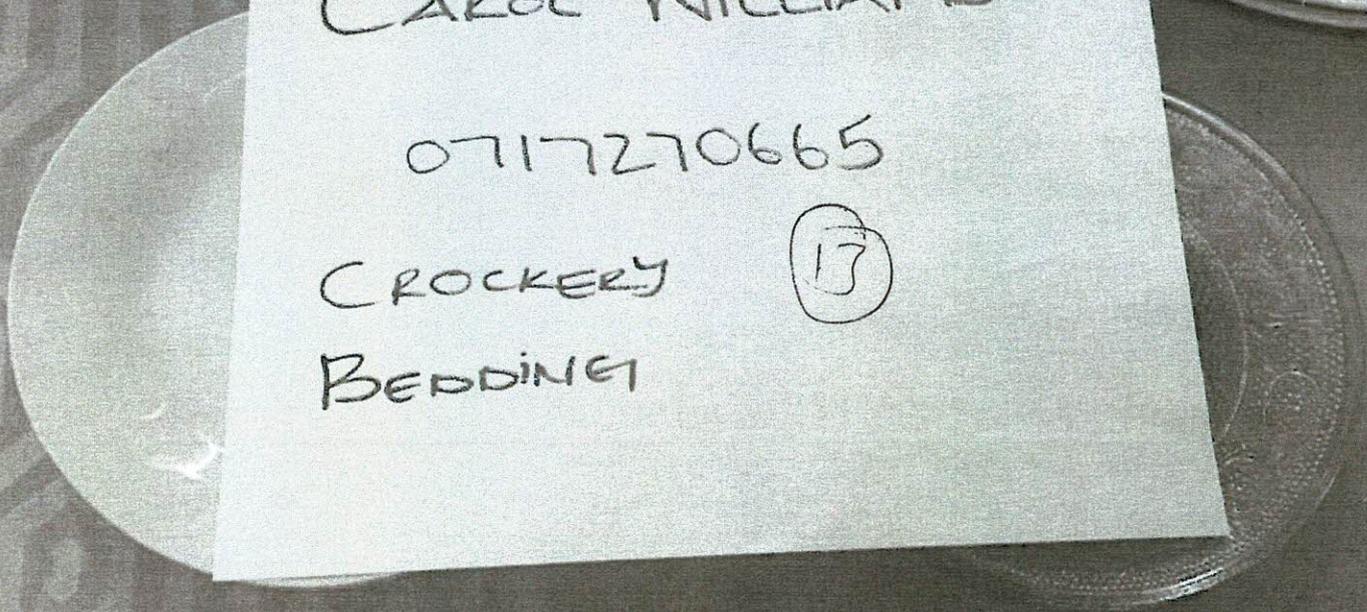
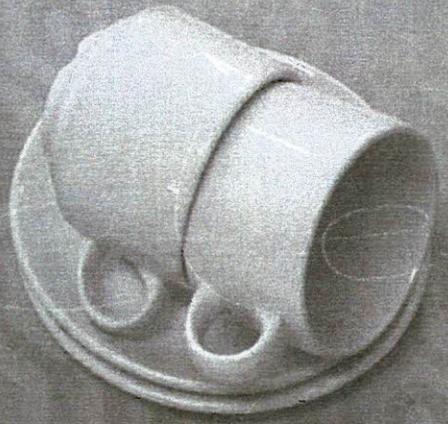
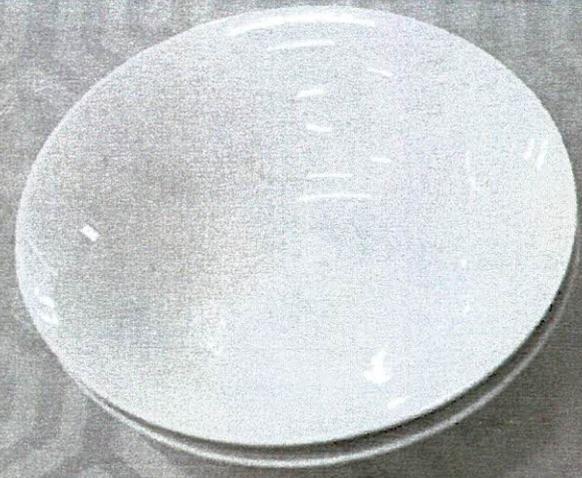
ITAPILE AART

HEINICH ROTES
0730591674
EGGS.....
FRUITS.....

New Zealand
Speciality Farms, Hawke Bay, NZ
082 682 7210 / 082 682 4000
PRODUCT OF SOUTH AFRICA
BEFORE EATING
KEEP REFRIGERATED

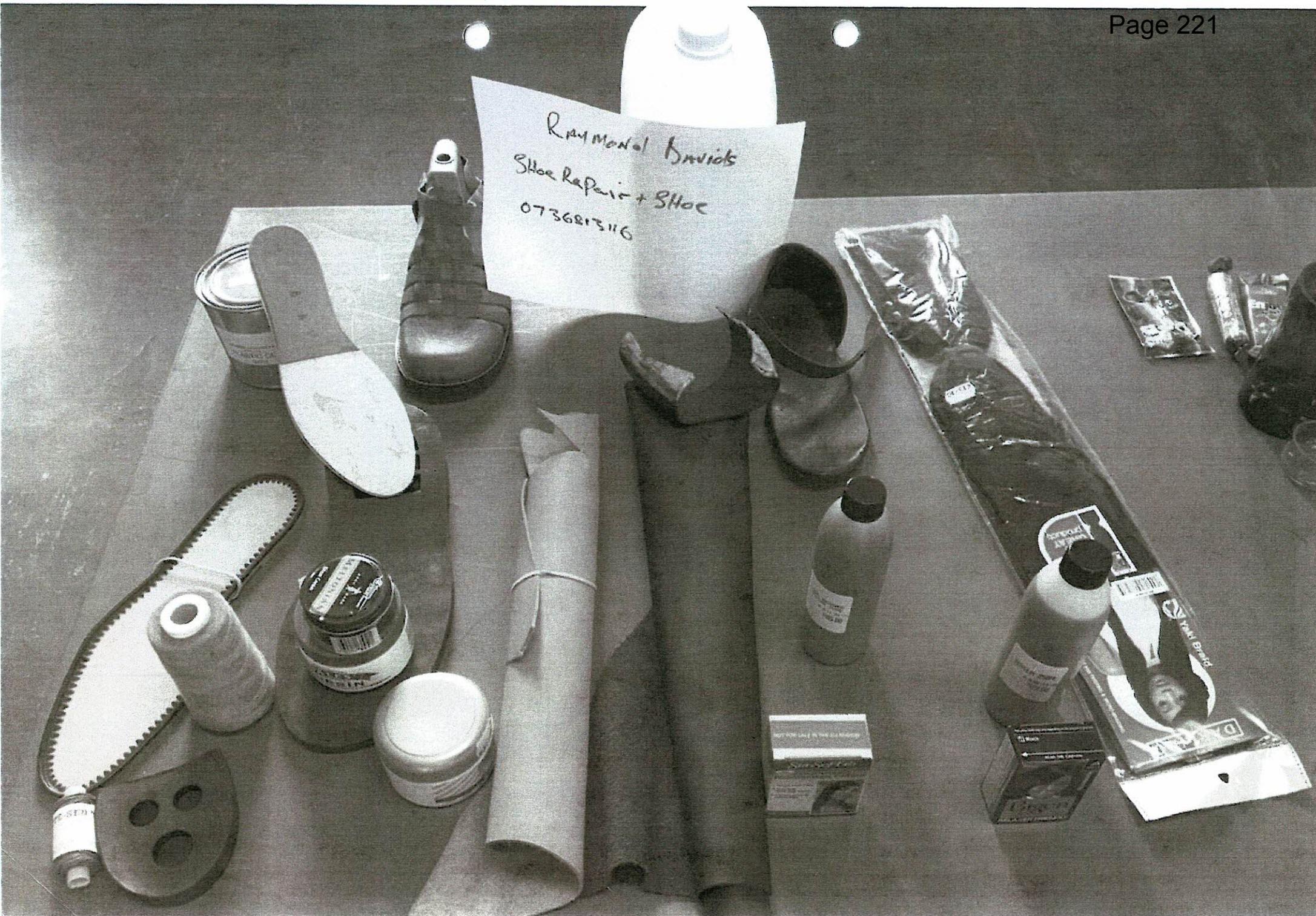


Top 111
Clothing
0848413320



CAROL WILLIAMS
0717270665
CROCKERY (17)
BEDDING

Raymond Davids
Shoe Repair + Shoe
0736813116



7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
-----	--

NONE

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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7.9.1	UNIVERSAL ACCESS POLICY REVIEW
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Collaborator No:

IDP KPA Ref No: Dignified Living: Municipal Focus Area 21

Meeting Date: 16 September 2020

1. SUBJECT: UNIVERSAL ACCESS POLICY REVIEW

2. PURPOSE

To obtain Council approval for the Universal Access Policy Review.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Council approved the Universal Access Policy in April 2016. The first review includes progress evaluation of policy implementation and the introduction of the White Paper on the Rights of Persons with Disabilities.

5. RECOMMENDATION

that a review of the Universal Access Policy be approved.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality was the first local authority to approve an Universal Access Policy. Since the approval of the policy efforts towards implementation has been made and the review intend to highlight successes achieved, to identify gaps and to recommend changes to assist with implementation.

6.2 Discussion

The approval of the Universal Access Policy requires an attitude change amongst the administration and political sphere of the municipality. Part of the required change is the elimination of the thinking that the policy only relates to persons with disability.

The intent of the policy is to ensure that all departments take into consideration the differences between the citizens when planning and implementing services. This

include elderly persons, persons with physical and mental disabilities, mothers with small children, the different educational levels and languages of our communities and persons with temporary mobility issues. It thus cannot be a policy for implementation by one department, but should guide all departments to think about the services they render and how they can contribute towards an obstacle free environment to ensure citizens can interact not only with the municipality but also with each other freely.

The review of the policy focuses on:

- (a) A revision of what has been achieved and what have not been achieved.
- (b) Legislative changes
- (c) Reviewing the objectives of the policy and its alignment with clear performance indicators.
- (d) A brief view on possible reasons as to why the policy is not achieving the objectives.

A. POLICY IMPLEMENTATION HIGHLIGHTS AND GAPS:

Most of the changes resulting from the policy is visible through the services of the Infrastructure Services Directorate and in particular the Roads and Storm Water Department. Corporate Services has also made changes in its approach to maintenance and new facilities. Mostly when doing maintenance where the public requires access or it is demanded through Occupational Health and Safety. The following is examples of completed works:





Project Description: Handrails, access ramps, accessible toilets, Disability Parking Bays

Location: Municipal Court, Cloetesville Ward Office, Stellenbosch Traffic Dept, Stellenbosch Pay point, Franschhoek Admin Building, Plein Street Library, Plein Street Admin Building, Stellenbosch Town Hall



Project Description: Sidewalks and dropped curbs, raised pedestrian crossing, tactile paving, audible tactile buttons at pedestrian crossing

Location: Tarentaal Road, Plein Street, Dorp Street, R44, R310, Martinson Road, C/o Andringa and Crozier Street.

Sidewalk Implementation

- During the 2015/2016 financial year, the implementation of Non-Motorized Projects and the construction of 5,7km of sidewalks/cycle paths were embarked upon. Sidewalks along main routes from neighbouring

residential areas were constructed to complete links to the Stellenbosch CBD.

- During the 2016/2017 financial year the Provincial Government granted Stellenbosch Municipality R4M for the development of NMT facilities. This money was used to supplement the municipality's own budgets. Sidewalks were constructed in Ida's Valley, Cloetesville, Klapmuts and Stellenbosch CBD. Approximately 3,2km's of sidewalks were constructed.
- During the 2017/18 financial year, sidewalks have been constructed in various residential areas, namely Groendal, Uniepark, Mostertsdrift, Stellenbosch CBD, Ida's Valley and Cloetesville. Approximately 2,4 km's of sidewalks were constructed.
- Extract 2018/2019 Draft Annual Report: During the 2018/19 financial year, sidewalks have been constructed in the following residential areas, namely Stellenbosch CDB, Franschoek, Paradyskloof, Raithby, Wemmershoek, Pniel, Kylemore, Jamestown. The Municipality will continue with its annual programme to expand the NMT network. Approximately 2,4 km's of sidewalks were constructed.

All Municipal traffic signals and signalized pedestrian crossings have been equipped with accessible push button controls that provide audible information on safe road crossing.

Engineering Services has appointed a consultant to carry out a detailed inventory of our sidewalk infrastructure and UA infrastructure with the intention of making the information available on a Geographic Information System.

The municipality however would still benefit from a single reporting platform where all contributions towards achieving UA can be logged such as the performance scorecards of the directors.

Community participation is encouraged through work done by the Community Development Department including quarterly networking through the Stellenbosch Disability Network and the annual Walk with Disability Campaign. These initiatives include a memorandum handed to the municipality expressing the need of the community with accessible transport as their number one priority.



Infrastructure Services established the Mobility Forum and the Non-Motorised Transport Working Group. The Mobility Forum looks at mobility in and around Stellenbosch holistically, whilst the Working Group focus specifically on mobility

of a non-motorised nature. Both these structures have representation from various sectors of the community that will benefit from Universal Access.

The recent re-activation of the Stellenbosch Municipality Facebook page and Twitter Account (2018) and complaints platform through whatsapp (2019) has provided easy access to information to all citizens. The value of access to information through these platforms must not be underestimated and can be considered of more value than a formal website as it is easier for citizens to interact with.

The primary measurement for success in terms of policy implementation would be whether the municipality is making it easier for the community to interact with the municipality on issues of concern, but also for normal interaction relating to paying accounts and submitting building plans as an example.

The following are examples of the most prevalent issues where institutional changes have not yet been made and where serious consideration should be given to:

- (a) Public Meetings and Notices: IDP meetings are still held in inaccessible venues and transport for citizens to these meetings and municipal events such as The Festival of Lights is not accessible. Placing notices only in formal newspapers and on the municipal website can no longer be deemed enough. The use of the municipal Facebook page can contribute if all departments make use of this platform in addition to legislative communication requirements.
- (b) Planning applications: Applications for these services are not available purely electronically and requires a person to physically come to the municipality to submit applications. The application submissions can only be made during certain times of the day and requires an additional trip to the municipality should you have missed the office hours (8:30-13:30). The Planning and Economic Development Directorate is however in the process of implementing BPAMS and TPAMS which will allow 100% remote applications and hopes to have these implemented by March 2020. It however requires a very close relationship with ICT services to ensure that the municipal ICT infrastructure is equipped to deal with the electronic requirements of the planning applications, but also any other electronic system for interaction between the public and the municipality. The current ICT upgrades thus contribute to achieving universal access when interacting with the municipality.
- (c) Accessible public transport: In order to promote access to economic opportunities, the municipality must strive to work towards accessible transport for persons with disabilities, but also for all citizens in low socio-economic circumstances. This need is expressed in the annual memorandum handed to the municipality by the disability sector and requires specific attention.
- (d) Seamless non-motorised mobility in and around town centres and adjacent communities. Examples include mobility between the university campus and Stellenbosch town, mobility within communities like Cloeteville, Kayamandi, etc for citizens with mobility issues to reach public transport and other amenities.
- (e) Integrated planning and recording of efforts in relation to the implementation of the Universal Access Policy.

- (f) Equal access to leisure and sport facilities for persons with disabilities.
- (g) Business applications still require physical interaction with the municipality between at least three different departments requiring access to parking in the centre of town.

B. LEGISLATIVE CHANGES:

The **White Paper on the Rights of Persons with Disability** (WPRPD) was not included in the policy as it was gazetted during the finalization of the Universal Access Policy. It is important to note that the WPRPD does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

Although the focus of the White Paper is on persons with disability, for the purpose of the review of the Universal Access (UA) Policy, it is important to remind oneself that what is applicable to persons with disability is also applicable to elderly persons, mothers with children and persons with mobility issues even if it is temporary in nature and thus will guide the UA Policy.

The strategic pillars of the WPRPD for realising the rights of persons with disabilities provide guidance and specific required actions that has bearing on the Universal Access policy. The following pillars is specifically linked to the role and responsibility of local government with specific targets set in the implementation matrix of The White Paper.

PILLAR 1: REMOVING BARRIERS TO ACCESS AND PARTICIPATION

The creation of barrier-free environments requires collective and concurrent actions. Accessibility lies at the heart of the right to human dignity – being able to live as an equal resident in one’s community, being accorded respect for your personal space, having the right to equal opportunities and negotiating one’s life unhindered by manmade barriers. A number of articles in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires State Parties to take appropriate measures to ensure that persons with disabilities are able to access, on an equal basis with others, the physical environment, transportation, information and communications as well as other facilities and services open or provided to the public, both urban and in rural areas. These include:

Art 9: Accessibility

Art 11: Situations of risk and humanitarian emergencies

Art 20: Personal Mobility

Art 21: Freedom of Expression and opinion and access to information

Art 30: Participation in cultural life, recreation, leisure and sport

The following six dimensions have to be addressed in order to remove barriers to access and participation: Detail and guidelines on how to address the dimensions can be found as:

- Changing attitudes and behaviour
- Access to the built environment
- Access to transport
- Access to information and communication
- Universal design and access, and
- Reasonable accommodation measures

“One of the greatest hurdles disabled people face when trying to access mainstream programmes are negative attitudes. It is these attitudes that lead to the social exclusion and marginalisation of persons with disabilities.”

INDS, 1997

The thought that we have to spend taxpayer’s money on taxpayers and that we might have to serve them differently to the way we have in the past seems unbearable to the public servant.

PILLAR 3: SUPPORTING SUSTAINABLE INTEGRATED COMMUNITY LIFE

Persons with disabilities have an equal right to live in the community, with choices equal to others. This requires that government, across all three spheres, take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

Women and girls tend to carry the responsibility of caring and providing for children with disabilities and adults with severe disabilities where personal assistance and accessible child-care facilities are not available, making them less likely to develop careers, find partners and access training and educational opportunities.

This pillar particularly refers to the right of persons to be included in all forms of community life through equal choice – being able to use the same amenities, transport, and participate in community activities (IDP meetings and community celebrations).

The focus areas are:

- Building socially cohesive communities and neighbourhoods
- Building supporting families
- Accessible human settlements (close to work, transport, schools)
- Access to community based services supporting independent living
- Protection during situations of risk and disaster

PILLAR 6: STRENGTHENING THE REPRESENTATIVE VOICE OF PERSONS WITH DISABILITIES

Being able to take decisions that affect one’s standard of living – where you go to school, where you live, with whom you live, who you form relationships with, where you work and what work you do – is an unknown concept for many persons with disabilities. The principle of self-representation is therefore paramount in ensuring an adequate standard of living.

Focus areas include:

- Strengthening access and participation through self-representation
- Recognitions of representative organisations of persons with disabilities

- Strengthening the diversity and capacity of DPO's and self-advocacy programmes
- Public participation and consultation, and
- Self-representation in public life

PILLAR 7: BUILDING A DISABILITY EQUITABLE STATE MACHINERY

“Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all-approach”

National Development Plan, 2012

Efficient, effective and development-orientated state machinery that delivers services in an equitable manner is an essential element of a capable and developmental state that pursues a “substantive” rather than “formal” approach to equality, in other words, that the circumstances of people are taken into account and focus is on ensuring equality of outcomes. The state machinery includes the legislative, executive across all three spheres of government.

Focus areas include:

Disability must be mainstreamed across the following five focus areas:

- Disability equitable planning, budgeting and service delivery
- Disability equitable evidence information policy and programme development
- Public procurement and regulation
- Capacity building and training
- Strengthening accountability

PILLAR 9: MONITORING AND EVALUATION

The monitoring process involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management of implementation of the WPRPD.

Government performance information will triangulate with the tracking of statistical and financial information and citizen's voices.

Programmatic Performance: Performances focuses on the interventions that ensure that outcomes are being met. The data stream will ensure there is evidence that persons with disabilities are considered and integrated into government programmes and policies. This stream will encompass a largely quantitative evidence base. The data for this stream will be primarily sourced from government's existing performance monitoring frameworks.

C. REVIEW OF POLICY OBJECTIVES

The spirit of the Universal Access Policy is one of constant improvement. This, however, becomes difficult to measure in the absence of specific objectives per department and the lack of understanding that Universal Access do not only apply to persons with disabilities. Although the WPRPD has major impact on a policy of this nature, it should not confuse the policy with one aimed at persons with disabilities and thus the responsibility of a few within the organisation.

Further criticism on the policy is the fact that the current policy objectives are difficult to measure and is not linked to specific responsible sections within the

municipality. The policy should comprise of a clear goal with measurable outcomes that will also assist in reporting on the progress made with implementation of the WPRPD.

This policy review will thus include a re-look at the intent of the municipality and aim to simplify the content in order for different departments to understand their role within the implementation of the policy.

The objectives of the policy are thus explained in the policy in alignment with the pillars and policy directives of the WPRPD.

D. POSSIBLE FACTORS CONTRIBUTING TO NON-IMPLEMENTATION OF THE UA POLICY

Below are some contributing factors. The list is not exhaustive.

- (a) **Understanding universal access concepts:** Sections of the policy is devoted to explaining what universal access and universal design is. Officials not working with these concepts on a daily basis, may find it confusing. It is suggested that these sections be referred to in the policy, but that it then be added to the policy in the form of an annexure.
- (b) **Misconceptions:** There are a couple of misconceptions within the organisation that could contribute to non-implementation. One is that officials do not see it as part of their responsibility, but that it is the responsibility of the owner of the policy. Elevation of the policy to the level of the municipal manager and directors can assist with implementation through a shared responsibility and can also assist with integrated planning and reporting on progress. A second misconception is that officials relate universal access to disability access. This is clear through the fact that when asked, examples of physical mobility are cited as examples of policy implementation. In this sense a department like the IDP department or municipal communication will struggle to connect their function to access. Font size and colour or accessible venues are not in the mind of departments as contributions towards universal access policy implementation. A third misconception is that for universal access implementation there is one answer. This could not be further from the truth. In understanding the principles of universal design, one can creatively think about how to do the normal things with persons who function differently in mind.
- (c) **Budgetary considerations:** The current approach to policy implementation is through normal departmental annual budgeting. This contributes towards departments finding it difficult to report on UA implementation projects and budgets spent towards it.

The municipal priority determined with the Integrated Development Plan guiding budget allocations is focussed on safety and security matters (with the focus on security) causing budgeting for accessibility projects to fall by the wayside. The cost involved in retro-fitting and approval of additional expenditure becomes difficult for the maintenance department and it is often considered to rather obtain approval for basic work to be done.

Council should consider whether ring-fencing funds in each department for the implementation of the Universal Access Policy will accelerate policy implementation.

- a) **Trying to be everything to everybody:** To be able to proof that efforts have been made across the municipal area, projects are implemented piece-meal without a clear indication of where we are starting and where we want to go to. Projects are also often done in reaction to community outcries and is thus not pro-active in nature. An integrated plan (especially with engineering and maintenance services) that clearly indicate the beginning and end result over a number of years will assist with measurable milestones.
- b) **The role of persons with disability representation on municipal platforms:** The Stellenbosch Disability Network represent all DPO's in and around Stellenbosch. They have taken it upon themselves to interact with the municipality on different platforms:
- a. Representation at IDP meetings
 - b. Representation at the Mobility Forum
 - c. Representation at the NMT Working Group
 - d. Annual Walk with Disability to raise awareness and communicate with the municipality through a memorandum.

One has to ask – with all their efforts, why are they not being heard? Are there competing agendas between representatives at these forums?

- c) **Implementation Priorities:** During the development of the policy and the workshops conducted with councillors and officials certain implementation priorities were identified and agreed upon. These priorities should form part of the budget prioritization process and could be better understood if incorporated into the objectives of the policy.
- d) **Institutional Obstacles:** Lack of integrated planning: Line departments are implementing programmes without consulting each other. This often lead to the municipality being responsible not only for non-implementation of the UA Policy, but also for contributing towards making the current situation worse.

Outdoor Dining Policy: It seems as if there is uncertainty regarding the rules relating to the use of pedestrian walk ways for use as outdoor dining area. Whether this is the result of a lack of a policy to provide guidelines or because of no enforcement, is not sure. The result is however that persons with mobility issues cannot use pedestrian areas safely.





Whether the above examples are legal or not, has no bearing on the fact that it prohibits persons with limited mobility to access which does not contribute to the implementation of the AU Policy.

e) **Financial Implications**

The implementation of the Universal Access Policy does not have ring-fenced budget allocated as it was decided that the implementation of the policy should be part of the normal function of each department of the municipality. The financial implications are thus incorporated in the existing budget. This, however, makes the measuring and reporting of progress difficult.

It should be noted that National Treasury was tasked to by 2030:

- (a) Develop and implement funded Universal Design Access Plans
- (b) Incorporate universal design principles in procurement of goods, services and construction of infrastructure
- (c) To develop a disability equitable budgeting model
- (d) To align social assistance with the cost of disability
- (e) To incorporate the concept of universal design in infrastructure grants and tax rebate programmes
- (f) To develop a financing strategy to retrofit existing infrastructure

The above should provide guidance on what the municipal finance department can be expected to comply with in the future.

6.4 Legal Implications

Comment required from legal department

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

40TH COUNCIL MEETING: 2016-04-26: ITEM 8. 1

RESOLVED (nem con)

that Council approve the Universal Access Policy Framework as per **APPENDIX 7** with incorporation of the comments submitted by the public.

6.7 Risk Implications

Should non/minimal/fragmented-implementation of the policy continue, the municipality runs the reputational risk of being in non-compliance to its own policies. This has already been highlighted through the annual memorandum handed over to the municipality during the Walk with Disability Campaign.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

There is no objection to the latest version of the universal access policy.

6.8.2 Director: Planning and Economic Development

None received by due date.

6.8.3 Director: Community and Protection Services

Supports the item and policy.

6.8.4 Director: Corporate Services

None received by the due date.

6.8.5 Chief Financial Officer

None received by the due date.

RECOMMENDATION FROM THE YOUTH, SPORTS AND CULTURE COMMITTEE TO THE EXECUTIVE MAYOR: 2020-09-03: ITEM 5.1.1

that the Revised Universal Access Policy be advertised for public participation.

ANNEXURES

Annexure A: UNIVERSAL ACCESS POLICY REVIEWED (With track changes)

Annexure B: UNIVERSAL ACCESS POLICY REVIEWED (Without track changes for ease of reading.)

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	2019-12-23

ANNEXURE A



Stellenbosch Municipality

Universal Access Policy

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	ANNEXURE 3	14

EXECUTIVE SUMMARY

The ~~vision of the Stellenbosch Municipality is to be the Innovation Capital of South Africa with the~~ mission to of Stellenbosch Municipality is to "deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens". As a means to deliver on this ~~vision and~~ mission, Stellenbosch Municipality is guided by the South African Constitution (1994), United Nations International Convention on the Rights of Persons with Disabilities and Optional Protocol (to which South Africa is a signatory since 2007), the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), Employment Equity Act (2001), the White Paper on Transforming Service Delivery – Batho Pele (1997), along with other legislation listed in the Legislative Framework in **ANNEXURE 1**.

As a commitment to strive for Universal Access (UA), Stellenbosch ~~Municipality, Municipality~~ supported by their ~~Values: Character Leadership~~ Values: Integrity, Accountability, Transformation and Innovation, supports the creation of accessible communication material, information systems and infrastructure throughout the Municipality. To understand and implement UA, Stellenbosch Municipality is informed and guided by Universal Design (UD), a **process** of embedding **choice** for all **people** in the **things** we design to do.

1. UD is a **process** rather than a final type of product, space or system. In accepting that UD is a process, Stellenbosch Municipality concedes to the fact that it will never be completed, but that we commit to a lifetime of learning and understanding of different users' needs, abilities and desires.
2. **Choice** involves flexibility and multiple alternative means of use and/or interface.
3. **People** include the full range of people regardless of age, ability, sex, economic status, race or religion.
4. **Things** include spaces, products, information systems and any other things that humans manipulate or create.

The need for a UA Policy ~~Framework~~ stems from the Municipality's commitment to ensure equal service to persons with disability and the statistics obtained from SASSA, SA Census 2010, and the establishment of a civil Disability Network within the municipal area (**ANNEXURE 2**), whilst keeping in mind that a large percentage of people do not identify any degree of limitations as a disability. For this reason, the direct beneficiaries of a Universal Access Policy ~~Framework~~ will be approximately 7,9% of the population. However, the secondary beneficiaries including pregnant women, people travelling with small children, children younger than 14 years and elderly people will total to an estimated 65% of the total Municipal population.

The approved White Paper on the Rights of Persons with Disabilities consists of 9 pillars and an implementation matrix (2015-2030) with specific targets for all spheres of government. The role of local government is clearly indicated with a specific reference to achieving universal access. ANNEXURE 2)

List of abbreviations

Abbreviation		Explanation
DPO	Disability Persons' Organizations	Organizations representing and serving persons with disabilities
IDP	Integrated Development Plan	Integrated Development Planning is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development. Once the IDP is drawn up all municipal planning and projects should happen in terms of the IDP. The annual council budget should be based on the IDP. Other government departments working in the area should take the IDP into account when making their own plans.
LED	Local Economic Development	To build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and nongovernmental sector partners work collectively to create better conditions for economic growth and employment generation. (World Bank)
MAYCO	Mayoral Committee	Committee existing of the Mayor and all portfolio councillors
SASSA	South African Social Security Agency	Agency responsible for the administration of Social Grants
UA	Universal Access	The equal ability of all people to participate in any process irrespective of their diverse needs/requirements
UD	Universal Design	UniversalDesign.com defines Universal Design (UD) as the process of embedding choice for all people in the things we design. Universal Design continues to evolve as both designers and users broaden their understanding and experience of different users' needs, abilities and desires. The more you know about UD, the more you realize that there will always be more to learn. Universal Design is a lifelong learning opportunity, and no one knows it all. We are all students of Universal Design who can learn from each other about how to better design things for all people.
<u>WPRPD</u>	<u>White Paper on the Rights of Persons with Disability</u>	<u>Gazetted March 2016 to provide policy directive for SA on the Rights of Persons with Disabilities</u>

1. INTRODUCTION

The policy intends to create a conducive environment to address issues affecting people with diverse needs/requirements including persons with disabilities within the Stellenbosch Municipal area. It provides guidance on the development and implementation of programmes aimed at promoting the rights and freedoms of people with disabilities as well as other persons with diverse needs/requirements. It advocates for the mainstreaming of issues affecting persons with disability and diverse needs/requirements into municipal departments and directorates. The policy is firmly grounded on the principle that UA should be made integrated into project conceptualization, planning and implementation of IDP programmes in all departments. It also suggests models and mechanisms for coordination of UA implementation, monitoring and evaluation.

In terms of the United Nations Convention on the Rights of Persons with Disabilities ‘Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’. The same document also speaks of disability being an evolving concept and that disability results from the interaction between people with functional limitations and the attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis.

It is thus important when considering programmes or policies that the approach should make provision for addressing attitudes, processes, knowledge and the environment in which people with diverse needs, including people with disabilities, function.

The White Paper on the Rights of Persons with Disability (WPRPD) does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government, and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the acceptance of Universal Design Principles in the development of standards and guidelines. The term “Universal Design” has evolved from the “Barrier Free Design” and “Accessible Design”, design processes that focused specifically on addressing the needs of people with disabilities. Universal Design goes further by recognizing that we all exist somewhere on a wide continuum of human ability. Everyone, even the most able-bodied person, passes through childhood, periods of temporary illness and injury, and old age. By designing for the more limited abilities on the continuum, we can create environments, products, and services that will be easier for all people to use, regardless of their abilities, age or current state of health.

2. STRATEGIC POSITIONING

2.1. VISION

To create accessible communication media, information systems and infrastructure to lead to the full participation and equal access to opportunities for all people, including people with disabilities within the jurisdiction of Stellenbosch Municipality.

2.2. MISSION

This policy aims to ensure the human rights of people with diverse needs/requirements through the alignment of projects and programmes to support universal participation and equalization of opportunities for all people, including persons with disabilities. Stellenbosch Municipality aims to achieve said mission through:

- 2.2.1. Promotion of equal opportunities and full participation or inclusion of people with diverse needs/requirements in the economic, social and political life through the introduction of UA and UD.
- 2.2.2. Prioritization and integration of UA and UD principles into the IDP and subsequent budget of all departments.
- 2.2.3. Inter-departmental approach in the planning and implementation of disability-related services and programmes.
- 2.2.4. The integration of disability issues into line functions of the Municipality's departments as well as a commitment on the part of the Stellenbosch Municipality to address disability issues appropriately.
- 2.2.5. People with diverse needs/requirements are capacitated to enable them to live productive and sustainable lives.
- 2.2.6. Physical, social, economic and other barriers that prohibit or limit access of persons with disability are removed through creation of conducive and accessible environments.
- 2.2.7. Ensure appropriate allocation of funds to designated programmes of different Municipal Departments to give effect to the policy.
- 2.2.8. Monitoring and evaluating the impact of UA programmes as part of our commitment to improve service delivery through UD.

2.3. PRINCIPLES AND UNDERLYING VALUES

In order to ensure all programmes, processes and infrastructure introduced by Stellenbosch Municipality ensures UA, this policy adopts the seven principles of UD [\(ANNEXURE 3\) to guide departments on the requirements to achieve UA:](#)

[2.3.1 Equitable Use](#)

[2.3.2. Flexibility in Use](#)

[2.3.3 Simple and Intuitive Design](#)

2.3.4 Perceptible Information2.3.5 Tolerance for Error2.3.6 Low Physical Effort2.3.7 Size and Space for Approach and Use

-These ~~above~~ principles support the key principles/values of the White Paper on the Rights of Persons with Disabilities:

2.3.8 ~~R~~espect for inherent human dignity and individual autonomy2.3.9 Non-discrimination2.3.10 Full and effective participation and inclusion in society2.3.11 Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity2.3.12 Equalisation of opportunities2.3.13 Accessibility2.3.14 Equality between men and women' and2.3.15 Respect for the evolving capacities of children with disabilities and for their right to preserve their identities

~~, equality of opportunity, access to services and information, full and effective participation, respect for evolving capacity and the need to contribute to changes in negative attitudes and cultural beliefs about people with diverse needs/requirements as outlined in the Disability Framework for Local Government.~~

~~2.3.1. **Equitable Use:** The design is useful and marketable to people with diverse abilities.~~

- ~~• All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.~~
- ~~• Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.~~
- ~~• Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities~~
- ~~• This product appeals to all potential users.~~

~~2.3.2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities,~~

- ~~• Every potential user can find at least one way to use this product effectively.~~
- ~~• This product can be used with either the right or the left hand alone.~~
- ~~• This product facilitates (or does not require) user accuracy and precision.~~

- ~~This product can be used at whatever pace (quickly or slowly) the user prefers.~~

~~2.3.3. **Simple and Intuitive:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.~~

- ~~This product is as simple and straightforward as it can be~~
- ~~An untrained person could use this product without instructions~~
- ~~Any potential user can understand the language used in this product~~
- ~~The most important features of this product are the most obvious~~
- ~~This product provides feedback to the user~~

~~2.3.4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.~~

- ~~This product can be used without hearing~~
- ~~This product can be used without sight~~
- ~~The features of this product can be clearly described in words (e.g. in instruction manuals or on telephone help lines)~~
- ~~This product can be used by persons who use assistive devices (e.g. eyeglasses, hearing aids, sign language)~~

~~2.3.5. **Tolerance for Error:** This design minimizes hazards and the adverse consequences of accidental or unintended actions.~~

- ~~Product features are arranged according to their importance~~
- ~~This product draws the user's attention to errors or hazards~~
- ~~If the user makes a mistake with this product, it won't cause damage or injure the user~~
- ~~This product prompts the user to pay attention during critical tasks~~

~~2.3.6. **Low Physical Effort:** The design can be used efficiently and comfortably and with a minimum of fatigue.~~

- ~~This product can be used comfortably (e.g. without awkward movements or postures)~~
- ~~This product can be used by someone who is weak or tired~~
- ~~This product can be used without repeating any motion enough to cause fatigue or pain~~
- ~~This product can be used without having to rest afterward~~

~~2.3.7. **Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.~~

- ~~It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)~~
- ~~It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)~~
- ~~This product can be used by a person with hands of any size.~~

- ~~There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)~~

2.4. PRIORITIES

~~There are effectively no programmes that are a priority over another as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by integrated and coordinated management of planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:~~

- ~~2.4.1. All new developments to be aligned to UD~~
- ~~2.4.2. Prioritize projects that are linked with Safety and Security~~
- ~~2.4.3. Public participation~~
- ~~2.4.4. Accessibility~~
- ~~2.4.5. Economic Development~~
- ~~2.4.6. Health Care~~
- ~~2.4.7. Inclusive development/education and sport/recreation~~
- ~~2.4.8. Community Development and networking~~

2.4. OBJECTIVES

~~The objective of the policy described below provides an overview of what needs to be addressed. **Measurement of specific progress made shall be done annually against the specific targets identified in Annexure 3.**~~

To facilitate the development and implementation of municipal services, processes, facilities and projects that is accessible to all persons with diverse needs/requirements including people with disabilities (mainstreaming) through the systematic integration of UA and UD.

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
That employees with diverse needs/requirement, their families and the community is made aware of existing	Removing barriers to access and participation. Changing attitudes and behaviour – Develop and implement a Disability Rights Awareness Plan	Plan finalised MOA's signed with 2 strategic partners Minimum 1 community	Plan reviewed MOA signed with 5 strategic partners	Community Development IDP HR

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
<u>government policies, programmes and services.</u>		<u>dialogue per annum</u>	<u>Minimum 2 community dialogue per annum</u>	
	<u>Supporting Sustainable integrated Community life: Building socially cohesive communities and Neighbourhoods: Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages.</u>	<u>50% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities</u>	<u>100% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities</u>	<u>Community Development New Housing Development Informal Settlements</u>
	<u>Removing Barriers to access and Participation: All public and private institutions must ensure equitable access to and participation in programmes and services – This includes the development and publication of reasonable accommodation measures in service charters and standards</u>	<u>Develop Reasonable Accommodation Standards</u>	<u>Publish and implement standards</u>	<u>Engineering Services Corporate Services Community and Protection Services</u>
	<u>Removing Barriers to access and Participation: Enforcing barrier free participation for all persons in line with approved regulatory licencing requirements.</u>	<u>100% enforcement</u>	<u>100% enforcement</u>	<u>Building Control Business Licensing Public Transport</u>
	<u>Supporting Sustainable integrated Community life: Provide information on available service to all parents and care-givers of children</u>	<u>Disability information portal in place and information updated annually</u>	<u>Information available in print format in all three of the official languages of the WC</u>	<u>ICT Community Development</u>
<u>Consulting with stakeholders in a conducive environment for equal participation to ensure a collaborative approach to addressing the needs of persons with disabilities in municipal service delivery.</u>	<u>Supporting Sustainable integrated Community life: Address violence against women/girls/boys and the LGBTI community– appropriate measures must be taken to ensure that women, girls and boys are and feel safe living in their communities</u>	<u>50% of the municipality's programmes provide for the inclusion of women, children, LGBTI community</u>	<u>100% of the municipality's programmes provide for the inclusion of women, children, LGBTI community</u>	<u>All Directorates</u>
	<u>Supporting Sustainable integrated Community life: Accessible human settlements/neighbourhoods – Include supported community living plans in all IDP's. The plans and budgets must make provision for coordinated</u>	<u>Supported community living plans included in IDP</u>		<u>IDP Planning and Economic Development Engineering Services</u>

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
	<u>and integrated community living support plans, focussing in particular on access to the built environment, integration of transport nodes and humand settlement spatial design</u>			
	<u>Supporting Sustainable integrated Community life: Protection during situations of risk and disaster – Review all disaster management plans to ensure provision for persons with diverse needs including disabilities in emergencies. Plans must incorporate provisions to map homes and/or institutions in which persons that might require special assistance during emergencies are living. Training of disaster management personnel to prevent injury during evacuations which might result in primary or secondary impairments is required.</u>	<u>100% of disaster management plans reviewed (inclusive of maps for 75% of the area) and universal design access plans developed and implemented.</u>	<u>100% of disaster management plans reviewed (inclusive of maps for 100% of the area) and universal design access plans developed and implemented.</u>	<u>Disaster Management</u>
	<u>Supporting Sustainable integrated Community life: Provide accessible emergency services – Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to services for persons with disabilities</u>	<u>100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for deaf and hearing impaired persons</u>		<u>Fire and Disaster Management</u>
<u>Assess, prioritise and adapt the physical structural design of council facilities, infrastructure, processes and communication to ensure constant improvement on the accessibility for people with diverse needs ensuring social integration of all groups with dignity and respect.</u>	<u>Supporting Sustainable integrated Community life: Ensure that all community development programmes and community facilities are accessible to persons with disabilities including social, economic, religious, cultural, sport and leisure and transport facilities and programmes</u>	<u>25% of existing facilities are retrofitted to comply with minimum norms and standards 50% of existing programme comply with accessibility standards</u>	<u>75% of existing facilities retrofitted to comply with minimum norms and standards 100% of exiting programme comply with accessibility standards</u>	<u>Corporate Services Community and Protection Services</u>
	<u>Supporting Sustainable</u>	<u>Development of</u>		<u>Planning and</u>

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
	<u>integrated Community life: Provide access to subsidised housing support – Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state</u>	<u>information explaining and accessing subsidised housing support in all three WC languages completed.</u>		<u>Economic Development</u>
<u>Systematic review and improvement of HR and Engineering systems, processes and projects to ensure all persons have equal access to employment</u>	<u>Reducing economic vulnerability and releasing human capital: Strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disability. – Focus placed on:</u> <ul style="list-style-type: none"> • <u>Accessible and affordable transport</u> • <u>Increasing household income through employment and work opportunities</u> • <u>Provision of accessible transport to health care facilities</u> 	<u>Baseline for access to programmes in municipalities established. 25% improvement in access to all programmes</u>	<u>75% improvement in access to all programmes</u>	<u>Corporate Services Engineering Services</u>
<u>Annual monitoring and reporting on implementation of the Universal Access Policy through the scorecards of the Municipal Manager and Directors.</u>	<u>Building a disability equitable state machinery: Develop disability rights and equity commitment statements</u>	<u>100% compliance</u>		<u>Municipal Manager</u>
	<u>Building a disability equitable state machinery: Strengthen Accountability – Include disability outcomes in performance contracts of senior managers across directorates.</u>	<u>Guidelines for disability equity dimensions approved – 100% compliance</u>	<u>100% compliance</u>	<u>Municipal Manager</u>

2.4.1. ~~Ensure that employees with diverse needs/requirements, their families and the community are aware of existing government policies, programmes and services.~~

2.4.2. ~~Enhance networking and collaboration with Persons with Disability Organisations (DPOs) and liaison with communities to improve the organisation of disability structures and to ensure a collaborative approach to addressing the needs of persons with disabilities within Stellenbosch Municipal area in municipal service delivery.~~

~~2.4.3. To assess, prioritise and adapt the physical structural design of Council facilities, processes and communication to enhance accessibility for people with diverse needs/requirements including disabilities within the constraints of historical and reasonable accommodation thereby ensuring social integration of all groups with dignity and respect.~~

~~2.4.4. Monitor and evaluate the Municipality's delivery on inclusion of persons with diverse needs/requirements including persons with disability as part of its workforce and all aspects of service delivery.~~

~~2.4.5. First review of this policy in 2019.~~

2.5. PRIORITIES

~~There are effectively no programmes that are a priority over others as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by an integrated and coordinated management system for planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:~~

~~2.5.1. All new developments to be aligned to UD~~

~~2.5.2. Safety and Security~~

~~2.5.3. Public participation~~

~~2.5.4. Accessibility~~

~~2.5.5. Economic Development~~

~~2.5.6. Health Care~~

~~2.5.7. Inclusive development/education and sport/recreation~~

~~2.5.8. Community Development and networking~~

3. ROLE OF STELLENBOSCH MUNICIPALITY

Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a

specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.

3.1. KEY INSTITUTIONAL MECHANISMS

- 3.1.1. Utilizing relevant MAYCO member offices (getting buy-in from highest political authority) to support universal access disability budget and interventions.
- 3.1.2. Encouraging the participation of people with disabilities in the Municipality's processes (e.g. IDP reviews ~~and LED forums~~).
- 3.1.3. Consulting with disabled people's organizations DPOs through the Stellenbosch Disability Network
- 3.1.4. Disability programming and implementation processes must be handled by managers in different departments of the Municipality and reported to the Department Community Development through a designated disability liaison.
- 3.1.6. Implementation of this policy will be measured through the annual review of the personal SCORECARDS of directors.

3.2. THE ROLE OF THE OFFICE OF THE MUNICIPAL MANAGER

- 3.2.1. Implement agreed performance management targets related to Universal Access on annual basis with all directors.
- 3.2.2. Include target of 2% employment edment for persons with disabilities in performance agreement of each director.
- 3.2.3. Monitor and evaluate programmes implemented by departments and directorates for UA responsiveness or sensitivity according to agreed d upon performance targets.
- 3.2.4. Ensure the implementation of the Universal Access Policy for the Stellenbosch Municipality and report on said improvements annually to council.

3.3. THE ROLE OF THE DEPARTMENT COMMUNITY DEVELOPMENT

- 3.3.1. Liaise with the Provincial and Local Government Department on disability issues. Coordinate and mainstream UA policies in strategies and structures.
- 3.3.2. Network and liaise with the Stellenbosch Disability ForumNetwork.

- 3.3.3. Assist the Performance Management Unit and line departments with the process of developing sector-specific indicators in the Municipality relying on Universal Design Principles.
- 3.3.4. Provide guidance for UA analysis and facilitate inter-departmental collaboration among departments in the mainstreaming of disability into the policies, planning, programmes, IDP and budget.
- 3.3.5. Implement programmes of benefit to people with disabilities in conjunction with civil society organizations ~~of and~~ for people with disabilities, as per the Community Development StrategyMunicipal Disability Action Plan.

~~Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.~~

4. 4.-POLICY REVIEWREFERENCES

This policy will be reviewed in 2023.

- 4.1. ~~The Constitution of the Republic of South Africa 1996~~
- 4.2. ~~Disability Framework for Local Government 2009-2014.~~
- 4.3. ~~Integrated National Disability Strategy White Paper~~
- 4.3. ~~Local Government Municipal Systems Act, No. 32 of 2000~~
- 4.4. ~~Social Development Disability Policy~~
- 4.5. ~~United Nations Convention on the Rights of Persons with Disabilities.~~
- 4.6. ~~United Nations Optional protocol to the Convention on the Rights of Persons with Disabilities.~~
- 4.7. ~~White Paper on Local Government~~
- 4.8. ~~City of Cape Town External Policy on Persons with Disability~~
- 4.9. ~~Census Stats 2010~~
- 4.10. ~~SASSA Stats 2015~~
- 4.11. ~~Stellenbosch Municipality: Disability Accessibility Study on Municipal Buildings, Infrastructure and Procedures~~

ANNEXURE 1

LEGISLATIVE FRAMEWORK

The following legislative frameworks guide and inform decisions relating to the Universal Access Policy Framework: in South Africa

The Constitution of the Republic of South Africa (1996)

National Development Plan 2030

Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)

Employment Equity Act (55 of 1998)

Skills Development Act (97 of 1998)

[National Building Regulations and Building Standards Act \(103 of 1977\)](#)

Basic Conditions of Employment Act (75 of 1997)

Occupational Health and Safety Act (85 of 1993)

The Labour Relations Act (66 of 1995)

Disability Framework for Local Government 2009-2014

Integrated National Disability Strategy

Code of Good practice for disability in the workplace

United Nations Convention on the Rights of Persons with Disabilities

The White Paper on Transforming Service Deliver – Batho Pele (1997)

[The White Paper on the Rights of Persons with Disabilities \(2016\)](#)

[Technical Assistance Guidelines for the employment of persons with Disabilities \(2017\)](#)

ANNEXURE 2

THE FOLLOWING STATISTICS AND INFORMATION INFLUENCED THE DRAFTING OF THE STELLENBOSCH MUNICIPALITY UNIVERSAL ACCESS POLICY FRAMEWORK.

South African Social Security Agency: Social Grants to persons with disability in Stellenbosch as at 17 August 2015. A total of 1 563 Disability related grants are paid out to persons within WC024. This does not reflect the total number of persons with disability, but the persons dependant on government support and grants paid per pay point.

Care Dependency	146	Disability Grant	1224	Grant in Aid	193
Stellenbosch	47	Stellenbosch	439	Stellenbosch	74
Franschhoek	45	Franschhoek	263	Franschhoek	49
Klapmuts	34	Klapmuts	335	Klapmuts	37
Pniel	7	Pniel	103	Pniel	22
Vlottenburg	6	Vlottenburg	42	Vlottenburg	4
La Motte	4	La Motte	14	La Motte	1
Lynedoch	2	Lynedoch	15	Lynedoch	2
Jamestown	1	Jamestown	13	Jamestown	4

Census stats: Although difficult to define what is meant by the description the following statistics were able to be extracted in May 2015 from StatsSA.

Category Disability WC024	%
Communication disability	0.4
Hearing disability	0.1
Seeing	0.6
Self-care disability	1.7
Remembering disability	0.4
Walking or Climbing Stairs disability	0.5
Walking stick or frame	2.3
Wheelchair	1.9
TOTAL	7.9

Statistics for Stellenbosch Municipal Area on mental health and/or disability was not obtainable. However, from the above statistics it is clear that 7.9% of Stellenbosch citizens according to the 2010 Census information is affected by some form of disability. It is therefore necessary for Stellenbosch Municipality to ensure that the services offered by the municipality to the citizens take cognisance of this fact and ensure that services are rendered in such a way that inclusion of all citizens are ensured.

Stellenbosch Disability Network:

The first meeting of the Stellenbosch Disability Network was held on 29 October 2014. The membership currently stands on 13, but the meetings are attended by up to 25 different organizations and individuals representing disabled persons in Stellenbosch. The purpose of the forum is to network and share information, but to also approach awareness programmes as a collective to highlight issues affecting persons with disability and to avoid duplication of

~~services and rivalry for funding. This network is then also the forum for consultation on issues of disability.~~

~~2015 Network members were the following:~~

Member Name	Type of Member
Altitude Supported Employment	Private Service Provider
Jeremy Hazell	Consultant
Dorothea School	Education Provider
Franschhoek Hospice	Registered Non-profit
Helderberg Association for Persons with Disabilities	Registered Non-profit
ParaVolley SA	Sport Club
PhysiFun	Private Sector Provider & Educator
Senecio	Registered Non-profit
Stellenbosch Municipality	Local Government
Stellenbosch University: Office for Students with Special Learning Needs	Education Provider
VGK Cloetesville	Religious Institution – family support
Leandi Sadie	Consultant
Western Cape Department of Local Government	Provincial Government

~~In drafting the policy, the following process was followed:~~

~~Guidance was taken from the external disability policy from City of Cape Town. The concept document was discussed with a consultant in the field of disability employment and policy development from Altitude Supported Employment.~~

~~An introduction session on the policy was held with the Stellenbosch Disability Network on the meeting held on 4 March 2015. The policy was then send electronically to the network and was also made available to persons with sight impairments through the US to comment on the policy by 20 March 2015.~~

~~Stellenbosch concluded a study on the accessibility of municipal facilities and infrastructure by 30 June 2015. Said report was taken to council and copies made available to all councillors and administrative management. The Department Community Development embarked on the development of an implementation plan for the outcome of the study in the 2015/2016 financial year.~~

~~Internal discussion with a focus on the deliverables per directorate was concluded with the director's forum on 21 July 2015 to establish commitment to deliverable guidelines **(ANNEXURE 3)** to be approved as part of the policy and to clarify the roles of the internal line departments.~~

~~The draft policy was approved in principle at the 35th Council Meeting on 28 October 2015 and published for public comment in local newspapers.~~

ANNEXURE 3

UNIVERSAL ACCESS PRINCIPLES

Equitable Use: The design is useful and marketable to people with diverse abilities.

- All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.
- Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.
- Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities
- This product appeals to all potential users.

Flexibility in Use: The design accommodates a wide range of individual preferences and abilities,

- Every potential user can find at least one way to use this product effectively.
- This product can be used with either the right or the left hand alone.
- This product facilitates (or does not require user accuracy and precision.
- This product can be used at whatever pace (quickly or slowly) the user prefers.

Simple and Intuitive: Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

- This product is as simple and straightforward as it can be
- An untrained person could use this product without instructions
- Any potential user can understand the language used in this product
- The most important features of this product are the most obvious
- This product provides feedback to the user

Perceptible Information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- This product can be used without hearing
- This product can be used without sight
- The features of this product can be clearly described in words (e.g in instruction manuals or on telephone help lines)
- This product can be used by persons who use assistive devices (e.g eyeglasses, hearing aids, sign language)

Tolerance for Error: This design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Product features are arranged according to their importance
- This product draws the user's attention to errors or hazards
- If the user makes a mistake with this product, it won't cause damage or injure the user
- This product prompts the user to pay attention during critical tasks

Low Physical Effort: The design can be used efficiently and comfortably and with a minimum of fatigue.

- This product can be used comfortably (e.g. without awkward movements or postures)
- This product can be used by someone who is weak or tired
- This product can be used without repeating any motion enough to cause fatigue or pain
- This product can be used without having to rest afterward

Size and Space for Approach and Use: Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

- It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)
- It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)
- This product can be used by a person with hands of any size.
- There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)

KEY PERFORMANCE INDICATOR GUIDELINES

Structure	Departments within the Directorates	KPI
Executive Mayor and Mayoral Committee		1. Champion projects e.g. Wheelchair Wednesday and Casual Day.
Office of the Municipal Manager	Internal Audit Risk Management	1. Include one KPI addressing the needs of persons with disability per director on top layer performance management. 2. Champion projects e.g. Wheelchair Wednesday and Casual Day.
Directorate: Corporate Services	Human Resources IDP and Performance Management Communication Legal Services Document Management ICT	1. Prioritize and illustrate persons with disability needs in the IDP and performance management process. 2. Increase number of persons with disability employed by Stellenbosch Municipality. 3. All Council decisions accessible to persons with disability. E.g. Braille
Directorate: Financial Services	Budget Income and Expenditure Supply Chain Management	1. Audit all public municipal financial processes to ensure easy accessibility by persons with disability.

		2. Report quarterly on the number of persons with disability on the indigent list and SCM service provider list.
Directorate: Community and Protection Services	Community Services Traffic Services Fire Services Law Enforcement Services	1. Implement changes to make one public park disabled accessible. 2. Map a process together with the disabled network through which emergency staff can deal with persons with disability in time of a disaster.
Directorate: Engineering Services	Water Services Solid Waste Management Development Services and Project Management Transport, Roads and Stormwater Electrical Services	1. To implement five more disabled friendly signals at pedestrian crossings in Stellenbosch. 2. Cost required for alterations of sidewalks along Church, Plein and Andringa Street in order for it to be fully disabled friendly.

<p>Directorate: Planning and Economic Development</p>	<p>Customer Interface and Administration Building Control Land-use Management Local Economic Development Community Development Spatial Planning, Heritage and Environment</p>	<p>1. Ensure that 100% of building plans for public facilities submitted for approval comply with SANS regulations for disability access.</p> <p>2. Implement streamlined process for persons with disability to submit building plan applications/enquiries inclusive of payment process. (Develop information leaflet for all forms of disability relating to these processes.)</p>
<p>Directorate: Human Settlements and Property Management</p>	<p>New Housing Housing Administration Property Management Informal Settlements</p>	<p>1. Review municipal policy on accessibility of low income subsidised housing currently provided.</p> <p>2. Allocate and spend x% of building maintenance budget on accessibility projects for municipal buildings.</p>

ANNEXURE B



Stellenbosch Municipality

Universal Access Policy

Review December 2019

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EXECUTIVE SUMMARY

The mission to of Stellenbosch Municipality is to "deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens". As a means to deliver on this mission, Stellenbosch Municipality is guided by the South African Constitution (1994), United Nations International Convention on the Rights of Persons with Disabilities and Optional Protocol (to which South Africa is a signatory since 2007), the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), Employment Equity Act (2001), the White Paper on Transforming Service Delivery – Batho Pele (1997), along with other legislation listed in the Legislative Framework in **ANNEXURE 1**.

As a commitment to strive for Universal Access (UA), Stellenbosch Municipality supported by their Values: Integrity, Accountability, Transformation and Innovation, supports the creation of accessible communication material, information systems and infrastructure throughout the Municipality. To understand and implement UA, Stellenbosch Municipality is informed and guided by Universal Design (UD), a **process** of embedding **choice** for all **people** in the **things** we design to do.

1. UD is a **process** rather than a final type of product, space or system. In accepting that UD is a process, Stellenbosch Municipality concede to the fact that it will never be completed, but that we commit to a lifetime of learning and understanding of different users' needs, abilities and desires.
2. **Choice** involves flexibility and multiple alternative means of use and/or interface.
3. **People** include the full range of people regardless of age, ability, sex, economic status, race or religion.
4. **Things** include spaces, products, information systems and any other things that humans manipulate or create.

The need for a UA Policy stems from the Municipality's commitment to ensure equal service to persons with disability and the statistics obtained from SASSA, SA Census 2010, and the establishment of a civil Disability Network within the municipal area, whilst keeping in mind that a large percentage of people do not identify any degree of limitations as a disability. For this reason, the direct beneficiaries of a Universal Access Policy will be approximately 7,9% of the population. However, the secondary beneficiaries including pregnant women, people travelling with small children, children younger than 14 years and elderly people will total to an estimated 65% of the total Municipal population.

The approved White Paper on the Rights of Persons with Disabilities consists of 9 pillars and an implementation matrix (2015-2030) with specific targets for all spheres of government. The role of local government is clearly indicated with a specific reference to achieving universal access. (**ANNEXURE 2**)

List of abbreviations

Abbreviation		Explanation
DPO	Disability Persons' Organizations	Organizations representing and serving persons with disabilities
IDP	Integrated Development Plan	Integrated Development Planning is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development. Once the IDP is drawn up all municipal planning and projects should happen in terms of the IDP. The annual council budget should be based on the IDP. Other government departments working in the area should take the IDP into account when making their own plans.
LED	Local Economic Development	To build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and nongovernmental sector partners work collectively to create better conditions for economic growth and employment generation. (World Bank)
MAYCO	Mayoral Committee	Committee existing of the Mayor and all portfolio councillors
SASSA	South African Social Security Agency	Agency responsible for the administration of Social Grants
UA	Universal Access	The equal ability of all people to participate in any process irrespective of their diverse needs/requirements
UD	Universal Design	UniversalDesign.com defines Universal Design (UD) as the process of embedding choice for all people in the things we design. Universal Design continues to evolve as both designers and users broaden their understanding and experience of different users' needs, abilities and desires. The more you know about UD, the more you realize that there will always be more to learn. Universal Design is a lifelong learning opportunity, and no one knows it all. We are all students of Universal Design who can learn from each other about how to better design things for all people.
WPRPD	White Paper on the Rights of Persons with Disability	Gazetted March 2016 to provide policy directive for SA on the Rights of Persons with Disabilities

1. INTRODUCTION

The policy intends to create a conducive environment to address issues affecting people with diverse needs/requirements including persons with disabilities within the Stellenbosch Municipal area. It provides guidance on the development and implementation of programmes aimed at promoting the rights and freedoms of people with disabilities as well as other persons with diverse needs/requirements. It advocates for the mainstreaming of issues affecting persons with disability and diverse needs/requirements into municipal departments and directorates. The policy is firmly grounded on the principle that UA should be made integrated into project conceptualization, planning and implementation of IDP programmes in all departments. It also suggests models and mechanisms for coordination of UA implementation, monitoring and evaluation.

In terms of the United Nations Convention on the Rights of Persons with Disabilities persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The same document also speaks of disability being an evolving concept and that disability results from the interaction between people with functional limitations and the attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis.

It is thus important when considering programmes or policies that the approach should make provision for addressing attitudes, processes, knowledge and the environment in which people with diverse needs, including people with disabilities, function.

The White Paper on the Rights of Persons with Disability (WPRPD) does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the acceptance of Universal Design Principles in the development of standards and guidelines. The term “Universal Design” has evolved from the “Barrier Free Design” and “Accessible Design”, design processes that focused specifically on addressing the needs of people with disabilities. Universal Design goes further by recognizing that we all exist somewhere on a wide continuum of human ability. Everyone, even the most able-bodied person, passes through childhood, periods of temporary illness and injury, and old age. By designing for the more limited abilities on the continuum, we can create environments, products, and services that will be easier for all people to use, regardless of their abilities, age or current state of health.

2. STRATEGIC POSITIONING

2.1. VISION

To create accessible communication media, information systems and infrastructure to lead to the full participation and equal access to opportunities for all people, including people with disabilities within the jurisdiction of Stellenbosch Municipality.

2.2. MISSION

This policy aims to ensure the human rights of people with diverse needs/requirements through the alignment of projects and programmes to support universal participation and equalization of opportunities for all people, including persons with disabilities. Stellenbosch Municipality aims to achieve said mission through:

- 2.2.1. Promotion of equal opportunities and full participation or inclusion of people with diverse needs/requirements in the economic, social and political life through the introduction of UA and UD.
- 2.2.2. Prioritization and integration of UA and UD principles into the IDP and subsequent budget of all departments.
- 2.2.3. Inter-departmental approach in the planning and implementation of disability-related services and programmes.
- 2.2.4. The integration of disability issues into line functions of the Municipality's departments as well as a commitment on the part of the Stellenbosch Municipality to address disability issues appropriately.
- 2.2.5. People with diverse needs/requirements are capacitated to enable them to live productive and sustainable lives.
- 2.2.6. Physical, social, economic and other barriers that prohibit or limit access of persons with disability are removed through creation of conducive and accessible environments.
- 2.2.7. Ensure appropriate allocation of funds to designated programmes of different Municipal Departments to give effect to the policy.
- 2.2.8. Monitoring and evaluating the impact of UA programmes as part of our commitment to improve service delivery through UD.

2.3. PRINCIPLES AND UNDERLYING VALUES

In order to ensure all programmes, processes and infrastructure introduced by Stellenbosch Municipality ensures UA, this policy adopts the seven principles of UD (**ANNEXURE 3**) to guide departments on the requirements to achieve UA:

- 2.3.1 Equitable Use
- 2.3.2 Flexibility in Use
- 2.3.3 Simple and Intuitive Design

- 2.3.4 Perceptible Information
- 2.3.5 Tolerance for Error
- 2.3.6 Low Physical Effort
- 2.3.7 Size and Space for Approach and Use

The above principles support the key principles of the White Paper on the Rights of Persons with Disabilities:

- 2.3.8 Respect for inherent human dignity and individual autonomy
- 2.3.9 Non-discrimination
- 2.3.10 Full and effective participation and inclusion in society
- 2.3.11 Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- 2.3.12 Equalisation of opportunities
- 2.3.13 Accessibility
- 2.3.14 Equality between men and women' and
- 2.3.15 Respect for the evolving capacities of children with disabilities and for their right to preserve their identities

2.4. PRIORITIES

There are effectively no programmes that are a priority over others as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by integrated and coordinated management of planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:

- 2.4.1. All new developments to be aligned to UD
- 2.4.2. Prioritize projects that are linked with Safety and Security
- 2.4.3. Public participation
- 2.4.4. Accessibility
- 2.4.5. Economic Development

2.4.6. Health Care

2.4.7. Inclusive development/education and sport/recreation

2.4.8. Community Development and networking

2.5. OBJECTIVES

To facilitate the development and implementation of municipal services, processes, facilities and projects that is accessible to all persons with diverse needs/requirements including people with disabilities (mainstreaming) through the systematic integration of UA and UD.

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
That employees with diverse needs/requirement, their families and the community is made aware of existing government policies, programmes and services.	<u>Removing barriers to access and participation.</u> Changing attitudes and behaviour – Develop and implement a Disability Rights Awareness Plan	Plan finalised MOA's signed with 2 strategic partners Minimum 1 community dialogue per annum	Plan reviewed MOA signed with 5 strategic partners Minimum 2 community dialogue per annum	Community Development IDP HR
	<u>Supporting Sustainable integrated Community life:</u> Building socially cohesive communities and Neighbourhoods: Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages.	50% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities	100% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities	Community Development New Housing Development Informal Settlements
	<u>Removing Barriers to access and Participation:</u> All public and private institutions must ensure equitable access to and participation in programmes and services – This includes the development and publication of reasonable accommodation measures in service charters and standards	Develop Reasonable Accommodation Standards	Publish and implement standards	Engineering Services Corporate Services Community and Protection Services
	<u>Removing Barriers to access and Participation:</u> Enforcing barrier free participation for all persons in line with approved regulatory licencing requirements.	100% enforcement	100% enforcement	Building Control Business Licensing Public Transport
	<u>Supporting Sustainable integrated Community life:</u> Provide information on available service to all parents and care-givers of children	Disability information portal in place and information updated annually	Information available in print format in all three of the official languages of the WC	ICT Community Development
Consulting with stakeholders in a	<u>Supporting Sustainable integrated Community life:</u>	50% of the municipality's	100% of the municipality's	All Directorates

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
conducive environment for equal participation to ensure a collaborative approach to addressing the needs of persons with disabilities in municipal service delivery.	Address violence against women/girls/boys and the LGBTI community– appropriate measures must be taken to ensure that women, girls and boys are and feel safe living in their communities	programmes provide for the inclusion of women, children, LGBTI community	programmes provide for the inclusion of women, children, LGBTI community	
	<u>Supporting Sustainable integrated Community life:</u> Accessible human settlements/neighbourhoods – Include supported community living plans in all IDP's. The plans and budgets must make provision for coordinated and integrated community living support plans, focussing in particular on access to the built environment, integration of transport nodes and human settlement spatial design	Supported community living plans included in IDP		IDP Planning and Economic Development Engineering Services
	<u>Supporting Sustainable integrated Community life:</u> Protection during situations of risk and disaster – Review all disaster management plans to ensure provision for persons with diverse needs including disabilities in emergencies. Plans must incorporate provisions to map homes and/or institutions in which persons that might require special assistance during emergencies are living. Training of disaster management personnel to prevent injury during evacuations which might result in primary or secondary impairments is required.	100% of disaster management plans reviewed (inclusive of maps for 75% of the area) and universal design access plans developed and implemented.	100% of disaster management plans reviewed (inclusive of maps for 100% of the area) and universal design access plans developed and implemented.	Disaster Management
	<u>Supporting Sustainable integrated Community life:</u> Provide accessible emergency services – Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to services for persons with disabilities	100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for deaf and hearing impaired persons		Fire and Disaster Management

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
Assess, prioritise and adapt the physical structural design of council facilities, infrastructure, processes and communication to ensure constant improvement on the accessibility for people with diverse needs ensuring social integration of all groups with dignity and respect.	<u>Supporting Sustainable integrated Community life:</u> Ensure that all community development programmes and community facilities are accessible to persons with disabilities including social, economic, religious, cultural, sport and leisure and transport facilities and programmes	25% of existing facilities are retrofitted to comply with minimum norms and standards 50% of existing programme comply with accessibility standards	75% of existing facilities retrofitted to comply with minimum norms and standards 100% of exiting programme comply with accessibility standards	Corporate Services Community and Protection Services
	<u>Supporting Sustainable integrated Community life:</u> Provide access to subsidised housing support – Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state	Development of information explaining and accessing subsidised housing support in all three WC languages completed.		Planning and Economic Development
Systematic review and improvement of HR and Engineering systems, processes and projects to ensure all persons have equal access to employment	<u>Reducing economic vulnerability and releasing human capital:</u> Strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disability. – Focus placed on: <ul style="list-style-type: none"> • Accessible and affordable transport • Increasing household income through employment and work opportunities • Provision of accessible transport to health care facilities 	Baseline for access to programmes in municipalities established. 25% improvement in access to all programmes	75% improvement in access to all programmes	Corporate Services Engineering Services
Annual monitoring and reporting on implementation of the Universal Access Policy through the scorecards of the Municipal Manager and Directors.	<u>Building a disability equitable state machinery:</u> Develop disability rights and equity commitment statements	100% compliance		Municipal Manager
	<u>Building a disability equitable state machinery:</u> Strengthen Accountability – Include disability outcomes in performance contracts of senior managers across directorates.	Guidelines for disability equity dimensions approved – 100% compliance	100% compliance	Municipal Manager

3. ROLE OF STELLENBOSCH MUNICIPALITY

Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.

3.1. KEY INSTITUTIONAL MECHANISMS

- 3.1.1. Utilizing relevant MAYCO member offices (getting buy-in from highest political authority) to support universal access budget and interventions.
- 3.1.2. Encouraging the participation of people with disabilities in the Municipality's processes (e.g. IDP reviews).
- 3.1.3. Consulting with disabled people's organizations (DPO's) through the Stellenbosch Disability Network
- 3.1.4. Disability programming and implementation processes must be handled by managers in different departments of the Municipality and reported to the Department Community Development through a designated disability liaison.
- 3.1.6. Implementation of this policy will be measured through the annual review of the personal SCORECARDS of directors.

3.2. THE ROLE OF THE OFFICE OF THE MUNICIPAL MANAGER

- 3.2.1. Implement agreed performance management targets related to Universal Access on annual basis with all directors.
- 3.2.2. Include target of 2% employment for persons with disabilities in performance agreement of each director.
- 3.2.3. Monitor and evaluate programmes implemented by departments and directorates for UA responsiveness or sensitivity according to agreed performance targets.
- 3.2.4. Ensure the implementation of the Universal Access Policy for the Stellenbosch Municipality and report on said improvements annually to council.

3.3. THE ROLE OF THE DEPARTMENT COMMUNITY DEVELOPMENT

- 3.3.1. Liaise with the Provincial and Local Government Departments on disability issues. Coordinate and mainstream UA policies in municipal strategies and structures.
- 3.3.2. Network and liaise with the Stellenbosch Disability Network.
- 3.3.3. Assist the Performance Management Unit and line departments with the process of developing sector-specific indicators in the Municipality relying on Universal Design Principles.
- 3.3.4. Provide guidance for UA analysis and facilitate inter-departmental collaboration among departments in the mainstreaming of disability into the policies, planning, programmes, IDP and budget.
- 3.3.5. Implement programmes of benefit to people with disabilities in conjunction with civil society organizations for people with disabilities, as per the Community Development Strategy.

4. POLICY REVIEW

This policy will be reviewed in 2023.

ANNEXURE 1

LEGISLATIVE FRAMEWORK

The following legislative frameworks guide and inform decisions relating to the Universal Access Policy Framework: in South Africa

The Constitution of the Republic of South Africa (1996)

National Development Plan 2030

Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)

Employment Equity Act (55 of 1998)

Skills Development Act (97 of 1998)

National Building Regulations and Building Standards Act (103 of 1977)

Basic Conditions of Employment Act (75 of 1997)

Occupational Health and Safety Act (85 of 1993)

The Labour Relations Act (66 of 1995)

Disability Framework for Local Government 2009-2014

Integrated National Disability Strategy

Code of Good practice for disability in the workplace

United Nations Convention on the Rights of Persons with Disabilities

The White Paper on Transforming Service Deliver – Batho Pele (1997)

The White Paper on the Rights of Persons with Disabilities (2016)

Technical Assistance Guidelines for the employment of persons with Disabilities (2017)

National Veld and Forests Fire Act, 1998 (Act No. 101 of 1998)

National Environmental Management Act No. 107 of 1998

PART 6: STRATEGIC PILLARS FOR REALISING THE RIGHTS OF PERSONS WITH DISABILITIES

6.1 Pillar 1 – Removing Barriers to Access and Participation

"The new South Africa should be accessible and open to everyone. We must see that we remove the obstacles... Only then will the rights of disabled persons to equal opportunities become a reality".

Nelson Rolihlahla Mandela, 1995

The creation of barrier-free environments requires collective and concurrent action by law and policy makers, service providers, regulatory bodies, the private sector as well as organisations of and for persons with disabilities.

Accessibility lies at the heart of the right to human dignity – being able to live as an equal resident in one's community, being accorded respect for your personal space, having the right to equal opportunities and negotiating one's life unhindered by man-made barriers. A number of articles in the UNCRPD requires State Parties to take appropriate measures to ensure that persons with disabilities are able to access, on an equal basis with others, the physical environment, transportation, information and communications as well as other facilities and services open or provided to the public, both in urban and in rural areas. The Table below reflects the specific Articles of the UNCRDP that speak to removing barriers to access and participation.

RELEVANT UNCRDP ARTICLES
<p>Article 9: Accessibility This article emphasises that State Parties have legal obligations to ensure accessibility to persons with disabilities. In this vein, the development and implementation of national laws and policies that advance accessibility must be promoted. Accessibility can also be achieved by ensuring that services and information are tailored to the needs of persons with disabilities; by requiring the participation and inclusion of persons with disabilities; and by drawing attention to the most neglected groups within the spectrum of disability.</p>
<p>Article 11: Situations of risk and humanitarian emergencies This article deals with removing barriers to access in situations of risk and humanitarian emergencies and states that measures should be taken to ensure the protection and safety of persons with disabilities in situations of risk.</p>
<p>Article 20: Personal Mobility This article recognises personal mobility as an important element of access and states that measures must be taken to ensure that persons with disabilities enjoy personal mobility with the greatest possible independence in the manner and at the time of their choice, and at affordable cost.</p>

Article 21: Freedom of Expression and opinion and access to information

This article foregrounds accessibility in terms of expression, opinions and information. It states that appropriate measures should be taken to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

Article 30: Participation in cultural life, recreation, leisure and sport

This article speaks to the accessibility in terms of social life. It states that measures must be taken to ensure the right of persons with disabilities to take part on an equal basis with others in cultural life, including enjoying access to cultural materials and access to television programmes, films, theatre and other cultural activities, in accessible formats, as well as taking appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials, and that persons with disabilities are entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and Deaf culture.

Other relevant articles include:

- Article 3: General principles;
- Article 4: General obligations;
- Article 5: Equality and non-discrimination;
- Article 8: Awareness Raising

6.1.1 Focus Areas

The following six dimensions have to be addressed in order to remove barriers to access and participation:

- Changing attitudes and behaviour;
- Access to the built environment;
- Access to transport;
- Access to information and communication;
- Universal design and access; and
- Reasonable accommodation measures.

Addressing all the focus areas in their own right and as a holistic solution requires collective and concurrent action by law and policy makers, service providers, regulatory bodies, the private sector as well as rights holders and/or their representative organisations.

6.1.1.1 Changing Attitudes and Behaviour

Harmful and negative attitudes and stereotypes associated with disability continue to segregate persons with disabilities from mainstream social and economic life.

The INDS, 1997 acknowledges the centrality the changing of attitudes and behaviour plays in the promotion and protection of the rights of persons with disabilities. It states that,

"One of the greatest hurdles disabled people face when trying to access mainstream programmes are negative attitudes. It is these attitudes that lead to the social exclusion and marginalisation of persons with disabilities"; and that,

"The changing of attitudes is not something that happens automatically or spontaneously. Attitude changing is a complex process which involves moving, in a series of stages, from one set of attitudes to another."

DIRECTIVES	DESCRIPTION
Develop and implement a Disability Rights Awareness and Plan	The Plan must be centred on an ongoing campaign across all sectors of society. It must be implemented by all social partners, and multi-dimensional while ensuring integration. Campaigns must be branded and targeted with themes that address the negative attitudes and beliefs about disability that influences people's behaviour in a way that is harmful to persons with disabilities and associates unfounded stigmas with disability. It must also broaden society's understanding and knowledge of perceived or actual impairments, how environmental aspects disable persons with impairments, and how attitudes influence behaviour and vice versa. Public awareness campaigns must also address harmful traditional beliefs associated with disabilities.
Develop and implement new human rights based disability related terminology	The development and implementation of new disability related and sensitive terminology based on human rights must be managed at a national level. The new terminology must be introduced and included in all the official languages of South Africa, as well as South African Sign Language. All government policies and legislation that get amended or revised and any new policies and legislation must incorporate and utilise the new terminology.
Integrate disability awareness into the curriculum of educational	Disability rights awareness training programmes must be integrated into the curricula of all education and training programmes. This must include training in all forms of alternate communication. For example the teaching of South

programmes	African Sign Language and the availability of Braille at schools, post school education and training institutions and at work places.
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6.1.1.2 Access to the Built Environment

The built environment includes all man-made surroundings that provide the setting for human activity, ranging from the large-scale civic surroundings to personal places.

Current legislation regulating the built environment is not fully compliant with either international treaty obligations or constitutional imperatives, as it does not facilitate or enforce the concept of universal design that will enable equitable access to the built environment.

The National Building Regulations and Building Standards Act, 1977, as well as the National Guidelines for Accessibility currently constitute the regulatory framework for accessibility to the built environment. For any building used by the public to conform to the requirements of the National Building Regulations, its facilities must meet the standards and measurements contained in the SANS 10400-S document published in 2011.

The SAHRC recommended in its 2002 *‘Towards a Barrier-free Society Report’*, that “any legislation governing the accessibility of built environments should focus on improving the preconditions for equal participation and human dignity and providing mechanisms for governance, administration and enforcement, and calls for an urgent review of the South African legislative framework for accessibility and the built environment in order to reflect constitutional rights, ensure safe, healthy and convenient use for all and include international standards for universal access”.

DIRECTIVES	DESCRIPTION
Conduct universal design audits of all existing infrastructure to establish the degree of compliance with the SABS minimum norms and standards for the use of people with disabilities.	The disability access of the built environment must include all public and private sector institutions and shared spaces. Quantified and costed plans must be developed to address the outcomes of the audits and the budget must be provided for implementation of the plan.
Develop a financing plan to retrofit	The plan must focus on raising the finances required to retrofit all public and privately owned buildings rendering

existing infrastructure	services to the public. The retrofitting must comply with the SABS minimum norms and standards.
Appoint and train infrastructure accessibility liaison officers	Infrastructure accessibility liaison officers must be provided with appropriate accredited training. These officers must be deployed and/or appointed as part of all infrastructure development project management teams. The trained officers must also advise on, and if necessary, develop built environment regulations and/or amendments to existing legislation to ensure that the concepts of universal design and barrier-free access are adhered to in terms of all built environment infrastructure.
Provide incentives for universally designed barrier-free infrastructure and built-environments	State and private sector provided incentives and reward systems must be initiated and developed towards promoting universally designed and accessible built-environments that meet regulated norms and standards. These incentives must be aimed at transforming the attitude of built-environment professionals towards designing barrier-free spaces and facilities.
Operationalise regulatory framework for accessibility to the built-environment	The regulatory framework for accessibility to the built-environment must be extended and integrated into land use management and town planning schemes and the overall design of landscapes, public open spaces and streets.

6.1.1.3 Access to Transport

Inaccessible public and private systems across the travel value chain are a major barrier to the right to equality for persons with disabilities. Women and learners with disabilities are particularly vulnerable when using inaccessible public transport systems.

Adequate, efficient, safe and accessible transport is required to support productivity and assist South Africans to access basic services, especially in impoverished and rural communities.

The ability to move around the community underpins all aspects of life for persons with disabilities and is essential to achieving all the policy outcomes of the White Paper on the Rights of Persons with Disabilities - from learning and skills, to employment and to the general enjoyment of rights.

The link between the home and transportation, the link from the transportation to the workplace or social services is essentially frequently overlooked. It is important that access to transport be viewed across the entire travel value chain:

- Planning a trip – having relevant information available in accessible format;
- Getting to the pick-up point – being able to negotiate footpaths, cycle paths etc.;
- Getting onto the transport mode of choice – including being able to transfer between different modes of transport;
- Making the journey;
- Getting out of the transport mode of choice;
- Getting to the destination; and
- Providing feedback on the trip – monitoring system.

There is therefore a need for a continuous accessible path of travel for persons with disabilities to connect public transport nodes with local services and accessible housing.

DIRECTIVES	DESCRIPTION
Incorporate the concept of universal design and access in all transport licenses and permits	All transport-related licences and permits for all modes of transport must include universal access and design requirements.
Conduct transport access audits	All public and private transport operators must conduct operational, staff and managerial audits of existing infrastructure, fleet and programmes against legislated minimum norms and standards. A quantified and costed plan must be developed to implement the outcomes of the audit. Implementation of the plan must be budgeted for.

6.1.1.4 Access to Information and Communication

When information and communication platforms and technology are available, affordable and accessible, they significantly improve the inclusion of persons with disabilities in all aspects of society.

Deaf persons use South African Sign Language as their first language, and therefore require that they have access to SASL training, in particular for Deaf children and their parents. They require access to SASL interpreters, as well as note-takers, captioning and sub-texting to facilitate access to information and communication.

Persons who are hearing impaired and/or acquire deafness later in life, might however never utilise SASL as their language of choice. They require access to lip readers, note-takers, loop systems, captioning and sub-texting for access to information and communication.

Persons with severe speech impairments often require alternative and augmentative communication to communicate and access information. This includes non-speaking autistic persons who may also need alternative and augmentative communication (AAC).

Persons with visual and print disabilities often require that text be made available in alternative formats such as Braille, large print, descriptions of graphs and pictures, as well as in audio.

It should furthermore be taking into consideration that literacy levels among persons with disabilities are often low due to exclusion from education in the past, and that information must be made available in accessible official languages.

The importance of ICTs for persons with disabilities lies in the leverage they provide to open up a wide range of services, transform existing services and create greater demand for access to information and knowledge. Web services constitute the access technology with the greatest impact in promoting the inclusion of persons with disabilities. This contribution is closely followed by mobile phones, which, despite being one of the newest technologies from the ICTs assessed, constitute the second-most valued ICT with regard to its contribution for persons with disabilities. In particular, the use of mobile phones is instrumental in allowing the independent living of persons with disabilities. Television is also an important source of information, but requires sub-titling, close captioning and audio-descriptions to ensure equal access.

The cost of assistive technologies (ATs), which is comprised of the cost of the technology as well as the cost of AT assessment, training and support services, detracts from full access to healthcare services, benefitting at all educational levels, being competitive on the labour market and living independently.

At the same time, this WPRPD acknowledges that some persons with disabilities, for example people living with intellectual and/or psychosocial impairments, may not be able to use the technological and IT related devices for meeting their information and

communication needs. These persons with disabilities require human support to meet their needs and require tailored and innovative information and communication interventions and support services such as easy to read materials.

DIRECTIVES	DESCRIPTION
Promote access for persons with disabilities to new information and communications technologies and systems	All public and private institutions must promote access to new information and communications technologies and systems, including the Internet. This can be done through the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become available at minimum cost.
Provide captioning on all television programmes	This must be done by all public and private television channels
Ensure equal access to information and communication platforms	All electronic media, broadcasting and print media platforms of all public and private media institutions and agencies must incorporate universal design principles, meet minimum norms and standards regulatory requirements, and government agencies regulating them must publish annual compliance reports.
Promote South African Sign Language (SASL) and train SASL Interpreters	A costed plan must be developed for promoting SASL through a number of interventions. The strategy and plan must include the training of SASL interpreters. Adequate budget must be provided for implementation of the plan.
Develop and regulate braille standards	A costed plan must be developed for the continuous development, production and regulation of braille standards. Adequate budget must be provided for implementation of the plan.
Provide access to print mediums for persons with print disabilities	All steps must be taken to ensure access to print for persons with print disabilities. One of the steps must be ratification of the <i>Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled</i> .
Provide accessible emergency and disaster management information	All emergency and disaster management and occupational health and safety procedures must include a protocol to ensure that persons with disabilities have access to an equitable degree of information and safety as persons without disabilities using the same service.

6.1.1.5 Universal Access and Design

Universal access is the ability of users to have equal opportunity and access to services, products, systems and environments; regardless of their social and/or economic situation, religious or cultural background, gender or functional limitation. Accessibility can thus be described as “the ability to access” as well as the functionality of some system, environment, product, service or entity.

Universal Design, also referred to as lifespan design, is the most important tool to achieve universal access. It ensures that all residents, irrespective of age, size, ability, gender, etc. benefit from accessible places and products throughout their lives. The fundamental premise of Universal Design is the recognition of human diversity as opposed to the concept of the ‘average man’.

There are two aspects to Universal Access:

- **Direct Access.** This is strongly related to Universal Design and refers to direct adaptations to products, environments, services or system designs that significantly improve their accessibility.
- **Indirect Access.** The use of assistive devices and technology such as wheelchairs, screen readers etc., and refers to product, environment (rural and urban), service or system interfaces that enable an add-on assistive technology to provide the user with full access.

The ‘Universal Accessibility’ approach places the responsibility on society to adjust environments, products and systems to accommodate the individual rather than the individual working around these environments, products and systems i.e. the key lies in the integration of Universal Access into the design and planning process. A universally accessible facility, environment, product, system or service will accommodate a wide variety of groups of society appropriately, safely, and with dignity, as well as optimizing their functionality in the system or environment in which they operate.

Universal design principles for learning should for example include multiple modes of representation, multiple modes of action and expression, and multiple modes of engagement.

DIRECTIVES	DESCRIPTION
Develop universal design standards for the country	<p>The South African Bureau of Standards must accelerate development of universal design access standards for the country across all standards setting that impact on the lives of persons with disabilities. The standards must reflect the key principles of the concept of universal design which are:</p> <ul style="list-style-type: none"> • <i>Equitable use</i> - The design is useful and marketable to people with diverse abilities. • <i>Flexibility in Use</i> - The design accommodates a wide range of individual preferences and abilities. • <i>Simple and intuitive</i> - Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level. • <i>Perceptible information</i> - The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities. • <i>Tolerance for error</i>. The design minimizes hazards and the adverse consequences of accidental or unintended actions. • <i>Low physical effort</i>. The design can be used efficiently, comfortably, and with a minimum of fatigue. • <i>Size and space for approach and use</i>. Appropriate size and space is provided for approach, reach, manipulation, and use regardless of the user's body size, posture, or mobility.
Develop and implement universal design minimum standards and guidelines	<p>This must be done by all public and private sector institutions. The institutions must also monitor implementation of the strategy, compliance with the minimum standards and utilisation of the guidelines. The standards and guidelines must include all facilities and services open or provided to the public, including those rendered by operators/contractors.</p>
Provide education and training	<p>(i) <i>Provide tertiary level education on universal design</i> - All pre-graduate as well as post-graduate training must have compulsory modules on universal design access and disability equity. Pre-graduate and post-graduate training that directly impacts on universal design access and disability equity must design further courses in this regard.</p> <p>(ii) <i>Train decision-makers and implementers on universal</i></p>

design and access - All public and private institutions must provide training for decision-makers and employees on universal design access, including the removal of barriers experienced by persons with disabilities and reasonable accommodation support measures.

(iii) *Develop Accredited Universal Design and Access Training Courses* - These courses must be SAQA accredited. They must allow for differentiated accreditation for access advocates and professional categories. Where Continuing Professional Development (CPD) is required as part of professional training, professionals must be required to undertake at least one universal design access or disability equity course annually.

Ensure service licences require full access

All service licenses issued must require that service providers provide a service which is fully accessible to persons with disabilities.

Ensure service licences require universal design access, in particular for persons with disabilities

All service licenses issued must require that service providers provide a service which incorporates universal design access principles and is fully accessible to persons with disabilities.

6.1.1.6 Reasonable Accommodation Measures

Reasonable accommodation ensures that persons with disabilities enjoy, on an equal basis with others, all human rights and fundamental freedoms. The PEPUDA includes 'denial of reasonable accommodation' as a form of unfair discrimination.

Reasonable accommodation support tends to be individual and impairment specific, and includes measures to:

- Make the physical environment accessible;
- Provide persons with disabilities with access to information and communication;
- Redress stress factors in the environment;
- Accommodate specific sensory requirements such as those relating to light, noise and spatial stimuli;
- Improve independence and mobility of persons with disabilities;
- Guarantee participation and supported decision-making by persons with disabilities; and
- Provide access and participation to quality education and work.

Reasonable accommodation measures are therefore inclusive of assistive devices, assistive technology, personal assistance, adaptations of the built environ, signage, captioning, text available in audio, loop systems, FM systems, alerting/alarm systems for evacuation procedures, dedicated sms lines to all emergency service call centres, adaptation of (for example) work arrangements and the implementation of flexibility within the workplace to accommodate persons with disabilities.

DIRECTIVES	DESCRIPTION
Develop minimum norms and standards for reasonable accommodation	National minimum norms and standards for reasonable accommodation support measures aimed at providing equal access and participation must be developed and promulgated.
All public and private institutions must ensure equitable access to and participation in programmes and services	This includes the development and publication of reasonable accommodation measures in service charters and standards across the full spectrum of services.

6.2 Pillar 2 – Protecting the Rights of Persons at risk of Compounded Marginalisation

Persons with disabilities do not constitute a homogeneous group, and as with all other constituencies, experience inequality, discrimination and poverty differently, depending on the contexts.

Girls, boys, men and women with different disabilities, from different age groups, living in different geographical and socio-economic settings, with different sexual orientations, require specific measures to ensure that their rights to life; citizenship; dignity; integrity; equality before the law; access to justice; freedom from torture or cruel, inhumane or degrading treatment or punishment; and freedom from exploitation, violence and abuse, are protected.

Women and girls with disabilities still do not enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities.

Whilst all women with disabilities bear the brunt of inequality, black African women with disabilities are particularly affected by compounded marginalisation caused by the inter-connectedness of race, disability, gender, socio-economic status and class.

Children, young people, as well as older persons with disabilities have very distinct age-dependent situations and needs that must be taken into consideration when programmes are designed.

Section 28 of the Constitution of the Republic of South Africa protects the rights of all children. These rights underlie all decision making with regard to legislation, policies and programmes in South Africa.

Similarly, Article 7 of the UNCRPD requires of States Parties to:

- take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children,
- ensure that the best interests of the child be a primary consideration in all actions concerning children with disabilities,
- ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and
- be provided with disability and age-appropriate assistance to realise that right.

The National Plan of Action for Children (NPAC), 2012-2017, which constitutes the cross-cutting plan for implementation of the Convention on the Rights of the Child, mainstreams the rights of children with disabilities as an integral part of the NPAC.

The National Development Plan 2030 requires the Department of Social Development to systematise guidelines, norms and standards to ensure that they “take into account the needs of children with disabilities in all communities”.

The Children’s Act, 2005 calls, among others, for an enabling environment to respond to the individual needs of children with disabilities, and prohibits the exposure of children with disabilities to “*medical, social, cultural or religious practices that are detrimental to his or her health, well-being or dignity.*”

RELEVANT UNCRPD ARTICLES

Article 1 articulates the purpose of the Convention, focuses on the promotion, protection and realisation of the full and equal enjoyment of *all* human rights and fundamental freedoms by *all* persons with disabilities.

Articles 3, 4 and 5 provide the General Principles, General Obligations and on Equality and Non-discrimination respectively, which are applicable to all persons with disabilities including women, children and older persons.

Articles 3, 6, 16 and 28 specifically recognise that women and girls with disabilities are subject to multiple discrimination. It states that measures must be taken to their full and equal enjoyment of all their human rights and fundamental freedoms; and

to ensure the full development, advancement and empowerment of women to enjoy and exercise these rights.

Articles 3, 4, 6, 7, 8, 16, 18, 23, 24, 25, 28 and 30 specifically recognise the rights of children to full human rights and fundamental freedoms and states that the best interests of the child must be of primary consideration; and that they should have the right to express their views freely on all matters that affect them. Children must be provided with disability and age-appropriate assistance to realize this right.

All the other Articles of the Convention are application to women, children and older persons with disabilities.

Articles which guarantee specific protection include:

- Articles 25, 28: Older persons with disabilities
- Article 10: Right to life;
- Article 12: Equal recognition before the law;
- Article 13: Access to justice;
- Article 14 - Liberty and security of the person;
- Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment;
- Article 16: Freedom from exploitation, violence and abuse;
- Article 17: Protecting the integrity of the person; and
- Article 21: Freedom of expression and opinion, and access to information.

Article 23 of the Convention on the Rights of the Child provides for specific measures to be taken to protect the rights of children with disabilities. The UN Committee on the Rights of the Child, in their 2000 Concluding Observations, expressed concern that the legal protection, facilities, and services for children with disabilities, and particularly mental disabilities, were insufficient.

Article 18 of the African Charter on Human and Peoples' Rights guarantees the right to special measures of protection in keeping with the physical or moral needs of older persons and persons with disabilities.

6.2.1 Focus Areas

The following four (4) focus areas require specific protective measures to ensure that the rights of persons at risk of compounded marginalisation are protected and upheld:

- The right to life,
- Equal recognition before the law,
- Access to justice, and

- Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.

6.2.1.1 The right to life

Section 11 of the Constitution of the Republic of South Africa guarantees that everyone has the right to life.

Persons with disabilities who are particularly at risk and who requires specific measures to protect this right, include, among others:

- Older persons and children with disabilities who live in particular cultural and/or religious communities where disability is associated with evil, punishment, etc.;
- Children and adults with disabilities who require urgent life-saving resources and medical interventions, but are moved lower on waiting lists as their lives are perceived to have less value;
- Persons with disabilities who are unable to access regular and costly health care due to transport barriers, unaffordability of these interventions, or unavailability of specialised interventions due to geographical location and lack of specialised health personnel;
- Persons with disabilities in emergency and/or disaster situations requiring specific measures to ensure that they have access to timeous and accessible emergency services and evacuation procedures and facilities;
- Persons with disabilities with psychosocial disabilities who do not have access to reliable, timeous and appropriate mental health services and/or may be subject to harmful cultural practices;
- Displaced persons with disabilities, including refugees, asylum-seekers and migrants with disabilities; and
- Persons with disabilities who are homeless.

DIRECTIVES

DESCRIPTION

Strengthen mechanisms to protect the lives of persons with disabilities

All legislation, policies and programmes aimed at protecting life must be reviewed to include specific measures, including putting in place reasonable accommodation measures which will provide equitable protection against loss of life.

Monitor loss of life of persons with disabilities due to insufficient measures having been taken

A monitoring system to track loss of life due to insufficient measures taken to protect the lives of persons with disabilities must be developed.

6.2.1.2 Equal recognition before the law

Equality before the law is a basic general principle of human rights protection and is indispensable for the exercise of other human rights. The Universal Declaration of Human Rights, the ICCPR, and the UNCRPD each specify that the right to equal recognition before the law is operative 'everywhere'; in other words there are no circumstances permissible under international human rights law where a person may be deprived of the right to recognition as a person before the law, or in which this right may be limited. This is reinforced by the terms of Article 4(2) of the ICCPR, which provides that no derogation of this right is permissible even in circumstances of public emergency.

The right to equality before the law is also reflected in other core international and regional human rights treaties. Article 15 of the Convention on the Elimination of Discrimination against Women (CEDAW) also guarantees women equality before the law and requires the recognition of women's legal capacity on an equal basis with men, including the legal capacity to enter contracts, administer property and exercise their rights in the justice system. Article 3 of the African Charter of Human and Peoples Rights (ACHPR) enumerates the right to be equal before the law and enjoy equal protection of the law.

Persons with psychosocial, intellectual and/or neurological disabilities are particularly vulnerable of being denied the right to equal recognition before the law. Historically, they have been denied their right to legal capacity in many areas via substitute decision-making regimes such as guardianship, conservatorship, involuntary admission, etc., often without any clinical and legal determination of their legal capacity, and often as a permanent arrangement.

This is further exacerbated if they live within rural and/or impoverished communities and families, if they are homeless or if they are displaced or refugees, as they are less likely to be able to access information on their rights, as well as supported decision-making services.

Recognition of legal capacity is inextricably linked to the enjoyment of many other human rights contained in the CRPD. Without the recognition of the individual as a person before the law, the ability to assert, exercise, and enforce many of the UNCRPD rights, is significantly compromised.

DIRECTIVES	DESCRIPTION
Review all relevant legislation to ensure equal recognition before the law for access	All legislation detracting from the right to equal recognition before the law for persons with psychosocial and/or intellectual disabilities must be reviewed to prevent indiscriminatory and indefinite denial of legal capacity. This should also include focus on informing and empowering persons with disabilities about their rights and how to access

to persons with disabilities	recourse should these be infringed upon.
Develop supported decision-making legislation	The development of supported decision-making legislation, in particular for persons with intellectual, psychosocial and neurological disabilities, must coincide with the review of substitute decision-making regimes.

6.2.1.3 Access to justice

'Access to justice' is inclusive of people's effective access to the systems, procedures, information, and locations used in the administration of justice. The ability to access justice is of critical importance in the enjoyment of all other human rights. The enjoyment of other human rights can positively or negatively impact the ability of people with disabilities to enjoy access to justice.

To be fully included in society, people with disabilities need access to justice. As long as they face barriers to their participation in the justice system, they will be unable to assume their full responsibilities as members of society or experience their rights and to enjoy the equal opportunity to perform their duties as witnesses, jurors, lawyers, judges, arbitrators, and other participants in the administration of justice.

The concept of access to justice must however also include a variety of other means of doing justice, including alternative dispute resolution, participation in social movement politics, democratic representation, and civic education for the respect of rights. The empowerment of persons with disabilities and their families require that;

- they understand what their rights and entitlements are, know what recourse mechanisms are available should they experience discrimination or exclusion, and know how to access these recourse mechanisms; and
- recourse mechanisms are affordable and easily accessible, even in rural communities.

Barriers hindering persons with disabilities from either using the justice system when they feel wronged or mistreated, or limiting their contributions to the administration of justice, include:

- Poverty;
- Geographic location of adjudication institutions;
- Physical inaccessibility of adjudication institutions;
- Lack of knowledge of legal rights, whereby individuals do not realise that their problem has a legal element and potential remedy;
- Inappropriate dispute resolution institutions and mechanisms (e.g. costs related to accessing the High Courts);

- Procedural hurdles; and
- Delays in the resolution of disputes.

Persons with sensory, intellectual, neurological and/or psychosocial disabilities often experience additional barriers, including;

- Difficulties with organisation, which may make it difficult to prioritise their legal problem and keep appointments with legal service providers;
- Being overwhelmed, and therefore too frightened, or lack the motivation, to seek legal assistance;
- Being mistrustful or frightened of divulging personal information to legal service providers;
- Communication challenges, which can hinder a solicitor in assisting their client effectively;
- The formality of the court room and the stress of initiating or continuing with legal proceedings can be overwhelming and prohibitive;
- Police personnel often lack the skills to serve persons with disabilities and are not comfortable with opening cases of sexual abuse or assault where the complainants have visual, psychosocial and/or intellectual disabilities; and
- The high instance of undiagnosed intellectual, neurological and psychosocial disabilities in impoverished and rural communities.

Further compounding the lack of access to justice across the value chain of the justice system is the communication barrier between appointed South African Sign Language interpreters and Deaf persons who do not have sufficient proficiency in South African Sign Language.

Justice system failures often result in infringement of the right to liberty and security of the person when persons with disabilities are arbitrarily detained due to communication barriers or a lack of distinction between intellectual disability and criminal capacity.

Children with disabilities as well as adults with intellectual, neurological and/or psychosocial disabilities require procedural and age-appropriate accommodations across the justice value chain.

DIRECTIVES

DESCRIPTION

Strengthen recourse mechanisms

- Recourse mechanisms include
- strengthening enforcement of existing legislation;
 - improving access to courts;
 - improving equitable access to service delivery and consumer complaint mechanisms and institutions;
 - strengthening the capacity of Chapter 9 institutions

such as the SAHRC, CGE, Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities to respond to disability related issues and complaints; and

- strengthening the capacity of NGOs, CBOs and FBOs, and in particular DPOs, to support persons with disabilities in accessing justice.

This must include making available the full spectrum of reasonable accommodation support measures, access to the built environment, as well as procedural and age-appropriate accommodations within the police services, legal aid services and court procedures.

Strengthen monitoring systems to track access to the justice system for people with disabilities

A system to ensure barrier free access to justice must be put in place. Specific attention is required to other barriers faced by persons with intellectual and psychosocial disabilities and their resulting discrimination due to decision-making or legal capacity, lack of assessments and other relevant issues.

Develop a national action plan to inform and empower persons with disabilities and their families of their rights

This should include what the judicial rights are, as well as how to access recourse should these be infringed upon.

6.2.1.4. Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse

The enjoyment of the right of persons with disabilities to be free from torture and other forms of violence is also related to the enjoyment of other human rights.

Torture is one of the most serious violations of human rights. The right to be free from torture and other forms of physical and mental ill-treatment is absolute, and may not be suspended or restricted under any circumstances.

Persons with disabilities are particularly at risk for exposure to torture and other forms of cruel, inhuman, or degrading treatment or punishment.

Torture is furthermore a frequent cause of disability, and when torture is inflicted on a person with a disability, it may lead to secondary disabilities or the onset of a serious medical condition. In addition, the failure of an interrogator to recognise a person's disability could be mistaken for non-cooperation.

Contexts which contribute to the vulnerability of persons with disabilities to torture, cruel, inhuman or degrading treatment and punishment, and which regards specific measures to safeguard persons with disabilities, include;

- Persons with disabilities are often segregated from society in institutions, including prisons, social care centres, orphanages and mental health institutions. They are deprived of their liberty for long periods of time including what may amount to a lifelong experience, either against their will or without their free and informed consent. Inside these institutions, persons with disabilities are frequently subjected to indignities, neglect, poor living conditions (including inadequate food, water, medical care and clothing), severe forms of restraint and seclusion, as well as physical, mental and sexual violence. The lack of reasonable accommodation and the phenomena associated with segregation/isolation in detention facilities may increase the risk of exposure to neglect, violence, abuse, torture and ill-treatment;
- Persons with disabilities are exposed to medical experimentation and intrusive and irreversible medical treatments without their consent (e.g. sterilisation, abortion and interventions aiming to correct or alleviate a disability);
- The belief that persons with disabilities should conform their thinking and/or behaviour to what is considered by others as “in their best interests” can lead to persons with disabilities being forced or coerced into using medications or undergoing “treatments” that may amount to torture and or/and ill-treatment;
- Persons with disabilities, and girls and women with disabilities in particular, are especially vulnerable to violence and abuse, including sexual abuse and torture, inside the home, at the hands of family members, caregivers, health professionals and members of the community;
- Perceived or actual impairments associated with harmful traditional beliefs, such as albinism, are often associated with hate speech, ostracisation and even human trafficking and murder; and
- Such practices, in many instances, remain invisible or are being justified, and are not recognised as torture or other cruel, inhuman or degrading treatment or punishment.

Sexual exploitation and abuse is a widespread phenomenon among persons with disabilities, particularly women and girls, although men and boys with disabilities also experience sexual violence, exploitation, and abuse. Most instances of abuse go unreported and, therefore, remain unaddressed. Persons with intellectual and psychosocial disabilities are in particular at risk of not accessing justice when reporting incidents of sexual exploitation and abuse.

Sexual violence, exploitation and abuse have long-lasting harmful effects on persons with disabilities. Where such abuses occur in isolated settings, the chances of accessing the assistance needed for recovery may be slim. Moreover, such

traumatic experiences may increase disability-related functional limitations or create secondary disabilities. Programs and services that do address sexual violence and abuse in the community, particularly those targeting women and girls, very often do not reach out to persons with disabilities.

Children with intellectual and communication disabilities in particular are vulnerable to exploitation by criminals to participate in criminal activities, as it is generally believed that their testimony will not be acceptable in a court of law.

The Convention against Torture places an obligation on the state to criminalise acts of torture, prosecute perpetrators, impose penalties appropriate to the gravity of the offence and provide reparation to victims. By recognising and reframing violence and abuse perpetrated against persons with disabilities as torture or other cruel, inhuman or degrading treatment or punishment, victims and advocates can be afforded stronger legal protection and redress for violations of human rights. For an act against or an omission with respect to persons with disabilities to constitute torture, the four elements of the Convention definition — severe pain or suffering, intent, purpose and state involvement — need to be present. Acts falling short of this definition may constitute cruel, inhuman or degrading treatment or punishment under article 16 of the Convention against Torture.

Article 17 (Protecting the Integrity of the Person) and Article 22 (Respect for privacy) requires that specific measures be taken to protect the rights of persons with disabilities who require personal assistance. Personal assistants often have easy access to a wide variety of personal information such as identification numbers and financial information, and often work in close physical contact with persons with disabilities they are assisting.

Among the many causes of violations of the rights to respect for privacy and personal integrity are the attitudes and beliefs of other people, especially with regard to persons with intellectual or psychosocial disabilities. The belief by some that such persons with disabilities are “not capable” of taking care of their own private information may lead to people withholding that information or giving it to people with whom the person with disabilities would not choose to share that information. Additionally some people believe that it is permissible to violate the privacy or the physical or mental integrity of a person with a disability if they are not aware that it is happening.

DIRECTIVES

DESCRIPTION

Develop and implement quality assurance programmes and strengthen monitoring systems for all types of institutions and facilities for persons with disabilities

These programmes must be benchmarked against international best practice

Develop measures to protect the mental health of persons with disabilities	The measures must include pro-active steps to promote, protect and ensure that persons with disabilities are not exposed to inhumane, degrading and cruel treatment by people, services and systems due to the persistent attitudinal, physical and communication barriers existing in society.
Strengthen human rights monitoring mechanisms for older persons and others at risk	Measures must be put in place to strengthen human rights monitoring mechanisms for older persons with disabilities who have been institutionalised/reside in group residential care facilities.
Develop integrated multi-focus areas strategies and plans for other categories at risk	The strategy and plan must protect refugees, displaced persons with disabilities, homeless persons with disabilities and prisoners with disabilities from inhumane, degrading and cruel treatment and have access to disability-related services and benefits. This means reasonable accommodation measures must be put in place to ensure that these groups have equal access and participation to all programmes offered to the general population.

6.3 Pillar 3 – Supporting Sustainable Integrated Community Life

Independent Living does not mean that we want to do everything by ourselves, do not need anybody or like to live in. Independent Living means that we demand the same choices and control in our every-day lives that our non-disabled brothers and sisters, neighbours and friends take for granted.

We want to grow up in our families, go to the neighbourhood school, use the same bus as our neighbours, and work in jobs that are in line with our education and interests, and raise families of our own. We are profoundly ordinary people sharing the same need to feel included, recognized and loved

Dr. Adolf Ratzka (Adapted)

Persons with disabilities have an equal right to live in the community, with choices equal to others. This requires that government, across all three spheres, take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

Women and girls tend to carry the responsibility of caring and providing for children with disabilities and adults with severe disabilities where personal assistance and accessible child-care facilities are not available, making them less likely to develop careers, find partners and access training and educational opportunities.

Older persons with disabilities, and in particular with dementia, are vulnerable to exploitation, neglect, abuse and homelessness. Facilities catering for older persons are often not accessible to older persons with disabilities, and residential care facilities for persons with disabilities often do not have frail care facilities for those requiring these. This leaves older persons with disabilities requiring frail care support with little or no access to safe shelter. This constitutes a violation of the rights to dignity and security of the person, as per SAHRC report. The rights of older persons with disabilities are protected through, among others, The Older Persons Act, 2006. The Act regulates community-based programmes, home-based care programmes and residential facilities for frail older persons.

RELEVANT UNCRDP ARTICLES

Article 8 deals with Awareness Raising and states that effective and appropriate measures that will raise awareness throughout society that will foster respect for the rights and dignity of persons with disabilities, and that will combat stereotypes, prejudices and harmful practices relating to persons with disabilities must be adopted immediately.

Article 11 which deals with Situations of risk and humanitarian emergencies states that government must ensure protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 19 on Living independently and being included in the community requires that State Parties to recognise the right of persons with disabilities to live in the community, with choices equal to others, and therefore to take measures that will realise this right. Such measures should include:

- Ensuring that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- Ensuring that persons with disabilities should have access to a range of in-, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; and
- Ensuring that community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20 advocates for personal mobility, with the greatest possible independence for persons with disabilities be ensured, including by facilitating the

personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost.

Article 23 deals with Respect for the family and states that effective and appropriate measures are taken to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others. This includes:

- protecting the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- the right of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognised, and the means necessary to enable them to exercise these rights are provided; and
- the right of persons with disabilities to retain their fertility on an equal basis with others.

Article 30 which deals with Participation in cultural life, recreation, leisure and sport states that measures to ensure the right of persons with disabilities to take part on an equal basis with others in cultural life, should include, among others, enjoying access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoying access to monuments and sites of national cultural importance. It also states that State Parties to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities.

6.3.1 Focus Areas

The following focus areas require focused intervention to improve community living outcomes for persons with disabilities and their families:

- Building socially cohesive communities and neighbourhoods;
- Building and supporting families;
- Accessible human settlements/neighbourhoods;
- Access to community-based services supporting independent living; and
- Protection during situations of risk and disaster.

6.3.1.1 Building socially cohesive communities and neighbourhoods

Building social cohesion where persons with disabilities are recognised as equal citizens with the right to play, develop, work and learn in their own communities, is a

national priority. Thus improving access to integrated community, sport and leisure facilities and opportunities for persons with disabilities is an important pillar in building social cohesion.

The existence of multiple disabilities may increase the risk of marginalisation for the person where services are structured according to single impairment-specific interventions.

Displaced persons with disabilities, including refugees, asylum-seekers and migrants with disabilities form an integral part of communities. In the building of socially cohesive communities, it is important that their presence be acknowledged and that they are included in neighbourhood structures.

This requires that society rejects the manifestations of discrimination, exclusion and marginalisation of persons with disabilities experience, and inclusively navigate the changes needed that enhance the rights and freedom of all persons with disabilities.

Particular attention must be paid to ensure that these dimensions are integrated in all programmes and messages focusing on, among others, reducing inequality, building a united South Africa, moral regeneration, social cohesion and universal access.

Improving access to integrated community, sport and leisure facilities and opportunities is another important element in building social cohesion.

DIRECTIVES	DESCRIPTION
Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages	The rights of persons with disabilities must be integrated into all programmes and messages focusing on, among others, reducing inequality, building a united South Africa, moral regeneration, social cohesion and universal access to services
Ensure that all community development programmes and community facilities are accessible to persons with disabilities	This includes all social, economic, religious, cultural, sport and leisure facilities and programmes
Ensure access to residential facilities, day care and other programmes to older persons with disabilities	Residential facilities, day care and other programmes targeting older persons in general, must be made accessible to older persons with disabilities.
Provide subsidies for sport and leisure development for persons	Subsidies and sponsorships for all sport and leisure development must include a disability mainstreaming

with disabilities

component.

Address violence against women/girls/boys and the LGBTI community with disabilities

Appropriate measures must be taken to ensure that women, girls and boys with disabilities are and feel safe living in their communities.

6.3.1.2 Building and Supporting Families

"It is within the family environment that an individual's physical, emotional and psychological development should occur. It is from our family that we may learn unconditional love, we understand right from wrong, and we gain empathy, respect and self-regulation. These qualities enable us to engage positively at school, at work and in society in general"

Centre for Social Justice (2010), *Green Paper on the Family*

Persons with disabilities in general, and children with disabilities in particular, are often deprived of family life due to the lack of community-based support services and educational opportunities available to them and their families, and due to persistent stereotypical thinking that they are better off in segregated facilities.

Being removed from the family on either a temporary or permanent basis often deprives them from the physical resources such as food, clothing and shelter, as well as love, support and encouragement of family members.

Disability does not only affect individuals, but also impacts on family members. Parents and primary care-givers in particular are often required to take life-changing decisions on what would constitute 'the best interest' of their children with disabilities, and can do this only when they are provided with timeous, relevant and accessible information on the full range of options available, and if they have access to peer and parent support and empowerment programmes. Disability service organisations as well as parents' organisations currently carry almost sole responsibility for the provisioning of family support and empowerment programmes, often without any state support.

Women carry the brunt of care responsibilities in families, and caring for children and dependent adults with disabilities, even if only intermittently, where community-based personal assistance support services are not available or insufficient, often detract from their empowerment as women. This requires that they have access to empowerment services which enable them to develop alternative sustainable livelihood streams.

Family function	Ways each function benefits to	
	Individual family members	Society
Membership & family formation	<ul style="list-style-type: none"> • Provides a sense of belonging • Provides personal and social identity • Provides meaning and direction in life 	<ul style="list-style-type: none"> • Controls reproductive function • Assures continuation of the species
Economic support	<ul style="list-style-type: none"> • Provides for basic needs of food, shelter, and clothing and other resources to enhance human development 	<ul style="list-style-type: none"> • Contributes to healthy development of members who contribute to society (and who need fewer public resources)
Nurturance, support and socialisation	<ul style="list-style-type: none"> • Provides for the physical, psychological, social and spiritual development of children and adults • Instils social values and norms 	<ul style="list-style-type: none"> • Prepares and socialises children for productive adult roles. • Supports adults in being productive members of society • Controls antisocial behaviour and protects society from harm
Protection of vulnerable members	<ul style="list-style-type: none"> • Provides care and support for young, ill, disabled or otherwise vulnerable members 	<ul style="list-style-type: none"> • Minimizes public responsibility for care of vulnerable, dependent individuals

Source: Adapted from Patterson, J.M. (2002). Understanding family resilience, *Journal of Clinical Psychology*, Vol. 58 (3): 233-246

The White Paper on Families (2012) therefore recommends that economic and non-economic measures, such as personal income tax relief, care subsidies, and affordable and accessible child, community care and afterschool school care services to mitigate families' responsibilities of caring for, among others, persons with disabilities, be provided.

DIRECTIVES

DESCRIPTION

Develop a plan for mitigating family responsibilities in terms of caring and support for persons with disabilities

The plan must be integrated and multi-sectoral. The Plan must contain both economic and non-economic support measures at household and community level. These services must be standardised, expanded and fully subsidised if provided by NGOs, CBOs and FBOs.

Provide information on available services

Parents and/or care-givers of children with disabilities must have access to integrated disability information,

to all parents and care-givers of children with disabilities

including information on parental counselling and peer-support services, respite care services, therapeutic, educational and economic programmes, as well as the establishment of a disability service and information portal that provides access to the information.

6.3.1.3 Accessible Human Settlements/Neighbourhoods

Accessible and well-designed housing and neighbourhoods contribute significantly to improving the living status of persons with disabilities, as it provides persons with disabilities and their families with choice about living arrangements and moving about the community.

This requires that universal design principles are applied across the human settlement planning and design value chain.

The built environment, transport systems and information systems must be fully accessible for use by persons with disabilities.

The impact of inadequate living conditions is particularly negative for children with disabilities. Children with disabilities living in impoverished homes and communities, especially the former homelands as well as informal settlements, experience multiple deprivations. According to Stats SA's Community Survey 2007, children with disabilities are less likely to have access to adequate housing, water and sanitation than their non-disabled peers. Children with disabilities are more likely to live in traditional dwellings and informal settlements than their non-disabled counterparts. Overcrowded living conditions and outside toilets place enormous stresses on children with disabilities and their families.

DIRECTIVES

DESCRIPTION

Include supported community living plans in all Integrated Developments Plans (IDPs)

The plans and budgets must make provision for coordinated and integrated community living support plans, focusing in particular on access to the built environment, integration of transport nodes and human settlement spatial design.

Ensure all modes of transport are accessible to persons with disabilities

Public and private transport systems must be designed and retrofitted to enable persons with disabilities to utilise the entire transport value chain without barriers.

Provide access to subsidised housing support

Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state.

Incorporate the concept of universal design in infrastructure grants and tax rebate programmes

All infrastructure and neighbourhood development grants and tax rebate programmes must incorporate a universal design requirement. Small site-specific and ad hoc improvement of urban and rural dwellings, facilities, services and open spaces must be prioritised for dwellings inhabited by persons with disabilities.

6.3.1.4 Access to community-based services supporting independent living

Persons with disabilities must be able to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

Persons with disabilities must have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

Persons with disabilities living in rural and impoverished settlements, and on farms and traditional communities in particular, are less likely to access basic and social services, including early identification of disability, health, rehabilitation and habilitation and access to justice services, as well as education and training

Community services and facilities for the general population must be accessible on an equal basis to persons with disabilities and must be responsive to their needs.

DIRECTIVES

DESCRIPTION

Develop a sustainable community-based system for personal assistance to support independent living within the community for persons with disabilities

The system must be:

- person-centred and self-directed;
- maximise opportunities for independence and participation in the economic, social and cultural life of the community;
- be responsive to the particular needs and circumstances of persons with complex and high needs for support;
- provide persons with disabilities requiring personal assistance with choice of where they live and with whom they live, and
- provide access to relevant integrated community and home-based support services for persons requiring independent living. The system must be subsidised.

6.3.1.5 Protection during situations of risk and disaster

Persons with disabilities, when compared to the general population, face higher risks in emergency situations and are disproportionately affected by natural and other disasters.

Humans are emotional beings; their mental health and psychosocial well-being play key roles in resilience, recovery and reconstruction. Integration of mental health and psychosocial well-being makes disaster risk reduction more effective, resilient and robust. Persons with psychosocial disabilities may require additional support services.

Persons with disabilities and their families requiring assistance during situations of risk and disaster must be prioritised for evaluation and disaster management procedures. This requires that all emergency and disaster management services be staffed with personnel who have immediate access to the required reasonable accommodation support systems and who have been trained in assisting persons with disabilities.

Persons with disabilities and their families are a unique resource of knowledge and experience, which is often overlooked, and should therefore be included in actions aimed at reducing the risk of disasters, building resilient communities and finding solutions during situations of disasters and emergencies.

DIRECTIVES	DESCRIPTION
Review Disaster Management Plans	The plans must ensure that persons with disabilities requiring assistance during evacuation and disaster warning systems have prioritised access to disaster management services.
Provide accessible disaster relief services	National and provincial disaster management centres must ensure that psychosocial support service personnel that have the capacity to assist persons with disabilities, are available for deployment during disasters and that evacuation centres are accessible.
Provide accessible emergency services	Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to these services for persons with disabilities.

6.4 Pillar 4 – Promoting and Supporting Empowerment of Persons with Disabilities

"The failure by commission or omission to presume all individuals to be capable and willing to learn and assert themselves in the world restricts adversely their ability to participate equitably within their societies".

Douglas Biklen, Interview, 2012

The human rights based approach to development aims both at strengthening the capacity of duty-bearers and at supporting the empowerment of rights-holders. Participation is a key component of a rights-based approach to development and a key component to achieve people's empowerment.

The normal life cycle of persons with disabilities is often interrupted due to, among others,

- Barriers which exclude them from accessing socio-economic opportunities created in the various stages of their life cycle;
- Lack of effective articulation and alignment between different services offered by different departments targeting the same target group;
- Lack of access to appropriate and timeous information and support;
- Lack of access to essential disability and other support services in particular in more rural contexts;
- Poor enforcement of existing enabling legislation; and
- The high cost associated with disability which deprives persons with disabilities and their families from taking up opportunity.

Factors which contribute to dependency and disempowerment among persons with disabilities include:

- *Social isolation* – For most of the people with disabilities, their social isolation began early in life. It is experienced at home, at school, at work and in the community. Escaping social isolation is therefore a major step on the road to empowerment.
- *Unresponsive services and systems* – barriers to access to opportunities and services available to the general population, inappropriate or unavailable disability-specific interventions, combined with the additional cost of accessing services, contribute to disempowerment of persons with disabilities and keep them in a state of prolonged dependency.
- *Poverty* – dependency on others for survival contributes to high disempowerment levels among persons with disabilities
- *Abuse* – Persons with disabilities – and children and women in particular – experience high levels of vulnerability to abuse.

Successful implementation of the UNCRPD is premised on the meaningful participation and empowerment of persons with disabilities as rights-holders.

Supporting the empowerment of persons with disabilities for purposes of the WPRPD is defined as processes whereby individuals achieve increasing control of various aspects of their lives and participate in the community with dignity.

RELEVANT UNCRDP ARTICLES

Article 24 requires that States Parties to ensure that children with disabilities are able to access an inclusive, quality and free primary and compulsory education and secondary education on an equal basis with others in the communities in which they live; and that persons with disabilities are not excluded from the general education.

Article 25 states that Persons with disabilities have the right to the highest attainable standard of health, and requires that measures are taken to ensure accessibility and affordability of health care services, including the provisioning of reasonable accommodation measures.

Article 26 deals with Habilitation and Rehabilitation services and recognises the rights of persons with disabilities to access rehabilitation services aimed at improving their independence and social integration.

Article 23 on Children with Disabilities requires that State Parties to recognise the rights of children with disabilities to specific assistance to ensure their effective access to health care services and rehabilitation services directed towards social inclusion and individual development.

Article 4 on General Obligations, states amongst others that accessible information must be provided to persons with disabilities about assistive devices and technologies, as well as other forms of assistance, support services and facilities.

Article 13 requires that persons with disabilities are provided with access to justice on an equal basis with others. It also requires the provision of procedural and age-appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Young people make up the largest and fastest growing proportion of Africa's general population. The African Union's Youth Charter, released in 2006, prioritises non-discrimination, development, participation, policy and education and skills development as strategies to counteract historical influences. Most importantly Article 14 recognises the right of young people to a standard of living adequate to

their holistic development. Young persons with disabilities are particularly vulnerable of 'early retirement' due to articulation challenges between school, higher and further education and work.

6.4.1 Focus Areas

The following six (6) focus areas aim to strengthen access to economic independence and a life of dignity for persons with disabilities through empowerment support:

- Early childhood development;
- Lifelong education and training;
- Social integration support;
- Access to lifestyle support;
- Supported decision-making; and
- Strengthening recourse mechanisms.

6.4.1.1 Early Childhood Development

Early childhood development services and programmes provide ideal opportunities for the prevention, early identification and timely provision of assistance and support for children with disabilities. Access to relevant information, early identification and community-based intervention services across government departments and spheres of government, and inclusive early childhood development opportunities, is required to unlock the potential of children with disabilities.

There are a number of reasons that support inclusion of children with disabilities at ECD level:

- Inclusion provides a platform for learning opportunities that do not exist in settings where there are only children with disabilities;
- There are opportunities for observational learning and interactions with peers without disabilities;
- Children with disabilities tend to engage in higher levels of play when they are with children without disabilities;
- Inclusion at preschool level has been found to increase social contact between children with and without disabilities and has the potential to impact on the attitudes of children without disabilities towards their peers with disabilities. The experience of being together provides the opportunity to learn important life skills, including dealing with difference and recognition that in different respects we are all dependent on one another; and
- Early identification and appropriate referral and access to intervention enhances optimal development.

DIRECTIVES	DESCRIPTION
Children with disabilities must have equitable access to all ECD Programmes and Facilities	This requires that mainstream ECD programmes and facilities are made accessible for children with disabilities, i.e. that infrastructure; attitudes, equipment and activities do not hinder the participation of children with disabilities. Thus building plans, playgrounds, equipment, toys and ECD practitioner training comply with universal design norms and standards.
Develop disability specific intervention and support services	The services must focus on individual developmental programmes, language and communication development, assistive devices and technology and therapy to improve independence and social integration, as well as parent empowerment and support programmes.
Develop a national integrated referral and tracking system	<p>The seamless system must:</p> <ul style="list-style-type: none"> • Identify children at high risk of, or with developmental delays and/or disabilities through Road-to-Health health screening programmes and refer them to relevant accessible services; • Register all children between the ages of 0-18 years on a centralised database; • Ensure that children with disabilities on the database are assessed and have access to an individualised developmental support and treatment programme and social assistance benefits; • To ensure that children with disabilities remain on this programme until the age of 18 years; • Ensure that all children with disabilities are enrolled in appropriate ECD and compulsory education programmes; and • Ensure that parents receive timeous, appropriate and accessible information to enable them to take decisions in the best interest of their children.

6.4.1.2 Life-long Education and Training

"The education system will play a greater role in building an inclusive society, providing equal opportunities and helping all South Africans to realise their full potential, in particular those previously disadvantaged by apartheid policies, namely black people, women and people with disabilities. It furthermore advocates the provision of inclusive education that enables everyone to participate effectively in a free society. Education provides knowledge and skills that people with disabilities can

use to exercise a range of other human rights, such as the right to political participation, the right to work, the right to live independently and contribute to the community, the right to participate in cultural life, and the right to raise a family. Ensuring that all children with disabilities have access to quality education will help South Africa meet its employment equity goals in the long run”

NDP, Chapter 9

Exclusion from education reflects a complex, progressive and sustained social process of ‘being excluded’. Children who are excluded from education, are often also excluded from development benefits in general:

- Some children already experience exclusion within their family and communities in which they live;
- Some children are excluded at the school level where schools do not have inclusive policies, cultures and practices that make everyone feel welcome with the assurance that they will be able to develop to their full potential; and
- The last link in the web of exclusion can be national education policies.

Statistics show that children and adults with disabilities tend to have less access to education at any level compared to their peers without disabilities. The correlations for both children and adults between low educational outcomes and having a disability is often stronger than the correlations between low educational outcome and other characteristics such as gender, rural residence, and low economic status. For many years, disability remained one of the key reasons for the exclusion of learners from receiving an education in ordinary schools. Children with disabilities were sent to special schools, often far away from their homes, and often in environments which were not safe, and did not necessarily provide access to the curriculum or quality education.

Persons with disabilities must have access to inclusive learning opportunities throughout their lives where they learn with peers without disabilities in barrier-free settings. Specific focus areas to realise this must include:

- Provision of reasonable accommodation of the individual's requirements;
- Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- Effective individualised support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion; and
- Enabling persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community.

Specific measures that must be taken include:

- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- Facilitating the learning of South African Sign Language and the promotion of the linguistic identity of the Deaf community;
- Ensuring that the education of persons, and in particular children, who are blind, deaf, hearing impaired, non-speaking autistic or deaf-blind is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;
- Employing teachers, including teachers with disabilities, who are qualified in South African Sign Language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities; and
- Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others by, among others ensuring that reasonable accommodation is provided to persons with disabilities.

DIRECTIVES**DESCRIPTION****Provide accessible education facilities**

This applies to all existing and future developed public and private education institutions and campuses.

Provide educational support and reasonable accommodation at all institutions of learning

This involves the timeous availability of adequate support and reasonable accommodation measures across the value chain at all public and private education and training facilities and programmes to persons with disabilities. It includes providing students with disabilities group sport, recreation and peer support opportunities within the education institutions where they are enrolled.

Enforce enrolment of children with disabilities of compulsory school-going age

This includes the abolishment of all waiting lists at schools and immediate reporting of all children with disabilities who have been refused access to schools to the SAHRC. It also includes access to schooling, education and stimulation programmes for children with severe to profound intellectual disabilities.

Integrate disability rights

Disability rights awareness training programmes

awareness discourse into the curriculum of educational programmes must be integrated into the curricula of all education and training programmes.

6.4.1.3 Social Integration Support

Whilst all persons with disabilities are at risk of compounded marginalisation, it should be noted that there are groups which currently experience increased risk due to their actual or perceived impairment.

Communication difficulties, which compound the opportunities for persons to speak out, provide testimony; represent themselves effectively and in general, to be heard and to engage. Persons with communication difficulties require assistive technology and/or intermediaries to facilitate communication, which is often not available.

Persons with disabilities require, in addition to enabling environments and access to services available to the general population, a range of disability specific services to attain and maintain maximum independence, full physical, mental, social and vocational ability, and therefore full inclusion and participation in all aspects of life. These services include;

- Screening, early identification and assessment services to determine individualised support programmes;
- Specialised and community-based rehabilitation, habilitation and psychosocial support services;
- Assistive device and technology support services; and
- Peer and family counselling and empowerment support services.

The lack of rehabilitation services beyond hospital level during the initial phases of onset and/or diagnosis of disability (and for only a limited range of impairments) focusing on prevention of primary and secondary disabilities, is a major contributory factor to the slow uptake of affirmative action opportunities for adults with disabilities in economic empowerment and employment programmes.

Very few rehabilitation and habilitation services and programmes are available to facilitate effective social integration into community life, work and education after onset of disability, and families living in smaller towns and rural areas have virtually no access to these services, which are available mainly in metropolitan and larger secondary cities. Access to affordable and relevant rehabilitation services remains a challenge for persons with disabilities in particular in rural areas. Poverty is a major barrier for persons with disabilities and their families in accessing rehabilitation services, even where these are available at community level, and in particular to specialised services are available only in major centres, due to the high cost and inaccessibility of public transport, lack of accessible information on what services are available and where, and poor referral services within the health sector, but also

between the health sector, the social security system, social development services, the education system and employment and skills-development programmes.

Access to community-based peer and parent counselling and support programmes is central to the empowerment process of children, young persons and adults with disabilities. These programmes, preferably managed and provided by organisations of persons with disabilities and parents of children with disabilities, contribute significantly to reducing a culture of dependency and promoting true empowerment and active citizenship.

Adequate resource allocation for the establishment of psychosocial rehabilitation and habilitation services at community level and resource allocation for the improvement of quality of existing services, in all provinces, is required to facilitate the empowering of persons with psychosocial disability.

Community-based residential and stimulation programmes for persons with intellectual disability form an important function for participation within the community and allow the development and obtainment of various skills, for participation in income-generation projects.

Access to appropriate and affordable assistive devices and technologies for persons across the impairment spectrum ensures increased independence, participation and improved health, and should be available for use at home, at school, at work and during leisure activities.

NGOs, CBOs, FBOs, and in particular DSOs, provide a significant portion of social integration support services, often without sufficient state subsidisation, which detracts from both the quality and expansion of these services.

DIRECTIVES	DESCRIPTION
Establish integrated, multi-sectoral provincial rehabilitation and habilitation centres	These must provide and prioritise multi-sectoral screening, early identification and assessment services to determine individualised support programmes and social assistance requirements; a range of specialised independent living and social integration services to all persons with disabilities, irrespective of impairment; an assistive device and technology service, as well as coordination service for community-based personal assistance, peer and parent/family counselling, psychosocial and vocational rehabilitation habilitation and rehabilitation habilitation support services.
Subsidise peer and parent empowerment support	Peer support empowerment programs for children, youth and adults with disabilities, as well as parents of children with disabilities, must be subsidised and available at community level to strengthen their right to self-representation and advocacy. These programmes must preferably be managed

programmes	by parents' organisations and representative organisations of persons with disabilities.
Subsidise disability-specific services	Subsidisation of any disability-specific services rendered on behalf of government must be congruent with the actual cost of services. Representative organisations of persons with disabilities must be contracted as a central component of trainers.

6.4.1.4 Access to Healthcare and Lifestyle Support

Health as a human rights issue is framed in terms of the "highest attainable standard of health." In other words, persons have a right to the conditions and resources that promote and facilitate a healthy life.

Access to healthcare for persons with disabilities extends well beyond physical access. Persons with disabilities often experience further disadvantage due to the impact of social determinants of health. Health and social services must be accessible, affordable and relevant to persons with disabilities across all impairment and environmental dimensions.

It is important to enhance the capacity of persons with disabilities to access the healthcare system, to ensure that information on available services is easily accessible and affordable, that healthcare workers treat persons with disabilities and their families with dignity and respect, and that the system is able to respond in an appropriate and timely manner to the needs of persons with disabilities.

Affordability of healthcare (including the cost of transport, rehabilitation and assistive devices, consumables and maintenance of devices) is a major deterrent for persons with disabilities receiving social assistance to seek employment.

Persons with disabilities as victims and/or survivors of disability-related and gender-based violence and crime, often struggle to gain access to victim empowerment support services and the broader justice system for victims due to attitudinal, physical, communication and information barriers. This requires that these barriers to mainstream services be removed, and reasonable accommodation support measures be provided where these are required.

Persons with disabilities are often at more risk of contracting HIV due to access barriers to prevention and treatment programmes. Persons with disabilities who have contracted HIV often experience double-discrimination on the basis of disability and their HIV status. Likewise persons with disabilities who are lesbian, gay, bisexual, transgender and intersex (LGBTI) face additional discrimination, persecution and violence simply for expressing who they are, and who they choose to love.

Similarly, access to community sport and recreation facilities and programmes, as discussed in the previous pillar, will contribute significantly to the general health status of persons with disabilities.

DIRECTIVES	DESCRIPTION
Provide access to affordable healthcare services	Integrated and holistic basket of accessible and affordable healthcare services at a district and community level, as well as access to higher levels of care, must be provided to all persons with disabilities.
Provide access to victim empowerment and recourse programmes	All persons with disabilities, and in particular women and girls with disabilities as well as older persons with disabilities, who are victims and/or survivors of disability-related and gender-based violence and crime, must have access to affordable victim empowerment and recourse programmes.
Ensure all HIV and AIDS prevention and treatment programmes are accessible to persons with disabilities	This must include family planning, sexuality/sex education programmes. If it is not possible to remove all access and participation barriers, then accessible disability-specific services must be provided.
Develop and Implement a National Disability Services Quality Framework with a National Quality Assurance system, as well as legislation.	These must determine and provide determined minimum norms and standards for disability services.

6.4.1.5 Supported Decision-Making

Choice and control are key defining aspects of human dignity. This is also relevant for persons with psychosocial, neurological and intellectual disabilities, who are often denied the right to control decisions over aspects of their lives.

Legislation and policies must recognise and enable the right of persons with psychosocial, neurological and intellectual disabilities to equal recognition before the law. Equality before the law is a basic general principle of human rights protection and is indispensable for the exercise of other human rights. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights specifically guarantee the right to equality before the law.

Persons with disabilities remain the group whose legal capacity is most commonly denied in legal systems worldwide. The right to equal recognition before the law implies that legal capacity is a universal attribute inherent in all persons by virtue of their humanity and must be upheld for persons with disabilities on an equal basis with others. Legal capacity is indispensable for the exercise of economic, social and cultural rights. It acquires a special significance for persons with disabilities in making fundamental decisions regarding their health, education and work.

Legal capacity should always be assumed unless evidence, which must include a range of principled and practical checks and balances, proves the contrary. In such cases, safeguards should be proportionate to the person's circumstances, and to how far the measures affect the person's rights and interests. Additionally, such measures should apply for the shortest time possible, and should be subject to regular review by an independent or judicial body.

Supported decision-making regimes comprise various support options which give primacy to a person's will and preferences and respect human rights norms. It must provide protection for all rights, including those related to autonomy (right to legal capacity, right to equal recognition before the law, right to choose where to live, etc.) and rights related to freedom from abuse and ill-treatment (right to life, right to physical and mental integrity, etc.).

The development of supported decision-making legislation and services, in particular for persons with intellectual, psychosocial, neurological and severe communication disabilities, must coincide with the review of substitute decision-making regimes.

DIRECTIVES	DESCRIPTION
Develop supported decision-making services	<p>The development of supported decision-making support services, in particular for persons with intellectual, psychosocial and neurological disabilities, must coincide with the review of substitute decision-making regimes.</p> <p>This must include the development of mechanisms to protect persons with disabilities from undue influence, coercion, exploitation and/or neglect in situations where their decisions, choices and preferences are substituted with those of others.</p>

6.4.1.6 Strengthening recourse mechanisms

The empowerment of persons with disabilities and their families require that:

- they understand what their rights and entitlements are, know what recourse mechanisms are available should they experience discrimination or exclusion, and know how to access these recourse mechanisms; and

- recourse mechanisms are affordable and easily accessible, even in rural communities.

Recourse mechanisms include strengthening enforcement of existing legislation, development of new disability-specific legislation, service delivery and consumer complaint mechanisms and institutions, Chapter 9 institutions such as the SAHRC, CGE, Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities, NGOs, CBOs, FBOs and the courts.

DIRECTIVES	DESCRIPTION
Develop a national action plan to inform and empower persons with disabilities of their rights	A national plan should include what the rights of persons with disabilities are, as well as how to access recourse should these be infringed upon.

6.5 Pillar 5 – Reducing Economic Vulnerability and Releasing Human Capital

Poverty is a multi-dimensional concept determined by, among other things, a household's access to health, education and employment. Barriers that prevent persons with disabilities from improving their livelihoods are related to limited access to services such as health and education, negative attitudes from staff and community members, lack of reasonable accommodation and resources as well as increased costs related to health care, transportation, assistive devices and personal assistance. A lack of or insufficient education is often highlighted as a key element and cause of poverty in persons with disabilities. Poverty and disability are related in adulthood and this is associated with a lack of access to education during childhood – if children with disabilities have access to education (schooling) it reduces the likelihood that they will live in poverty as adults.

Reduced earning capacity is often associated with functional limitations, often-substantial costs of accommodating these limitations, high susceptibility to certain financial shocks, lack of financial reserves and extremely limited earning potential, result in them living below or near the poverty line.

However, such vulnerability also has profound implications for persons with disabilities who are financially more secure, but whose resources are limited and whose expenses are extraordinary. Failure to maintain financial stability may therefore trigger a downward spiral resulting in, among others, bankruptcy, diminished physical and mental health, financial dependence on family and friends, and even homelessness or institutionalisation if insufficient family support and resources are available.

The International Labour Organisation (ILO) estimated in 2009 that South Africa loses about 7% of its annual GDP due to exclusion of persons with disabilities from the workplace and the subsequent productivity loss.

Economic security and social protection for persons with disabilities requires a complex web of inter-related interventions. Persons with disabilities must have access to adequate financial resources to cover the additional cost of living associated with disability.

Reducing inequality in economic security by persons with disabilities and their families will require a concerted and coordinated effort by all government departments, municipalities, employers, labour unions, financial institutions, statistical bodies, education and research institutions, organisations of and for persons with disabilities, skills development agencies, regulatory bodies, institutions promoting democracy, as well as international development agencies to synergise legislation, policies, systems, programmes, services, and monitoring and regulatory mechanisms aimed at the creation of decent work, employment schemes, skills development, social protection, environmental accessibility and the reduction of inequality.

Persons with disabilities living in rural and impoverished settlements, and on farms and traditional communities are less likely to access employment opportunities due to (i) the lack of accessible and affordable public transport; and (ii) lack of accessible and affordable specialised services and opportunities in these areas. Traditional communities are also more likely to associate disability with traditional beliefs and practices.

RELEVANT UNCRDP ARTICLES

Article 27: Work and Employment

The right of persons with disabilities to work, on an equal basis with others, inclusive of the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. To achieve this, specific measures must be taken, including:

- The prohibition of discrimination on the basis of disability across the employment value chain;
- Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work;
- Enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- Promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

- Promoting opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- Employing persons with disabilities in the public sector;
- Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
- Promoting the acquisition by persons with disabilities of work experience in the open labour market; and
- Promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

Article 28: Adequate standard of living and social protection

- Access to social protection programmes and poverty reduction programmes are guaranteed through assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance; access to public housing programmes.

6.5.1 Focus Areas

The following four (4) focus areas aim to accelerate reducing the economic vulnerability of persons with disabilities and their families and fostering economic self-reliance:

- Disability, poverty, development and human rights;
- Access to decent work and work opportunities;
- Persons with disabilities as owners of the economy; and
- Reducing the cost of disability for persons with disabilities and their families.

6.5.1.1 Disability, Poverty, Development and Human Rights

While the Millennium Development Goals (MDGs) represented a concerted effort to address global poverty, the MDGs did not address the interface between poverty and disability, and persons with disabilities found themselves invisible in goal-oriented programmes. As a result, persons with disabilities remain excluded from equitable access to resources such as education, employment, healthcare and social and legal support systems, and consequently experience disproportionately high rates of poverty.

This omission is currently receiving attention as the world moves towards finalisation of the Post-2015 Development Agenda, and Catalina Devandas Aguilar, UN Special

Rapporteur on the Rights of Persons with Disabilities, is on record stating that “*The inclusion of persons with disabilities in the Sustainable Development Goals is fundamental if we are to achieve sustainable development that is genuinely rights-based*”.

The National Development Plan acknowledges that “*disability and poverty operate in a vicious circle. Disability often leads to poverty and poverty, in turn, often results in disability*”.

As the whole family is affected by the direct and the indirect cost caused by participation restrictions, the proportion of people affected is much higher than disability prevalence figure indicates.

A pilot study conducted in 2014 on *Elements of the Financial and Economic Costs of Disability to Households in South Africa* highlighted that some households, such as those of women with disabilities, persons with severe disabilities and those of children with disabilities are still disproportionately economically disadvantaged and vulnerable. The study identifies seven key areas for intervention to reduce economic vulnerability of households of persons with disabilities.

The White Paper for Social Welfare, 1996 provides that social security covers a wide variety of public and private measures that provide cash or in kind benefits or both. The provision of these measures takes place, first, in the event of an individual's earning power permanently ceasing, being interrupted, never developing or being exercised only at unacceptable cost and such person being unable to avoid poverty. The White Paper further defines social security as policies which ensure that all people have adequate economic and social protection during unemployment, ill health, maternity, child - rearing, widowhood, disability and old age, by means of contributory and non-contributory schemes for providing for their basic needs.

While uptake of social assistance grants has increased significantly over the past 15 years, medium and long-term emphasis has been on providing social grant beneficiaries with alternative income sources through gainful work and training, among others, through public employment programmes.

Workers are protected through unemployment insurance benefits as well as compensation for injury on duty.

Significant challenges exist in the private insurance industry with placement of benefit limitations and/or total exclusion of persons with disabilities from insurance benefits. A shift is required to reflect the social model paradigm, where insurance aims to enable a person acquiring a disability to maintain lifestyle and employment, rather than the current practice of compensating them for loss of income due to loss of employment.

DIRECTIVES	DESCRIPTION
Align social assistance with cost of disability	Social assistance must be aligned with the actual cost of disability, and must be structured in a way that encourages social assistance beneficiaries with disabilities to transition to sustainable livelihoods and decent work.
Review all insurance benefits to include equitable access to persons with disabilities	Insurance benefits must be reviewed to remove all discriminatory practices on the basis of disability, and to expand benefits for persons with disabilities and their families.
Develop and/or strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disabilities	<p>The programmes and projects must focus on the following 7 areas:</p> <ul style="list-style-type: none"> • Access to education; • Support for caregivers of children with disabilities and those for adults with severe disabilities; • Accessible and affordable transport; • Increasing household income through employment and work opportunities; • Provision of accessible transport to health care facilities; • Affordable assistive devices and support, including accessibility of information and communication technology; and • The inclusion of persons with disabilities in the design of key developmental areas such as housing and transport.

6.5.1.2 Access to decent work and employment opportunities

Persons with disabilities must be treated as an asset rather than an expense item, and every effort should be taken, whether formally or informally, to develop skills and abilities and to provide opportunities for people to maximise their contribution.

Work is essential to an individual's economic security and is important to achieving social inclusion. Employment contributes to physical and mental health, personal wellbeing and a sense of identity. Income from employment increases financial independence and raises living standards.

Persons with disabilities are disadvantaged compared to their peers without disabilities as far as their access to decent work opportunities is concerned. This is partly attributed to limited formal education and skills. Persons with disabilities as a result tend to have worse labour market outcomes - unemployment, partial employment or full employment at lower wages than persons without disabilities. The Employment Equity Act, 1997 has not resulted in a significant improvement in

the employment status of persons with disabilities, with very minimal year-on-year improvements reported by the Commission on Employment Equity. Equity targets have been set well below the national disability prevalence by both the public and private sector, and those benefiting from this affirmative action legislation tend to be white and male and often do not require significant reasonable accommodation support measures.

Invisible disabilities (psychosocial, neurological, hearing and intellectual disabilities) often lead to persons with these disabilities not having access to affirmative action, social security and assistance benefits as they are not easily identifiable. These persons are therefore required to present additional proof of impairment.

Women with disabilities are affirmed through a range of targeted programmes and events by a number of government departments, although it recognised that improved co-ordination and targeting of these efforts will significantly strengthen impact.

The following range of supported/subsidised employment placement and support options are currently available in predominantly urban centres, largely due to the high general unemployment rate in South Africa:

- Sheltered work - People working in sheltered settings retain their social welfare benefits, typically a disability grant and usually receive a small discretionary additional weekly payment from the work provider. A weakness in the subsidised supported employment environment has been the lack of financial support for organisations of persons with disabilities who offer income-generating opportunities to their members;
- Integrative enterprises - sheltered workshops paying normal wages;
- Supported employment - a system of support for persons with disabilities in respect of on-going employment in integrated settings, including job coaching; and
- The open labour market.

A higher rate of investment must create employment opportunities for persons with disabilities, and a labour market that is more responsive to economic opportunity should take into account the need to ensure that persons with disabilities are included without discrimination on the basis of disability, race, geographical location or gender. Labour market strategies should embed disability at each level of the value chain, particularly with regards to ensuring that persons with disabilities benefit from reviewed regulations and standards for small and medium enterprises by addressing public sector labour relations; strengthening the application of minimum standards on the employment of persons with disabilities among employers ensuring that innovative recruitment processes target persons with disabilities; strengthening compliance with disability components of active labour market policies.

DIRECTIVES	DESCRIPTION
Determine disability related economic affirmative action targets that are cognisant of disability population demographics	The targets must take into consideration disability population demographics as well as redress requirements to facilitate equality of outcome by 2030.
Provide affordable vocational rehabilitation and related programmes	Employees with disabilities must have access to affordable vocational rehabilitation, skills development, job retention and return-to-work programmes after onset of disability.
Integrate socio-economic development programmes provided to persons with disabilities on the national employment services database	These programmes include social assistance, rehabilitation and habilitation, skills development, entrepreneurial and employment support programmes (e.g. mentorship for start-up business owners, job coaching and placement support). The aim is utilise the national employment support services database for job-seekers to link persons with disabilities to job opportunities.

6.5.1.3 Persons with disabilities as owners of the economy

Persons with disabilities can and should be active players in building the economy, and must therefore be enabled to access opportunities aimed at ownership of the economy. Measures should include:

- Ensuring that persons with disabilities are actively participating in key NDP economic sectors such as mining, construction, mid-skill manufacturing, agriculture and agro-processing, higher education, tourism and business services;
- Persons with disabilities benefit from infrastructure projects that contribute to growth and job creation. There is a need to ensure inclusive planning that guarantees equal business opportunities and access to key services such as commercial transport, energy, telecommunications and water, while ensuring their long-term affordability and sustainability;
- Persons with disabilities must be part of all strategies to reduce the cost of living for low-income and working-class households. Such strategies should take into account the diversified needs of different segments within the population of persons with disabilities;
- Reduced cost of regulatory compliance should be extended to businesses that are owned and managed by persons with disabilities and their families;

- A larger, more effective innovation system should ensure that skills development and businesses owned by persons with disabilities are included and supported;
- Support for small businesses that are owned and managed by persons with disabilities, must be strengthened;
- An expanded skills base that achieves the current target of 4% set in the National Skills Development Strategy, and progressively increase this to 15% by 2030 in line with the increasing number of persons with disabilities, must be supported;
- Strengthened financial services to bring down cost and improve access for small- and medium-sized businesses must be available to persons with disabilities and their business enterprises on an equitable basis;
- The commitment to public and private procurement that fosters the growth of disability empowered business and those owned/managed by persons with disabilities, must be translated into practice and reported on;
- Enhanced commercial diplomatic services should position disability as an integral component of investment and foreign policy; and
- The public procurement system is an important transformation tool, and must include a minimum requirement that all goods and services procured through the public purse, comply with the principles of universal design and disability equity.

DIRECTIVES**DESCRIPTION**

Adopt and implement a target of 7% procurement and economic opportunities for emerging SMEs owned by persons with disabilities

Steps must be taken to ensure that at least 7% of all public and private procurement for bids under R30 000 are allocated to business entities owned by persons with disabilities.

At least 7% of all opportunities in the various economic sectors must be allocated to business entities owned by persons with disabilities. This should include interventions so that farmers with disabilities access, own and cultivate land.

Strengthen access to, and participation in, SME support programmes

This must include strengthening all support programmes for entry level SMEs owned by persons with disabilities by implementing affirmative action targets and ensuring that reasonable accommodation support is available across the SME support services value chain.

Ensure that BBBEE benefits persons with disabilities

BBBEE creates access and equal opportunities for the economic empowerment of persons with disabilities by eliminating discrimination of all forms. As an example it facilitates access to the labour market by mandating and

rewarding organisations to hire and upskill persons with disabilities. Persons with disabilities must be included in all the BBEE legislation and related regulatory framework mandates. Specific directives include the following:

- Persons with disabilities to have representation in all Sector Charters.
- Amendments of BBEE codes to allocate specific targets for all elements of the codes to benefit persons with disabilities, in negotiation with the disability sector.

Set affirmative action targets for women with disabilities

Proposed targets are:

- 50% of all affirmative action opportunities targeting persons with disabilities.
- 7% of affirmative action opportunities targeting women empowerment.

6.5.1.4 Reducing the cost of disability for persons with disabilities and their families

The extra-ordinary costs of living associated with the high cost of personal assistance services (sign language interpreters, attendant care, reader and note-taking services), assistive devices and technology and transport for some groups, as well as healthcare-related expenses, significantly detract from equality of outcomes despite the availability of affirmative action programmes.

In addition to the direct disability-related expenses noted above, persons with disabilities and their families might need to incur additional costs.

According to data from Stats SA's Community Survey 2007, children with disabilities are more likely to be orphaned than their peers without disabilities. One in four children with disabilities nationwide has lost one or both parents, compared to one in five among children without disabilities.

Taxpayers with disabilities or with disabled dependants, enjoy a significant range of tax rebates for all medical scheme contributions and out-of-pocket medical expenses. These include, among others:

- attendant-care expenses (home, school and work);
- travel and other related expenses (including transport costs specifically incurred in respect of a learner with a disability who attends a specialised school);
- acquisition, insurance and maintenance of assistive devices, artificial limbs and technology required to enable persons with disabilities to perform daily activities

(including computer or other electronic equipment required in order to convert printed material or image files into text, braille, speech or any other accessible format, including peripheral equipment such as scanners, braille printers, speakers and headphones for the personal use by or for a person with a disability); and

- service animals, alterations or modifications to assets acquired or to be acquired.

The challenge with the current taxation system in South Africa is that it is linked to the tax bracket of the individual, rather than on an equitable rebate for the actual expense of the disability-related cost incurred.

DIRECTIVES	DESCRIPTION
Review disability related tax benefits	Disability-related tax benefits must be reviewed to ensure equity in the recovery of disability-related costs.
Measures must be put in place to mediate the disability-related costs to SMMEs owned by persons with disabilities	Adjudication of bids must exclude the disability-related costs associated with reasonable accommodation measures required to run the business to ensure equitable adjudication on price.

6.6 Pillar 6 – Strengthening the Representative Voice of Persons with Disabilities

Being able to take decisions that affect one's standard of living – where you go to school, where you live, with whom you live, who you form relationships with, where you work and what work you do – is an unknown concept for many persons with disabilities. The principle of self-representation is therefore paramount in ensuring an adequate standard of living, and goes hand in hand with the concepts of empowerment, participation and independent living.

The first level of self-representation, at individual level, has been covered under the Pillar on Supporting Empowerment of Persons with Disabilities. This Pillar focuses on strengthening the collective representative voice of persons with disabilities.

RELEVANT UNCRPD ARTICLES
<p>Article 4: General obligations</p> <p>Consultation and active involvement of persons with disabilities, including children with disabilities, through their representative organisations in the development and implementation of legislation and policies to implement the present Convention and</p>

in other decision-making processes concerning issues relating to persons with disabilities.

Article 29: Participation in political and public life

Measures to actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including forming and joining organisations of persons with disabilities to represent persons with disabilities at national, regional and local levels.

Article 33: National implementation and monitoring

Civil society, in particular persons with disabilities and their representative organisations, be engaged and participate fully in monitoring processes.

6.6.1 Focus Areas

The following five (5) focus areas require attention in order to strengthen the representative voice of persons with disabilities:

- Strengthening access and participation through self-representation;
- Recognition of representative organisations of persons with disabilities (inclusive of parents organisations);
- Strengthening the diversity and capacity of DPOs and self-advocacy programmes
- Public participation and consultation; and
- Self-representation in public life.

6.6.1.1 Strengthening Access and Participation through Self-Representation

Organisations of persons with disabilities, popularly known as disabled people's organisations or DPOs, are controlled by persons with disabilities themselves. This means that persons with disabilities constitute a majority of the overall staff and board, and are well-represented in all levels of the organisation, and this right is protected in the constitution of the organisation. It includes organisations of parents of children with disabilities where a primary aim of these organisations is empowerment and the growth of self-advocacy of persons with disabilities.

Self-advocacy groups, which often constitute important programmes of disability service organisations, are constituted by persons with disabilities who, as a result of their impairments, might find it difficult to run and manage their own organisations independently. They should however enjoy guarantees of having an independent voice when it comes to advocacy matters; in other words, have the right to express

themselves as a group without interference. These under-represented groups require specific measures to ensure that their voices are heard during advocacy and monitoring processes.

Beneficiaries and participants of disability specific programmes must enjoy self-representation rights on the management committees and governance structures of organisations and/or institutions delivering services to them.

DIRECTIVES	DESCRIPTION
Include persons with disabilities in all design, planning, implementation and monitoring of policies and programmes	Government institutions at all levels and contexts of governance must consult relevant representative organisations of persons with disabilities (inclusive of parents organisations) in the design, budgeting, implementation and monitoring of legislation, programmes and services to the public in general, as well as services and programmes designed specifically for persons with disabilities.
Ensure private entities provide accessible services	Private entities providing services to the public must be encouraged to involve representative organisations of persons with disabilities in developing and assessing the accessibility of their services.

6.6.1.2 Recognition of Representative Organisations of persons with disabilities (inclusive of parents' organisations)

Representing others requires a process of obtaining mandates from the constituency whose viewpoints are being expressed. The right to represent others, to be recognised as a *representative voice*, therefore comes with responsibilities. It requires of representative organisations to put in place, among others,

- Membership management systems, which enables the organisation to account for the constituency it represents (also in terms of race, gender, age, geographical location, sexual orientation, impairment group etc.);
- Empowerment programmes for members;
- Advocacy and monitoring programmes; and
- Internal consultation and accountability mechanisms which enables them to obtain mandates from their membership.

Recognition of representative organisations furthermore requires of duty-bearers to put in place systems that regulates self-representation for purposes of consultation during policy and programme development, implementation and M&E processes in order to ensure the collective representative voice of persons with disabilities.

DIRECTIVES	DESCRIPTION
Develop minimum norms and standards for consultation of persons with disabilities	Minimum norms and standards for consultation with representative organisations of persons with disabilities at all levels of governance must be developed and regulated.
DPOs must register with their respective co-ordinating bodies at national, provincial and local level	Representative organisations of persons with disabilities must register with the designated national, provincial, district and local disability rights coordinating mechanisms for purposes of participation in policy development, implementation support, monitoring and evaluation processes.

6.6.1.3 Strengthening the Diversity and Capacity of DPOs and Self-advocacy Programmes

The UNCRPD requires of states parties to contribute towards the strengthening of the representative voice of persons with disabilities. This requires that state funding is made available to support disability organisations in establishing and maintaining self-advocacy and participatory monitoring activities at all levels of governance.

Particular attention is required for funding of self-advocacy programmes that will strengthen the collective voice of under-represented groups, as discussed in the pillar on persons experiencing compounded marginalisation.

DIRECTIVES	DESCRIPTION
Provide funding to DPOs and self-advocacy groups for rights-based advocacy and research programmes	<p>DPOs and self-advocacy groups must be empowered through legislation and financial support to:</p> <ul style="list-style-type: none"> • Do rights-based advocacy and research for the promotion of the rights of persons with disabilities at national, provincial and local level; • Participate in the monitoring of the implementation of the White Paper on the Rights of Persons with Disabilities, sector policies and programmes as well as the domestication of international treaties; and • Monitor the rights of persons with disabilities through the independent monitoring mechanism.
Provide accessible	Persons with disabilities who experience barriers in

consultative platforms and support for self-representation	representing themselves or organising themselves into representative organisations, must be provided with consultative platforms and support to represent themselves.
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6.6.1.4 Public Participation and Consultation

It is important to distinguish between participation and consultation when it comes to the provision of platforms for self-representation.

Public participation constitutes access and full participation by persons with disabilities in community meetings and processes. This requires that reasonable accommodation measures are put in place to ensure that persons with disabilities know about the platforms, are able to get to these meetings, are able to get into and move around in the buildings where the meetings are held, have their specific sensory requirements taken into account (e.g. lighting, noise levels etc.), have accessible ablution facilities, have access to the full range of interpreter services and other assistive technology which provides access to information and communication, and are able to present their viewpoints.

Consultation constitutes a more structured process of self-representation whereby persons with disabilities are provided with access to policy and programme development processes and can participate in M&E processes on issues affecting their lives. This requires that representative organisations/structures of persons with disabilities who are affected by a specific area of focus, apply for recognition with the relevant institutions for purposes of consultation, and that the outcomes of such consultations are shared with management and governance structures.

It is furthermore important that a distinction is made between advocacy (advice on what is required) and expertise (how this should be done) when consulting disability organisations. All participation-related expenditure incurred by disability organisations in state-initiated advocacy and monitoring activities must be covered by the relevant institution, and not by organisations. Expertise should not be provided free of charge, but should be procured through normal supply chain management processes.

DIRECTIVES	DESCRIPTION
All public participation programmes must be fully accessible to persons with disabilities	This will include making use only of venues that are fully accessible, and ensuring that reasonable accommodation measures are taken to ensure access to information and communication.

6.6.1.5 Self-representation in public life

It is important that persons with disabilities enjoy direct representation in legislative bodies as well as governance structures of public institutions whose mandates impact on the lives of persons with disabilities.

This includes, among others, that persons with disabilities are enabled to stand for election as public representatives at all levels of governance, that all legislatures have a public representation of persons with disabilities congruent with the disability prevalence percentage, and that their right to self-representation in public institutions is secured through legislation.

DIRECTIVES	DESCRIPTION
Legislate the rights of persons to be represented on legislative bodies	<p>Legislation must be developed to secure the right of persons with disabilities to represent themselves in legislative bodies as well as governance structures of public institutions.</p> <p>Persons with disabilities must be represented on all legislative bodies as well as governing bodies of national, provincial, district and community institutions impacting on the lives of persons with disabilities through nomination by relevant representative organisations of persons with disabilities (inclusive of parents organisations). This will require review of legislation and policies governing the composition of governing structures and eligibility of political party lists for elections.</p> <p>Children with disabilities must be enabled to represent themselves. This can take the form of providing support and platforms to enable them to represent themselves.</p>

6.7 Pillar 7 – Building a Disability Equitable State Machinery

“Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach”.

National Development Plan, 2012

Efficient, effective and development-oriented state machinery that delivers services in an equitable manner is an essential element of a capable and developmental state that pursues a ‘substantive’ rather than ‘formal’ approach to equality, in other words,

that the circumstances of people are taken into account and focus is on ensuring equality of outcomes.

The state machinery includes the legislative, executive across all three spheres of government.

RELEVANT UNCRDP ARTICLES

Article 4: General obligations

- Appropriate legislative, administrative and other measures are taken to ensure implementation of the rights.
- The promotion of training of professionals and staff working with persons with disabilities to enable them to give effect to the rights. The need for training is amplified throughout the articles.

Article 31: Statistics and data collection

- States Parties to collect relevant information, which should include statistical and research data, for the formulation and implementation of policies that will give effect to the Convention.
- The process of collecting and maintaining information collected comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities,
- Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics. Appropriate disaggregation is required to assess progress being made with implementation of States Parties' obligations, as well as to identify and address barriers faced by persons with disabilities in exercising their rights.
- States Parties to take responsibility for the dissemination of these statistics and ensure their accessibility to the general public, and persons with disabilities in particular.

Article 33: National Implementation and Monitoring

- The maintenance, strengthening, designation or establishment of a framework, to promote, protect and monitor implementation of the UNCRPD, in accordance with the government's legal and administrative systems. This framework might include one or more independent mechanisms, as appropriate.
- The participation of civil society, in particular persons with disabilities and their representative organisations, to be involved and participate fully in the monitoring process.

Article 35: Reports by States Parties

- Governments which have ratified the UNCRPD to submit periodic reports on progress made with implementation of the obligations contained in the UNCRPD.

Other Relevant Articles include:

Article 9 (Accessibility)

Article 13 (Access to Justice)

Article 20 (Personal Mobility)

Article 24 (Education)

Article 25 (Health)

Article 26 (Rehabilitation)

6.7.1 Focus Areas

Disability must be mainstreamed across the following five focus areas:

- Disability equitable planning, budgeting and service delivery;
- Disability equitable evidence informing policy and programme development (Monitoring, evaluation, reporting, research, data and statistics);
- Public procurement and regulation;
- Capacity building and training; and
- Strengthening accountability.

6.7.1.1 Disability Equitable Planning, Budgeting and Service Delivery

An efficient, effective and development oriented public service that delivers services in an equitable manner is an essential element of a capable and developmental state. Disability equitable planning and budgeting is about ensuring that government plans and budgets mainstream disability considerations so that persons with disabilities have equal access to services and opportunities compared to their peers without disabilities.

This requires that disability considerations be mainstreamed in all planning processes, with a particular focus on (i) equality of outcomes; (ii) universal design; (iii) the removal of barriers; (iv) reasonable accommodation measures and (v) redress, and that a M&E system be put in place which provides an assessment of the impact of the implementation of policies, programmes, services and public sector spend on the lives of persons with disabilities.

Principles informing coordination of services, budgeting and resource allocation include:

- Persons with disabilities have a right to participate equally with others in any activity and service intended for the general public;

- Principles of universal design and reasonable accommodation provisioning must inform all new and existing legislation, standards, policies, strategies, plans and budgets;
- Targeted programmes and services aimed at redressing and/or to ensure that the diverse needs of persons with disabilities are adequately met must be underpinned by effective planning, adequate allocation of human resources and sufficient financial investment;
- Persons with disabilities must be consulted on selecting appropriate reasonable accommodation measures, assistive technology and personal support; and
- Representative organisations of persons with disabilities (inclusive of parents' organisations) must be consulted throughout the design-planning-implementation-monitoring-evaluation-regulation value chain.

The development of Universal Design Access Plans at institutional level will ensure that:

- Persons with disabilities have equality of opportunity as other people to access the services, programmes and any events organised by such an institution aligned with the requirements of the UNCRPD and PEPUDA;
- Persons with disabilities have equality of opportunity as other people to access the buildings and other facilities of the institution;
- Persons with disabilities receive information in a format or means that will enable them to access the information as readily as other people are able to access it;
- Persons with disabilities receive equitable levels and quality of service from the staff of the institution as other people receive from the staff of that institution;
- Persons with disabilities have equality of opportunity as other people to make complaints to the institution; and
- Persons with disabilities have equality of opportunity as other people to participate in any public consultation by the institution.

Disability equitable budgeting includes the re-prioritisation of existing budgets to accommodate reasonable accommodation support required to facilitate equality of outcome for persons with disabilities, as well as budgeting for disability-specific services required by persons with disabilities to promote human dignity, empowerment and self-reliance. It also requires that all conditional grants in the division of revenue include a requirement that all infrastructure, technology and programme development complies with the principles of universal design.

DIRECTIVES	DESCRIPTION
Develop disability rights and equity commitment statements	All public institutions must include a commitment statement on disability equity, highlighting the relevant UNCRPD obligations to the respective institution, in their strategic plans.
Implement a disability equitable budgeting model	A disability equitable budgeting model must be developed to ensure that state budgets and expenditure take into account the equality of outcome as it pertains to persons with disabilities.
Develop and implement funded Universal Design Access Plans	All public institutions must include a funded Universal Design Access Plan as an integral component of their annual performance plans and/or Integrated Development Plans. This requires that public institutions are able to illustrate how universal design principles are transforming planning and designing, and what reasonable accommodation support measures are funded.
Incorporate universal design principles in procurement of goods, services and construction of infrastructure	All state grant funding must incorporate a minimum requirement that universal design principles are included in the procurement of goods and services and construction of infrastructure. All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.
Review all programmes targeting children for access to children with disabilities	The review must be conducted on all public and private sector programmes. It must include all child-centred services and must focus on the elements of equal access and participation.
Provide top-up budgets for service delivery in deep rural and isolated communities	Subsidies for services delivered in deep rural communities must take into account the additional cost of delivering qualitative services in these communities. There must be specific programmes and micro-scale projects, prioritised for portions of rural areas where persons with disabilities reside, aimed at providing immediate basic services, infrastructure and enabling environments.

6.7.1.2 Disability Equitable Evidence informing Policy and Programme

Development

Evidence that informs, among others, disability equitable policy and programme development on the one hand, and strengthening accountability on the other, is derived through effective monitoring and improvement processes, research and statistics and data management as described below:

- *Monitoring and Evaluation:* All M&E processes must incorporate the disability dimension, and disability organisations and persons with disabilities must be part of all citizen-based monitoring programmes;
- *Evaluation Feedback and Improvement:* Mechanisms for interpreting and extrapolating feedback gathered from evaluations must be in place. These mechanisms should be aimed at making use of the feedback to ensure on-going improvement of policies and programmes. *Research:* Policy review and design of programmes and services often lack evidence-based research on the exclusion and/or successful inclusion of persons with disabilities, as disability-related research is currently in the main not directed to inform the national disability rights agenda, but is to a large extent still conducted within the medical model approach (impairment-deficit focus), and lack a system of informing government planning. Improved coordination of disability rights-based research that articulates national priorities, and which provides sound evidence for future policy and practice decisions, will ultimately lead to improved outcomes for South Africans with disabilities; and
- *Disability Data and Statistics Management:* Reliable disability statistics play a crucial role in the development of policies and legislation aimed at improving the lives of persons with disabilities, as well as in monitoring progress and evaluating programmes addressing the needs of persons with disabilities.

Participation in monitoring and evaluation processes, as required by the UNCRPD, must be approached, among others, within the context of the Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery (2013), which emphasises the active participation of citizenry in order to provide key perspectives on service delivery that is vital to responsiveness of government.

Monitoring and evaluation of the rights of persons with disabilities is done within the broader context of the Government-Wide M&E System (GWMES), which encompasses the Policy Framework on the GWMES; National Treasury's Framework for Managing Programme Performance Information (FMPPi); Statistics South Africa's South African Statistical Quality Assessment Framework (SASQAF); and the 2011 National Evaluation Policy Framework (NEPF) produced by DPME.

Measurement of disability is complex, and varies according to the purpose and application of the data, the conceptualisation of disability, the aspects of disability (impairment, barriers or the interaction between these two aspects) being examined, definitions, question design and data collection methods, among others. A primary goal of collecting population data on persons with disabilities must be to identify strategies to improve their well-being and to track trends in changes over time.

The World Report on Disability acknowledges that *“impairment data are not an adequate proxy for disability information”,* and that *“broad ‘groupings’ of different ‘types of disability’ have become part of the language of disability’.* So, *“often, ‘types of disability’ are defined using only one aspect of disability, such as impairments – sensory, physical, mental, intellectual – and at other times they conflate health conditions with disability”.*

Whilst South Africa might need information on impairments for purposes of designing specific services, it is important to acknowledge that the usefulness of such data is limited, as the resulting prevalence rates are (i) not indicative of the entire extent of disability and (ii) diverse health, social, rehabilitation and habilitation, education and support responses might be required depending on the age, gender, geographical location, culture etc. of the individuals in question. Persons with similar impairments can experience very different degrees and types of restrictions and barriers to participation depending on the context.

Persons with disabilities are increasingly constructing their self-identity not by their impairments, but rather independent of it, whereby they accept impairment as a reality that they live with without losing a sense of self.

Disaggregation of categories of disability/impairments data further by for example gender, age, income, occupation, is therefore important to uncover patterns, trends, and other information about ‘sub-groups’ of persons with disabilities. There are three types of disability-related data:

- Impairment data – collection of information about the prevalence of physiological or psychological functions.
- Activity limitation data – collection of information about the capacity of a population to perform daily activities such as mobility, communication, self-care, and interpersonal relations.
- Participation restriction data – collection of information about what members of a population actually are able to do in their lives, and, in particular, what features of their physical, built, interpersonal, or social environment help or hinder them.

Impairment information alone, though obviously relevant to disability statistics, is inadequate for three main reasons:

- Impairment information is only a partial picture of disability - the effects of health conditions on people's lives can differ radically depending on the kinds of

impairments, the effect of these impairments on a person's capacity to act, and most importantly, personal factors particular to the individual and the overall environmental context including social expectations about 'normality';

- Impairment data are inadequate proxies for disability - At the population level, though a few severe impairments can serve as proxies for a fairly large proportion of the overall prevalence of disability, without information about how these impairments play out in people's lives, policy makers would have no idea about the relative seriousness, or cost, of the disability associated with these impairments; and
- Impairments are not predictors of the lived experience of disability - Persons with similar impairments experience different kinds and degrees of incapacity and vastly different restrictions on what actually happens in their lives. Disability is the complete lived experience of non-fatal health outcomes, not merely body level decrements in functioning.

Measuring child disability is inherently much more difficult than measuring disability in adults. While adults have relatively stable characteristics, children go through a natural development process as they grow, learning how to talk, walk, read and write. Their evolving characteristics complicate the task of assessing function and distinguishing significant limitations from variations in normal developmental processes.

DPOs must be an integral part of statistical and data analysis and all disability-related data and statistics must be fully accessible to persons with disabilities.

The set of disability questions developed by the Washington Group (WG), currently utilised by Statistics South Africa for purposes of surveys and census, is generally regarded as a new and improved approach of measuring disability-based on activity limitations and restrictions in social participation. This data collection method is aimed at producing prevalence measures that are internationally comparable even though it is, still inadequate to measure impairment and participation across the entire spectrum.

The World Health Organization's (WHO) International Classification of Functioning (ICF), Disability, and Health is both a classification system and a model of the complete experience of disability. As a classification system, the ICF provides a common language, which guarantees the comparability of disability data between sectors within a country, and between countries. As a model of disability, the ICF offers a conceptual framework for structuring disability data.

DIRECTIVES

DESCRIPTION

Standardise disability data and statistics

All public and private institutions must review their data and statistics management systems with the view of incorporating disability disaggregation where relevant. The disability dimension must be included

in all national census, household, labour and other socio-economic surveys. All research focusing on the general population within the focus areas covered in this WPRPD, must be disability disaggregated.

Develop and implement a national research agenda

A national disability research agenda for purposes of policy and programme development and tracking the reduction of inequality, must be developed at five year intervals to coincide with the MTSF.

Strengthen reporting systems to include disability related reports

Systems must be strengthened to ensure that all periodic reporting on ratified international treaties of the United Nations, African Union and SADC include with the disability-related obligations and dimensions of the UNCRPD.

Disaggregate disability data to reflect gender statistics

All disability-disaggregated data and statistics must be disaggregated according to gender; and all gender-related data and statistics must be disaggregated according to disability.

6.7.1.3 Public Procurement and Regulation

The public procurement system is an important transformation tool, and must include a minimum requirement that all goods and services procured through the public purse, comply with the principles of universal design and disability equity.

The regulatory environment for licensing mining rights, telecommunications, etc. must furthermore ensure that persons with disabilities benefit equally from the social investment requirements attached to such licenses.

INTERVENTIONS

DESCRIPTION

All public procurement and tender documents and processes must comply with the concept of universal design

Public procurement policies must include dispositions requiring that when public agents purchase products and services with public funds, the agent must purchase the product that best meets accessibility requirements as defined by international standards.

Persons with disabilities must benefit equitably from the social investment requirements attached to the licensing regulatory

Licensing regulations must ensure that social investment requirements prioritise the provisions for persons with disabilities and develop means to ensure persons with disabilities attain sustainable benefits.

environment

State enterprises to include a disability dimension All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.

6.7.1.4 Capacity Building and Training

The UNCRPD places a high premium on the investment that should be made in building the capacity of the state machinery to implement the obligations of the UNCRPD.

Equitable service delivery requires well-run and effectively coordinated state institutions with skilled and accountable public servants, as well as functional institutional mechanisms to facilitate effective and efficient cooperative governance. Public institutions therefore need to ensure that they develop in-house capacity to mainstream disability considerations effectively across all programmes and services. This requires that they develop strategies to ensure that the institutions have an in-depth understanding, knowledge and experience of, among others:

- mainstreaming of disability considerations, including infusing universal design principles across the planning-implementation-monitoring value chain of all programmes, and putting in place reasonable accommodation measures aimed at removing barriers to participation of persons with disabilities;
- obligations contained in the Convention on the Rights of Persons with Disabilities and other international and regional rights instruments; and
- working with organs of civil society.

The above must be achieved through a coordinated programme for accredited and non-accredited training across all levels and components of the state machinery. Disability rights mainstreaming must be integrated into all aspects of pre-graduate training, orientation and training offered to personnel of the state machinery, accreditation of disability rights mainstreaming courses must be strengthened, and persons with disabilities must be empowered to participate as trainers.

Whilst employers are responsible for ensuring that they capacitate employees to deliver disability equitable services, it is also the responsibility of every employee to ensure that they equip themselves with the required knowledge and skills to serve all customers equitably.

DIRECTIVES	DESCRIPTION
Train personnel on providing services to persons with	All public and private institutions must ensure that personnel responsible for frontline service delivery, design and planning, budgeting, service delivery, administration of

disabilities	justice and M&E undergo on-going training on strategies and measures to ensure equality of outcome for persons with disabilities in their programmes. Additionally, disability equity and service delivery improvement training must be included in the annual continuous development programmes of all professional staff that render services to persons with disabilities.
Include modules on disability in all education materials and courses	All education materials across the learning spectrum must include modules on inclusion and disability equity. All disability equity training courses must include persons with disabilities (inclusive of parents) as part of the trainer component.

6.7.1.5 Strengthening Accountability

The onus of ensuring that disability-equitable planning, budgeting, service delivery and M&E becomes the norm in South Africa, rests with the state, and not rights-holders. Duty-bearers must therefore be regarded as having intentionally discriminated on the basis of disability if they cannot illustrate that they:

- Have acknowledged that persons with disabilities experience marginalisation and exclusion (attitude);
- Have identified the barriers/sources of exclusion and marginalisation (baseline);
- Have identified the enablers to remove the barriers (intent);
- Have budgeted to remove the barriers (commitment);
- Can report on results/impact of implementation (accountability); and
- Can demonstrate by taking actions that they are improving (responsibility).

Enforcing compliance with the obligations contained in the UNCRPD as well as Constitution of the Republic of South Africa by both the public and private sector, requires strengthening of disability rights mainstreaming in existing legislation, as well as the development of new disability-specific legislation, with particular attention paid to enforcement mechanisms that are accessible to rights-holders.

DIRECTIVES	DESCRIPTION
Include disability outcomes in performance contracts of senior managers across the state machinery	All performance contracts of state machinery senior managers must articulate appropriate disability equity requirements.
Develop and implement new disability specific	New disability specific legislation to strengthen implementation of the WPRPD must be developed

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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 609

9 March 2016
Maart

No. 39792

PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



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legislation	following finalisation of a gap analysis.
Review existing legislation	Existing legislation must be reviewed to ensure compliance with UNCRPD obligations.

6.8 Pillar 8 – Promoting International Co-operation

South Africa has acceded to, or ratified, most of the African regional and international human rights instruments in the area of economic, social, cultural, civil and political rights.

The African Union's adoption of the Declaration of the African Decade for Persons with Disabilities in 2000 places responsibilities on African states to implement Decade programme activities. South Africa supports and participates in the African Decade for Persons with Disabilities (2010-2019).

RELEVANT UNCRDP ARTICLES
<p>Article 32: International Cooperation States Parties, in recognition of the importance of international cooperation and its promotion, and in support of national efforts for the realisation of the purpose and objectives of the present Convention, will undertake appropriate and effective measures to promote international cooperation.</p>
<p>Article 40: Conference of States Parties States Parties to participate in the annual Conference of States Parties to the UNCRPD to share good practice and monitor implementation of the UNCRPD at country level.</p>

South Africa is a member of, among others the WHO, the ILO, WIPO and continues to share technical expertise through these channels.

Most national organisations of and for persons with disabilities participate actively in the leadership and programmes of their international and regional counterparts.

South Africa is obliged through a number of ratified treaties to ensure that the rights of asylum-seekers, refugees and displaced persons with disabilities are protected whilst they are in South Africa, and during repatriation processes.

DIRECTIVES	DESCRIPTION
Include disability in all international engagements and agreements	All multi-lateral, bilateral and national engagements, agreements and other bilateral-multi-lateral funding instruments must include a disability dimension and implement their disability inclusive policies in South Africa. Persons with disabilities from South Africa trained and

	recruited to play a significant role in international diplomacy, government-to-government relations and in social/economic bodies.
	Disability mainstreamed in South Africa's international development cooperation, trade and other agreements.
Support disability mainstreaming and strengthening participation in the Pan African Parliament, AU, SADC and other such organisations	SA must support disability rights mainstreaming and strengthening participation in the Pan African Parliament, the African Union and its organs, the Southern African Development Commission (SADC) and other international/intergovernmental bodies based in and outside South Africa.
	South African policies harmonised with international policy instruments.
	South Africa is to play a role globally and through the civil society sector in revitalising the civil society sector by exchanging information through international organisations.
	South Africa is to exchange information bilaterally through partnership agreements with countries on the African Continent.
Develop and implement a national disability agenda on international cooperation	A national disability agenda for purposes of international cooperation and knowledge exchange must be determined at five year intervals to enhance MTSF planning and implementation.

6.9 Pillar 9 – Monitoring and Evaluation

The monitoring process involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management of implementation of the WPRPD.

Evaluations will assess relevance, efficiency, effectiveness, impact and sustainability, and thereby provide credible and useful information to answer specific questions to guide decision making by staff, managers and policy makers on accelerating the implementation of the WPRPD.

Impact evaluations will examine whether underlying theories and assumptions were valid, what worked, what did not and why.

Government performance information will triangulate with the tracking of statistical and financial information and citizen's voices.

6.9.1 Data terrains and the Disability Inequality Index

6.9.1.1 Data terrains

Monitoring implementation of this WPRPD will draw from three (3) data terrains as explained in the table below.

Tracking Statistical Trends	This involves the tracking of trends (current and evolving features and issues over time) in relation to the rights of persons with disabilities. This data stream shall comprise statistical data on the status of persons with disabilities and their related rights issues. Data will be obtained primarily from the existing data sets; data produced by other government departments and parastatals such as StatsSA, CSIR and the HSRC; and data gleaned from academic research institutes e.g. The National Income Dynamic Study (NIDS) conducted by University of Cape Town.
Programmatic Performance	Performance focuses on the interventions that ensure that outcomes are being met in an effective and efficient manner. This data stream will ensure there is evidence that persons with disabilities are considered and integrated into government programmes and policies. This stream will encompass a largely quantitative evidence base. The data for this stream will be primarily sourced from government's existing performance monitoring frameworks.
Stakeholder Feedback	This participatory data stream and approach is important for the qualitative monitoring and evaluation of human rights, and empowerment of marginalised people, whose voices are often not included in high level documents. It will facilitate the incorporation of qualitative data and evaluation ensuring that stakeholder groups are involved in the system.

6.9.1.2 Disability Inequality Index (DII)

In order to realise the outcomes of the National Development Plan Vision 2030 and beyond, it is important that inequalities between persons with disabilities and persons without disabilities be reduced. Policy improvement cannot bear fruit without systematic and consistent measurement of the inequality gap.

The DII is an index for measurement of inequality between persons with disabilities and persons without disabilities with a gender dimension. The index provides a high level quick scan of the level of inequality with the explicit purpose of managing

government performance more inclusively. This index will be calculated and reviewed annually.

The DII is not a substitute for the disability rights monitoring and evaluation framework that will be embedded in the government-wide monitoring and evaluation system.

Although the DII is new, it operates within the context of the Human Development Index, the Gender Inequality Index and the Development Indicators. The domains include access and participation; the labour market and empowerment.

6.9.2 Key Principles

M & E of disability rights will be underpinned by the following key principles:

- *Disability-disaggregation* of all monitoring and evaluation information where it can be used to inform responsive planning, budgeting, implementation and reporting. The aim is to report on meaningful inclusion of persons with disabilities in all government policies and programmes;
- *Involvement of rights-holders* – ensuring the full participation of persons with in the conceptualisation, planning, development, implementation and monitoring of all government policies and programmes that directly or indirectly impact on their lives; and
- *Comparability* requires comparisons to be made between levels of implementation over time. Such comparisons can be made only if monitoring is carried out on an on-going basis. In order to achieve this longitudinal comparison it is necessary to establish baseline measurements of the current situation. Effective monitoring of equality will require comparisons to be drawn between the service delivery to persons with disabilities and persons without disabilities. This is to ensure that persons with disabilities are able to enjoy their human rights on an equal basis with others. Such comparative information can best be obtained through the use of mainstream or generic data collection directed at the general population (i.e. where persons with disabilities are identified by relevant variables in the survey design).

As a point of departure, it is important to reflect on mainstreaming the Medium Term Strategic Framework (MTSF) outcomes in line with the disability-disaggregated National Development Plan.

The existing indicators that are already in the M&E system must be disaggregated to build a baseline for disability-disaggregation data, for example, where data is being collected on children and women.

6.9.3 Stakeholder coordination

M & E requires a significant measure of independent and impartial views, and is therefore best managed and conducted by a multi-disciplinary and multi-stakeholder team of people that account and report to the national disability rights coordinating mechanism on the processes engaged in, and the findings of the process. However, the national disability rights coordinating mechanism remains responsible for leading and ensuring that monitoring and evaluation is implemented.

Collaboration and co-operative M & E by all three spheres of government, the private sector and disabled peoples organisations will be facilitated by the national disability rights coordinating mechanism. The provincial and local spheres of government will be supported to set up M & E systems that are aligned and feed into the national system.

The national disability rights coordinating mechanism will establish the necessary co-ordination structures, mechanisms, processes and systems to fulfill its M&E responsibility.

The national disability rights coordinating mechanism and the Department of Planning, Monitoring and Evaluation will ensure alignment between their M&E systems, and that all information gathered through monitoring the implementation of the WPRPD informs government-wide planning and service delivery.

6.9.4 Reporting

The designated national disability rights coordinating mechanism will publish an annual report on progress being made in the implementation of the WPRPD, against the targets set in the Implementation Matrix.

South Africa is obliged, as a signatory to international human rights treaties, to submit periodic reports to the UN and AU respectively. Article 35 of the UNCRPD requires States Parties to submit reports at four yearly intervals.

A participatory impact assessment on implementation of the WPRPD will be conducted at four year intervals to inform national MTSF planning and international treaty reporting.

6.9.5 Enforcement mechanisms

Persons with disabilities whose rights have been violated currently have access to recourse through a number of existing mechanisms, including:

- The SAHRC, which can, among others, investigate, report and secure appropriate redress where human rights have been violated;

- The Public Protector, which can, among others, investigate complaints on the conduct of a government official which interferes with the enjoyment of economic and social rights;
- The Public Service Commission, which can, among others, investigate complaints against public administration practices;
- The Courts, which play a very important role in the interpretation and enforcement of economic and social rights; and
- Other mechanisms such as the National Consumer Commission.

South Africa also ratified the Optional Protocol to the UNCRPD without reservation in 2007. This provides persons with disabilities with direct access to the UN Committee on the Rights of Persons with Disabilities if persons with disabilities believe that persons with disabilities are victims of a violation of the provisions of the UNCRPD, and where persons with disabilities have exhausted all available domestic remedies such as the Constitutional, Labour and/or Equality Courts.

6.9.6 Outcomes and Long term indicators

The outcome indicators contained in the WPRPD represent high level measurement of the impact of each of the 8 WPRPD pillars on the lives of persons with disabilities. The maintenance of the output, input and process indicator matrix, aligned to the UNCRPD obligations, and which feeds into these high level indicators will be coordinated by the national disability rights coordinating mechanism in government in partnership with all relevant role-players.

The following outcome statements correlate with the focus of pillars in order to streamline the disability rights monitoring and evaluation framework.

The following table reflects some of the high level broad measures that will be used to track outcome improvements for persons with disabilities.

Outcomes	High Level Indicators
<p>Persons with disabilities are accorded and enjoy their full political, human, social and economic rights on par with all other people in South Africa.</p>	<ul style="list-style-type: none"> • Compliance with international treaty obligations. • Percentage of public and private facilities with institutionalised social cohesion and disability sensitivity programmes. • Percentage of post school education and training courses which have a mandatory module on universal design. • Percentage of public and private transport systems complying with universal design principles. • Percentage of newly constructed public and private sector building fully compliant with built environment

Outcomes	High Level Indicators
	<p>accessibility legislation.</p> <ul style="list-style-type: none"> • Percentage of existing public and private sector building retrofitted to in compliance to the built-environment accessibility norms and standards. • Percentage of websites of public and private sector which complies with universal design principles. • Percentage of television programmes which provide closed captioning and sign language interpretation.
<p>All persons with disabilities; irrespective of their age, gender, type of disability, race and economic status; are participating fully and equally in mainstream social and economic life</p>	<ul style="list-style-type: none"> • Compliance with international treaty obligations. • Percentage of emergency services with accessible call centres for persons with hearing disabilities in particular. • Percentage of provincial and disaster management centres with operational plans for evacuation of persons with disabilities requiring assistance during such procedures. • Number of persons with disabilities denied their right to equality before the law. • Number of cases lodged by persons with disabilities and their families to access recourse following violation of their rights. • Percentage of police stations and courts with the full reasonable accommodation support spectrum available when required. • Percentage of victim empowerment services and facilities with the full reasonable accommodation support spectrum available when required. • Number of persons with disabilities subjected to arbitrary detention and wrongful criminal convictions due to lack of reasonable accommodation support available at any point in the justice value chain. • Number of persons with disabilities subjected to torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.
<p>The rights of all persons with disabilities to live and work in safe and accessible environments, free from discrimination,</p>	<ul style="list-style-type: none"> • Compliance with international treaty obligations. • Percentage of persons with disabilities having timeous access to assistive devices and technology and personal assistance. • Number of persons on waiting lists for assistive devices and technology and personal assistance.

ANNEXURE 3

UNIVERSAL ACCESS PRINCIPLES

Equitable Use: The design is useful and marketable to people with diverse abilities.

- All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.
- Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.
- Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities
- This product appeals to all potential users.

Flexibility in Use: The design accommodates a wide range of individual preferences and abilities,

- Every potential user can find at least one way to use this product effectively.
- This product can be used with either the right or the left hand alone.
- This product facilitates (or does not require user accuracy and precision.
- This product can be used at whatever pace (quickly or slowly) the user prefers.

Simple and Intuitive: Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

- This product is as simple and straightforward as it can be
- An untrained person could use this product without instructions
- Any potential user can understand the language used in this product
- The most important features of this product are the most obvious
- This product provides feedback to the user

Perceptible Information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- This product can be used without hearing
- This product can be used without sight
- The features of this product can be clearly described in words (e.g in instruction manuals or on telephone help lines)
- This product can be used by persons who use assistive devices (e.g eyeglasses, hearing aids, sign language)

Tolerance for Error: This design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Product features are arranged according to their importance
- This product draws the user's attention to errors or hazards
- If the user makes a mistake with this product, it won't cause damage or injure the user
- This product prompts the user to pay attention during critical tasks

Low Physical Effort: The design can be used efficiently and comfortably and with a minimum of fatigue.

- This product can be used comfortably (e.g. without awkward movements or postures)
- This product can be used by someone who is weak or tired
- This product can be used without repeating any motion enough to cause fatigue or pain
- This product can be used without having to rest afterward

Size and Space for Approach and Use: Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

- It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)
- It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)
- This product can be used by a person with hands of any size.
- There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)

7.10	MUNICIPAL MANAGER
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7.10.1	REVISED PERFORMANCE MANAGEMENT POLICY 2020/21
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Collaborator No: 692 893
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 16 September 2020

1. SUBJECT:REVISED PERFORMANCE MANAGEMENT POLICY 2020/21

2. PURPOSE

To submit the Revised Performance Management Policy 2020/21 to Council to be adopted.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

This Performance Management Policy has been revised to be applicable for the 2020/21 financial year to ensure the effective implementation of performance management.

5. RECOMMENDATION

that Council **adopt** the Revised Performance Management Policy 2021/22.

6. DISCUSSION

6.1 Background

As legislated and required for good practice, revisions to the Performance Management Policy is encouraged to align the policy to municipal practices as may be necessitated from time to time.

The recommended revisions to the Draft Performance Management Policy 2020/21 are highlighted in track changes for ease of reference.

At a Council meeting held on 29 July 2020, Council resolved for the Draft Revised Performance Management Policy to be released for public comments. The draft policy was published on the Municipal website on 31 July 2020 and in the local newspaper on 06 August 2020. The closing date for comments was 22 August 2020.

Unfortunately, no comments were received on the Draft Revised Performance Management Policy 2020/21.

6.2. Financial Implications

There are no financial implications beyond that which was approved in the 2020/21 MTREF Budget.

6.3. Legal Implications

Section 38 of the MSA allows a municipality to-

“(a) establish a performance management system that is-

- (i) commensurate with its resources;*
- (ii) best suited to its circumstances; and*
- (iii) in line with the priorities, objectives, indicators and targets contained in its integrated development plan;*

(b) promote a culture of performance management among its political structures, political office bearers and councillors and in its administration; and

(c) administer its affairs in an economical, effective, efficient and accountable manner.”

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

Section 42 of the MSA advocates for the involvement of the community in developing the Municipality’s performance management system.

6.4. Staff Implications

This report has no staff implications to the Municipality.

6.5. Risk Implication

None

6.6. Comments from Senior Management**6.6.1. Director: Community and Protection Services**

Supported

6.6.2. Chief Financial Officer

Supported

6.6.3. Director: Infrastructure Services

Supported

6.6.4. Director: Corporate Services

Supported

6.6.5. Director: Planning and Economic Development

Supported

6.6.6. Comments from the Municipal Manager

Supported

ANNEXURES

Annexure A: Revised Performance Management Policy 2020/21

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	02 September 2020

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

ANNEXURE A



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Performance Management Policy

202019/210

Compiled in terms of the Local Government: Municipal Systems
Act, 2000 (Act No. 32 of 2000) and Regulations R805



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List of acronyms

AG	: Auditor General
APAC	: Audit and Performance Audit Committee
CCR	: Core Competency Requirement
IDP	: Integrated Development Plan
KPA	: Key Performance Areas
KPI	: Key Performance Indicators
LED	: Local Economic Development
MEC	: Member of the Executive Council
MFMA	: Municipal Finance Management Act
MSA	: Municipal Systems Act
MTEF	: Medium Term Expenditure Framework
PDP	: Personal Development Plan
PMS	: Performance Management System
POE	: Portfolio of Evidence
SALGA	: South African Local Government Association
SDBIP	: Service Delivery and Budget Implementation Plan
SFA	: Strategic Focus Area
SMART	: Specific, Measurable, Achievable, Realistic, Time-frame
TL SDBIP	: Top Layer Service Delivery Budget Implementation Plan
WPSP	: Work Place Skills Plan



Glossary of terms

- **“accounting officer”**

- (a) in relation to a municipality, means the municipal official referred to in section 60 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000 (MSA)); or
- (b) in relation to a municipal entity, means the official of the entity referred to in section 93, and includes a person acting as the accounting officer.

- **“annual report”**

in relation to a municipality or municipal entity, means an annual report contemplated in section 121 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

- **“Auditor-General”**

means the person appointed as Auditor-General of South Africa (AGSA) in terms of section 193 of the Constitution, and includes a person-

- (a) acting as Auditor-General AGSA;
- (b) acting in terms of a delegation by the Auditor-General AGSA; or
- (c) designated by the Auditor-General AGSA to exercise a power or perform a duty of the Auditor-General AGSA.

- **“basic municipal service”**

means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment.

- **“backlogs”**

A backlog can be defined as quality of service / goods that have accumulated over time that are still undelivered / unattended / still not produced. The backlogs in rural water, sanitation and electricity have been defined in official census figures, but vary (increase or decrease) from year to year due to migration patterns. Regardless, these backlogs are now being dealt with systematically (refer to baseline).

- **“baseline”**

the accurate and quantitative data at a stated point in time that marks the beginning of a trend.

- **“Councillor”**

means a member of a municipal council.

- **“MSA Section 56/57 employee”**

means a person employed by a municipality as a municipal manager or as a manager directly accountable to a municipal manager.

- **“employer”**

means the municipality employing a person as a municipal manager or as manager directly accountable to a municipal manager and as represented by the mayor, executive mayor or municipal manager as the case may be.



- **“employment contract”**

means a contract as contemplated in Section 56/57 of the ~~Municipal Systems Act~~MSA;

- **“external service provider”**

means an external mechanism referred to in ~~s~~Section 76(b) of the ~~Municipal Systems Act~~MSA; which provides a municipal service for a municipality.

- **“financial statements”**

in relation to municipality or municipal entity, means statements consisting of at least-

- (a) a statement of financial position;
- (b) a statement of financial performance;
- (c) a cash-flow statement;
- (d) any other statements that may be prescribed; and
- (e) any notes to these statements.

- **“financial year”**

means the financial year of municipalities that end on 30 June of each year.

- **“input indicator”**

means an indicator that measures the costs, resources and time used to produce an output.

- **“integrated development plan”**

means a plan envisaged in section 25 of the ~~Municipal Systems Act~~MSA.

- **“local community” or “community”**

in relation to a municipality, means that body or persons comprising –

- (a) the residents of the municipality;
- (b) the ratepayers of the municipality; and
- (c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality.

- **“Mayor”**

in relation to –

- (a) a municipality with an executive mayor, means the councillor elected as the executive mayor of the municipality in terms of ~~s~~Section 55 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); or
- (b) a municipality with an executive committee, means the councillor elected as the mayor of the municipality in terms of section 48 of that Act

- **“MEC for local government”**

means the MEC responsible for local government in a province.

- **“Minister”**

means the national Minister responsible for local government.

- **“municipality”**

when referred to as –

- (a) an entity, means a municipality as described in section 2; and
- (b) a geographical area, means a municipal area determined in terms of the Local



Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

- **“municipal council” or “council”**

means a municipal council referred to in section 157(1) of the Constitution.

- **“municipal entity”**

means –

- (a) a company, co-operative, trust fund or any other corporate entity established in terms of any applicable national or provincial legislation ward which operates under the ownership control of one or more municipalities, and includes, in the case of a company under such ownership control, any subsidiary of that company, a private company referred to in [sSection 86B\(1\)\(a\)](#); or
- (b) a service utility;
- (c) a multi-jurisdictional service utility.

- **“Municipal Finance Management Act”**

means the Local Government: Municipal Finance Management Act, 2003 ([Act No. 56 of 2003](#)) ([MFMA](#)), and any regulations made under that Act.

- **“Municipal Manager”**

means a person appointed in terms of [sSection 82](#) of the [Local Government: Municipal Structures Act, 1998 \(Act No. 117 of 1998\)](#).

- **“municipal service”**

has the meaning assigned to it in [sSection 1](#) of the [Municipal Systems Act/MSA](#).

- **“Municipal Structures Act”**

means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

- **“Municipal Systems Act”**

means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

- **“Outcome indicator”**

means an indicator that measures the quality and or impact of an output on achieving a particular objective.

- **“Output indicator”**

means an indicator that measures the results of activities, processes and strategies of a programme of a municipality.

- **“parent municipality”**

- (a) in relation to a municipal entity which is a private company in respect of which effective control vests in a single municipality, means that municipality;
- (b) in relation to a municipal entity which is a private company in respect of which effective control vests in two or more municipalities collectively, means of those municipalities;
- (c) in relation to a municipal entity which is a service utility, means the municipality which established the entity; or
- (d) in relation to a municipal entity which is a multi-jurisdictional service utility, means each municipality which is a party to the agreement establishing the service utility



- **“private company”**

means a company referred to in [sSection 19 and 20 of the Companies Act, 1973 \(Act No. 61 of 1973\)](#)

- **“performance agreement”**

means an agreement as contemplated in Section 57 of the Municipal Systems Act which can be altered during the course of the financial year with the written consent from both the employer and employee. The performance agreement is guided by any change in the organisational structure.

- **“performance plan”**

means a part of the performance agreement which details the performance objectives and targets that must be met and time frame within which these must be met.

- **“prescribe”**

means prescribe by regulation or guidelines in terms of [sSection 120](#) and **“prescribed”** has a corresponding meaning.

- **“political office bearer”**

means the speaker, executive mayor, mayor, deputy mayor or member of the executive committee as referred to in the [Local Government: Municipal Structures Act, 1998 \(Act No. 117 of 1998\)](#).

- **“political structure”**

in relation to a municipality, means the council of the municipality or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the [Local Government: Municipal Structures Act, 1998 \(Act No. 117 of 119\)](#).

- **“resident”**

in relation to a municipality, means a person who is ordinarily resident in the municipality.

- **“senior manager”**

(a) in relation to a municipality, means a manager referred to in [sSection 56 of the ~~Municipal Systems Act~~MSA](#); or

(b) in relation to a municipal entity, means a manager directly accountable to the chief executive officer of the entity

- **“service authority”**

means the power of a municipality to regulate the provision of a municipal service by a service provider.

- **“service delivery agreement”**

means an agreement between a municipality and an institution or person mentioned in [sSection 76\(b\) of the ~~Municipal Systems Act~~MSA](#) in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality.



- **“service delivery and budget implementation plan”**

means a detailed plan approved by the mayor of a municipality in terms of ~~s~~Section 53(1)(c)(ii) of the ~~Municipal Finance Management Act~~ MFMA for ~~implementing~~ the municipality's ~~delivery~~ of municipal services and its annual budget, and which must indicate –

- (a) projections for each month of –
 - (i) revenue to be collected, by source; and
 - (ii) operational and capital expenditure, by vote;
- (b) service delivery targets and performance indicators for each quarter; and
- (c) any other matters that may be prescribed, and includes any revisions of such plan by the mayor in terms of section 54(1)(c) of the Municipal Finance Management Act

- **“service utility”**

means a municipal entity established in terms of section 82(1)(c), a body established in terms of ~~s~~Section 86H of the ~~Municipal Systems Act~~ MSA.

- **“staff”**

in ~~relation~~ to a municipality, means the employees of the municipality, including the municipal manager.



1. Introduction

Performance Management is a process which measures the implementation of the organisation's strategy.

At local government level, performance management is institutionalised through the legislative requirements and policies of a municipality. Performance management provides the mechanism with which to measure targets set by the organisation and its employees to meet its strategic objectives.

The Constitution of South Africa (1996), section 152, dealing with the objectives of local government paves the way for performance management, with the requirements for an "accountable government". The democratic values and principles in terms of section 195 (1) are also linked with the concept of performance management, with reference to the principles of inter alia:

- the promotion of efficient, economic and effective use of resources;
- accountable public administration;
- to be transparent by providing information;
- to be responsive to the needs of the community; and
- to facilitate a culture of public service and accountability amongst staff.

The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), 2000 requires municipalities to establish a performance management system. The MSA and the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) further requires from the Integrated Development Plan (IDP) to be aligned to the municipal budget and to be monitored through the Service Delivery and the Budget Implementation Plan (SDBIP).

In addition, Regulation 7-(1) of the Local Government: Municipal Planning and Performance Management Regulations, 2001 states that "A *Municipality's Performance Management System entails a framework that describes and represents how the municipality's cycle and processes of performance planning, monitoring, measurement, review, reporting and improvement will be conducted, organised and managed, including determining the roles of the different role players.*"

Section 57 makes the employment of the municipal manager and managers directly accountable to the municipal manager subject to a separate performance agreement concluded annually before the end of July. Section 67 regards the monitoring, measuring and evaluating of performance of staff as a platform to develop human resources and to hold municipal staff accountable to serve the public efficiently and effectively. Performance Management, therefore, is not only relevant to the organisation as a whole, but also to the individuals employed in the organisation as well as the external service providers.

This policy therefore describes how the Stellenbosch Municipality's performance process, for the organisation as a whole will be conducted, organised and managed. It also has the following objectives:

- Clarify processes of implementation;
- Ensure compliance with legislation;



- Demonstrate how the system will be conducted;
- Define roles and responsibilities;
- Promote accountability and transparency; and
- Reflect the linkage between the IDP, Budget, SDF, SDBIP and individual and service provider performance.

The policy also take into consideration the currently transition from the old organisational structure to the new organisational structure and supports the process that is underway to update and transfer key performance indicators (KPIs) in line with the new organisational structure.

2. Legislative Framework

2.1 The following legislation forms the foundation for the policy

- Constitution of the Republic of South Africa (1996);
- Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2003) (MSA) 2000 and its amendments;
- Government Gazette: Regulation gazette No.7146;
- Local Government: Municipal Financial Management Act, 2003 (Act No. 56 of 2003) (MFMA) ~~No.56 of 2003~~;
- Local Government: Municipal Structures Act, 1998 (Act No. 117 of-1998);
- National Treasury: 2007 Framework for Managing Performance Information;
- White Paper on Local Government (1998);
- Local Government: Municipal Planning and Performance Regulation 796 (2001);
- Municipal Performance Regulation for Municipal Managers and Managers directly accountable to Municipal Managers (805 of 2006);
- MFMA Circular 11: Annual Reports;
- MFMA Circular 13: SDBIP;
- MFMA Circular 32: Oversight report;
- MFMA Circular 42: Funding of municipal budget; and
- MFMA Circular 54: Municipal budget circular.

3. Objectives and Benefits of a Performance Management System

3.1 Objectives

The objectives of the performance management system are to:

- Facilitate strategy development;
- Facilitate increased accountability;
- Facilitate learning and improvement;
- Provide early warning signals;
- Create a culture of best practices; and
- Facilitate decision-making.

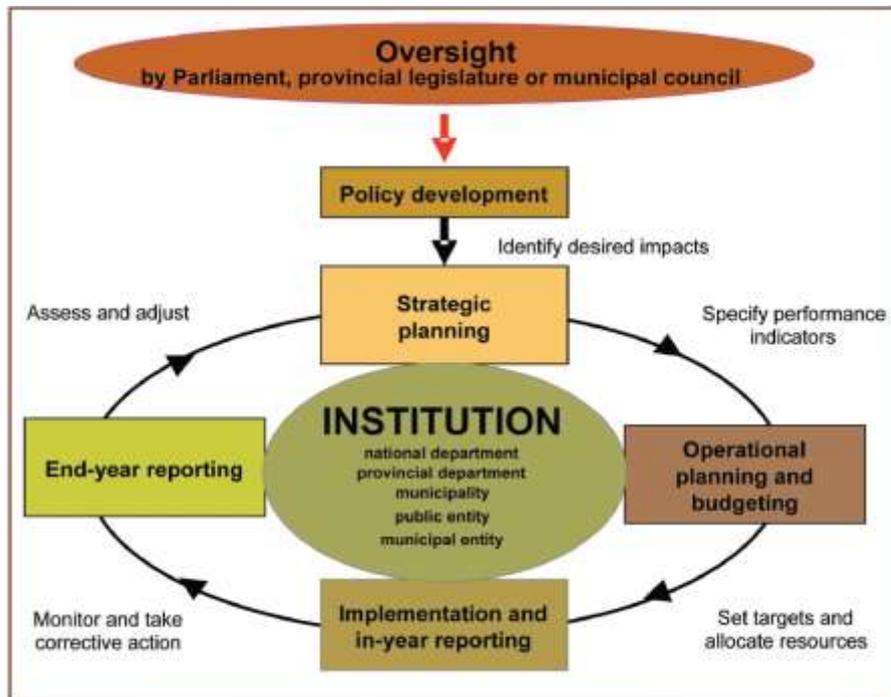
The above objectives are aligned with the MSA and the guidelines of the Department of Development Planning and Local Government.

4. Definitions and Key Steps in Performance Management

4.1 The Performance Cycles

The overall planning, budgeting and reporting cycle can be summarised as follows:

Figure 1: Performance Management Cycle



Source: Framework for Managing Programme Performance Information

Each of the above cycles can be explained as follows:

- **Performance Planning** ensures that the strategic direction of the Municipality more explicitly informs and aligns with the IDP planning, activities and resource decisions. This is the stage where Key Performance Areas (KPAs) and KPIs are designed to address the IDP objectives.
- **Performance Measuring and Monitoring** is an ongoing process to determine whether performance targets have been met, exceeded or not met. Projections can also be made during the year as to whether the final target and future targets will be met. It occurs during key points in a process – for example, on a quarterly and annual basis.
- **Performance evaluation** analyses why there is under-performance or what the factors were, that allowed good performance in a particular area. Where targets have not been met, the reasons for this must be examined and corrective action recommended. Evidence to support the status is also reviewed at this stage. An additional component is the review of the indicators to determine if they are feasible and are measuring the key areas appropriately.
- **Performance Reporting** entails regular reporting to management, the performance audit committee, council and the public.
- **Performance review/auditing** is a key element of the monitoring and evaluation process. This involves verifying that the measurement mechanisms are accurate and that proper procedures are followed to evaluate and improve performance.



According to section 45, of the MSA, results of the performance measurement must be audited as part of the municipality's internal auditing process and annually by the Auditor-General. The Municipality have therefore established frameworks and structures to evaluate the effectiveness of the municipality's internal performance measurement control systems. Areas of weak performance identified at year-end must be addressed during the following years planning phase.

The Performance Process for the entire financial year as follows:

Table 1: Performance Process for the financial year

	Planned Deliverables	Planned Events	Delegation	Report
July	Quarterly SDBIP report of the previous <u>quarter financial-year</u> to be finalised by the <u>15th</u> calendar day after the end of the quarter under review for the presentation to the Municipal Manager <u>and submission to Council and the Executive Mayor.</u>	Quarterly SDBIP report: <ul style="list-style-type: none"> • Tabled at Council within <u>30 days one month</u> after the end of the quarter; • Report submitted to Provincial Government and National Government; • Reported to Internal Audit unit; • Placed upon website; • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Quarter <u>performance reports</u> 4 report
	Planning, Consultation and Signing of Individual performance agreements, performance plans, managerial competencies and personal development plans with <u>Senior Managers, Directors and the Municipal Manager</u> ; Publish performance agreements on the website (Directors <u>and Municipal Manager</u> only); Submit performance agreements to National and Provincial Government.	Signed agreements uploaded unto Municipal Website: <ul style="list-style-type: none"> - Agreements tabled at <u>Council; Agreements</u> submitted to Provincial Government. 	Municipal Manager in relation to Directors performance agreements; Executive Mayor in relation to the MM's performance agreement.	Upload of agreements of directors and Municipal Manager unto website. Confirm reaching of target unto the PMS system
August	Planning and Preparation of individual performance <u>agreements</u> and development plans by managers, <u>snr. Managers and identified staff, and heads of staff up to the 3rd reporting line.</u>	Signing of individual performance agreements and development plans by managers, <u>snr. Manager and identified personnel, heads</u>	Yes, Immediate supervisor	Signed agreements delivered to the IDP/PMS unit
	Preparation of previous financial year annual performance report.	Submission of the annual performance report to the Auditor General by 31 August.	Yes, Municipal Manager	<u>Electronic and hardcopy version submitted to the AG on or before 31 August at 23:59. Version emailed by 31 August @ 24:00. Hardcopy version due on the 1st of September.</u>



	Planned Deliverables	Planned Events	Delegation	Report
September	IDP and Budget consultation.	Public participation commences to determine the priorities of the new financial year. This priorities should form the basis of the new TL and Departmental SDBIP.	Yes, Municipal Manager	Community priorities
October	Quarterly <u>TL</u> SDBIP report finalised by the 12 <u>15</u> th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Tabling of quarterly report for the attention of MayCo & Council;	<p>Informal Performance review of directors by the Municipal Manager</p> <p>Informal Performance review of managers, snr managers and identified personnel. and heads by immediate supervisors</p> <p>Quarterly <u>TL</u> SDBIP report:</p> <ul style="list-style-type: none"> • Tabled at Council within 30 days <u>one month</u> after the end of the quarter; • Reported ed submitted to Provincial Government; • Reported ed <u>submitted to the</u> Internal Audit unit • Placed upon website Provincial and National Government; • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor.	Quarter 1 <u>TL SDBIP</u> report; Signed attendance register as confirmation note for informal performance review with immediate subordinates.
November	TL and Departmental SDBIP review process.	Review sessions scheduled with each Directorate to review performance indicators and targets.	Yes, Municipal Manager.	Revised TL and Departmental SDBIP.
December	Finalisation of the Draft Annual Report.	Draft Annual Report distributed to each Directorate for final input	Yes, Municipal Manager.	Draft Annual Report
January	Mid-year <u>TL</u> SDBIP report (<u>MFMA S72</u>) finalised by the 12 <u>15</u> th calendar day after the end of first six months <u>the month</u> under review for the presentation to the Municipal Manager and the Executive Mayor.	<p>Informal Performance review of directors by the Municipal Manager</p> <p>Informal Performance review of managers and heads by immediate supervisors.</p> <p>Quarterly <u>TL</u> SDBIP report:</p> <ul style="list-style-type: none"> • Tabled at Council within 25 days after the end of the quarter; • Reported ed submitted to Provincial Government; National Treasury and CoGTA; • Reported ed <u>submitted to the</u> Internal Audit unit; • Placed upon website Provincial and National Government; • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Mid-year <u>TL SDBIP</u> report; <u>Quarter 2 TL SDBIP report</u> ; and <u>Draft Annual Report</u>



	Planned Deliverables	Planned Events	Delegation	Report
	Draft Annual Report <u>submitted to MayCo and Council. Quarterly TL SDBIP report finalised by the 15th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Tabling of quarterly report for the attention of MayCo & Council;</u>	<ul style="list-style-type: none"> Advertised on the <u>Municipal Website</u> Report<u>ed</u> submitted to Provincial Government; National Treasury and CoGTA Invitation of written submissions from the public Report<u>ed</u> to <u>the</u> -Auditor General <u>Quarterly TL SDBIP report:</u> <ul style="list-style-type: none"> <u>Tabled at Council within 30 days after the end of the quarter;</u> <u>Report submitted to Provincial Government;</u> <u>Report submitted to the Internal Audit unit</u> <u>Placed upon website; and</u> <u>Non-Financial Performance Measures reported to Provincial and National Government.</u> 	Yes, MM and Executive Mayor	Council Minutes which refers Draft report to the MPAC/Oversight Committee.
February	Mid-year <u>and Annual</u> performance evaluations of the Municipal Manager and Directors	<u>Annual Performance Evaluation of the Municipal Manager and Directors for the previous financial year.</u> Mid-year performance assessments <u>(of the current financial year)</u> of the Municipal Manager and Directors conducted on or before 28 February	Yes, MM and Executive Mayor	<u>Annual Performance Assessment Report (of the previous financial year).</u> <u>Draft</u> Mid-year performance evaluation report of the Municipal Manager and Directors, <u>submitted to Council</u>
March	Final Annual Report	<ul style="list-style-type: none"> Tabled at Council; Report submitted to Provincial Government; National Treasury and CoGTA Report submitted to the Auditor General Follow MPAC process as part of Oversight Process Finalise Oversight Report and table in Council for approval. Publish approved Annual Report and MPAC oversight report on the Municipal Website 	Yes, MM and Executive Mayor	Council Minutes which refers Final Annual Report and the MPAC Oversight Report with recommendations; public submissions; AG report; AFS and Internal Audit report.
April	Quarterly <u>TL</u> SDBIP report finalised by the <u>15</u> th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Tabling of quarterly report for the attention of MayCo & Council;	Informal Performance review of directors by the Municipal Manager. Informal Performance review of managers, <u>snr manager and identified personnel, and heads by immediate supervisors</u> <u>Quarterly TL SDBIP report:</u> <ul style="list-style-type: none"> <u>Tabled at Council within 30 days after the end of the</u> 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Quarter 3 <u>TL SDBIP</u> report; <u>Signed attendance register as confirmation note for informal performance review with immediate subordinates.</u>



Planned Deliverables		Planned Events	Delegation	Report
		<p><u>quarter-25 days after end of month;</u></p> <ul style="list-style-type: none"> • Reported submitted to Provincial Government; • Reported <u>submitted to the</u> Internal Audit unit • Placed upon website <u>Provincial and National Government;</u> and • Non-Financial Performance Measures reported to Provincial and National Government 		<p>Monthly report for <u>September</u> submitted</p>
May	Submission of the final IDP to Council.	Finalisation of the IDP and submission to Council.	Yes, MM and Executive Mayor.	Final IDP
June	Finalisation of the TL SDBIP and submission to the Executive Mayor.	Finalisation of the TL SDBIP and submission to the Executive Mayor.	Yes, MM and Executive Mayor.	Approved TL SDBIP.

4.2 Key Steps in Performance Management

The key steps in implementing the performance management cycle are as follows:

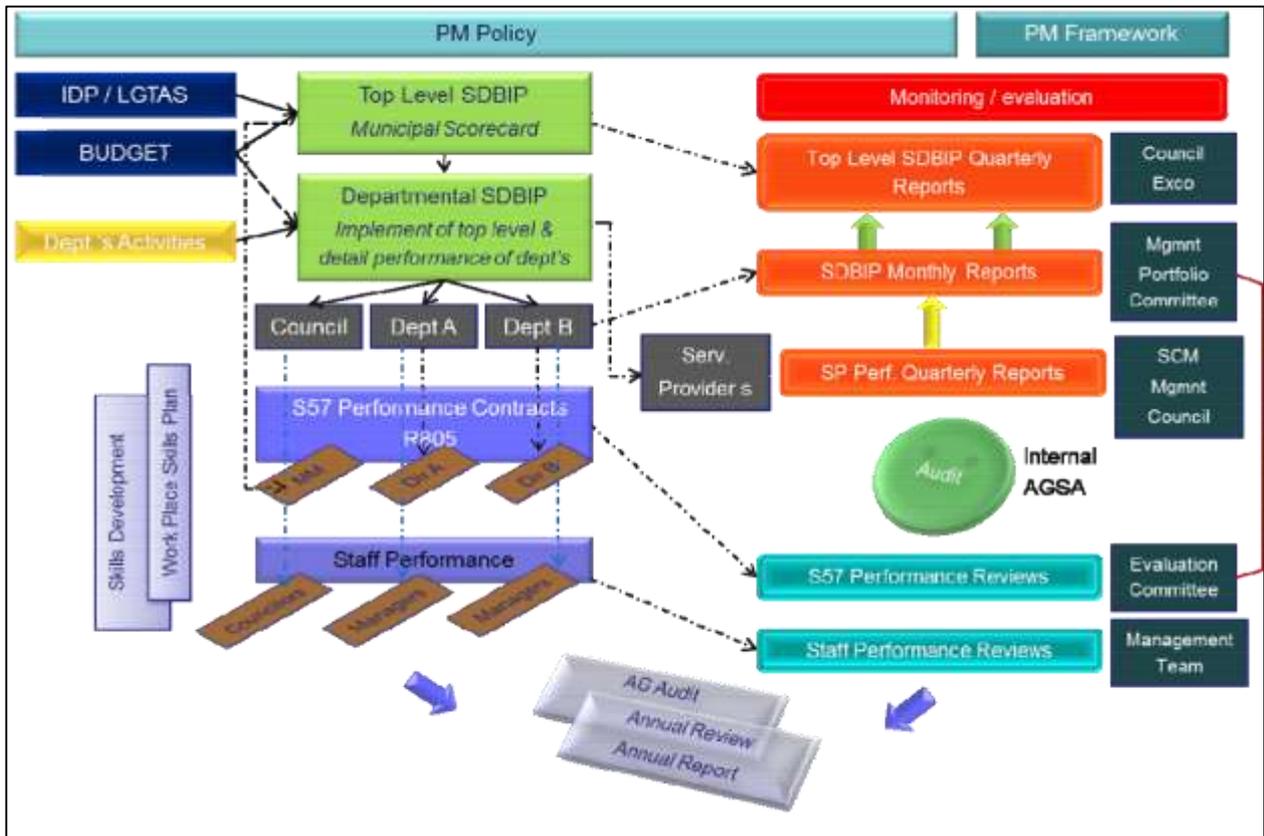
1. IDP consultation and strategic processes to determine
 - Strategic Objectives aligned with the National Agenda and local needs;
 - Establish the Municipal KPAs; and
 - Design Strategic Focus Areas;
2. Prioritise capital projects for budgeting purposes aligned with municipal strategy and approved methodology;
3. Identify key programmes for implementation as part of directorate deliverables;
4. Start with budget processes;
5. Determine organisational KPIs in terms of strategy, budget and MTAS;
6. Obtain baseline figures and past year performance;
7. Set multi-year performance target dates;
8. Determine steps/plans to achieve budget and KPIs;
9. Assign strategic focused KPIs to Senior Management (Top Layer SDBIP);
10. Assign organisational KPIs to directorates and members of management (Departmental SDBIP);
11. Prepare individual performance agreements aligned with budget and SDBIP (MSA Section 57 and management);
12. Prepare performance plans for staff and align work place skills plan with development plans;
13. Provide monthly/quarterly status reports on progress with KPI implementation
14. Evaluate performance on individual (1/2 yearly) and organisational levels (quarterly);
15. Compilation of various performance reports;
16. Auditing of performance report and portfolio of evidence(POEs);
17. Appoint oversight committee to analyse and prepare report on improvement of performance; and

18. Submit year-end report to various stakeholders.

4.3 The Performance Management Model

The following section will explain the methodology of the adopted performance management model as depicted in the diagram below:

Figure 2: Performance Management Model



5. The Service Delivery and Budget Implementation Plan (SDBIP)

The IDP process and the performance management process must be seamlessly integrated. The IDP fulfils the planning stage of performance management. Performance management in turn, fulfils the implementation, management, monitoring and evaluation of the IDP.

The organisational performance will be evaluated by means of a municipal scorecard (Top Layer SDBIP) at organisational level and through the SDBIP at directorate and departmental levels.

The SDBIP is a plan that converts the IDP and budget into measurable criteria on how, where and when the strategies, objectives and normal business processes of the municipality will be implemented. It also allocates responsibility to directorates to deliver the services in terms of the IDP and budget.



The MFMA Circular No.13 prescribes that:

- The IDP and budget must be aligned;
- The budget must address the strategic priorities;
- The SDBIP should indicate what the municipality is going to do during next 12 months
- The SDBIP should form the basis for measuring the performance against goals set during the budget /IDP processes.

The SDBIP needs to be prepared as described in the paragraphs below and submitted to the Executive Mayor within 14 days after the budget has been approved. The Executive Mayor needs to approve the SDBIP within 28 days after the budget has been approved.

For each indicator the scorecard will require that a responsible official be designated, usually the respective line manager. While this official will not necessarily be accountable for performance on this indicator, they will be responsible for conducting measurements of that indicator, analysing and reporting first to their respective superior who in turn will report to the Municipal Manager and the Executive Mayor on these for reviews.

The municipal performance must be measured monthly and analysed at least quarterly. Municipal performance will be measured during the mid-year review where after the performance scorecard can be adjusted and action plans be developed to address poor performance. The information of the annual review will be included in the Annual Report of the Municipality.

5.1 The Municipal Scorecard

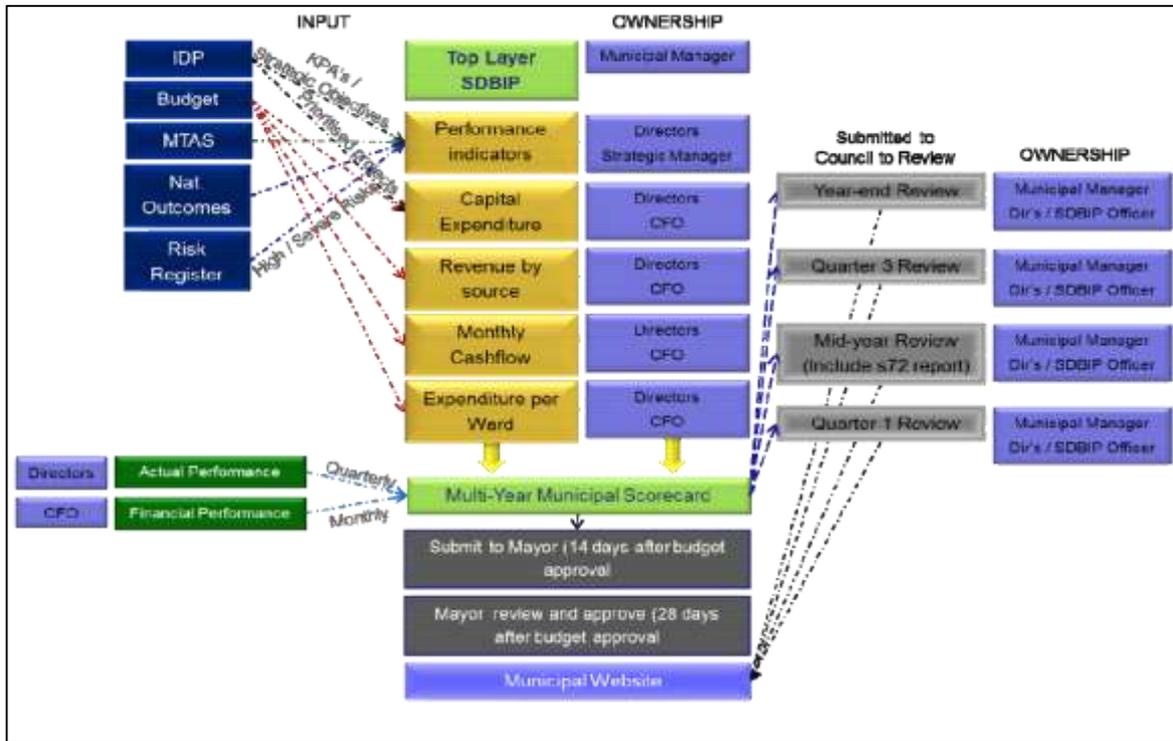
The municipal scorecard (Top Layer SDBIP) must consolidate service delivery targets set by Council / senior management and provide an overall picture of performance for the municipality as a whole, reflecting financial and non- financial performance on its strategic priorities.

The Components of the top-layer SDBIP includes:

- Monthly projections of revenue to be collected for each source;
- Expected revenue to be collected;
- Monthly projections of expenditure (operating and capital) and revenue for each vote
- Section 71 format (Monthly budget statements);
- Quarterly projections of service delivery targets and performance indicators for each vote;
- Non-financial measurable performance objectives in the form of targets and indicators;
- Output NOT input / internal management objectives;
- Level and standard of service being provided to the community;
- Ward information for expenditure and service delivery;
- Detailed capital project plan broken down by ward over three years.

The following diagram illustrates the establishment, components and review of the municipal scorecard (Top Layer SDBIP):

Figure 3: Establishment, components and review of the municipal scorecard



5.2 Update Actual Performance

The TL SDBIP will update automatically with the actual results reported in the departmental SDBIP.

The KPI owners should report on the results of the KPI by properly documenting the information in the performance response fields and make reference to where the POE can be found. In the instance of poor performance, corrective measures should be identified and documented. The POE should prove that the KPI was delivered and that the expected outcome / impact has been achieved.

The actual performance should be monitored quarterly in terms of the objectives, KPIs and targets set. In order to measure the outcomes of the KPIs, the outputs and performance evidence (POEs) should be evaluated and **documented**.

It is important to note that the municipal manager needs to implement the necessary systems and processes to provide the POEs for reporting and auditing purposes.

5.2.1 Quarterly Reviews

On a quarterly basis, the Executive Mayor should engage in an intensive review of municipal performance against both the directorate's scorecards and the municipal scorecard, as reported by the Municipal Manager. These reviews will take place in October (for the period July to end of September), January (for the period October to the end of December), April (for the period January to the end of March) and July (for the period April to the end of June).



The review in January will coincide with the mid-year performance assessment as per section 72 of the [Local Government: Municipal Finance Management Act, 2003 \(Act No. 56 of 2003\) \(MFMA\)](#). [MFMA](#) Section 72 determines that by 25 January of each year the accounting officer must assess the performance of the municipality and report to the Council on inter alia its service delivery performance during the first half of the financial year and the service delivery targets and performance indicators set in the service delivery and budget implementation plan.

Many of the indicators in the municipal scorecard will only be measurable on an annual basis. The quarterly reviews should thus culminate in a comprehensive annual review of performance in terms of all the scorecards.

The Executive Mayor will need to ensure that targets committed to in the municipal scorecard are being met, where they are not, that satisfactory and sufficient reasons are provided and that the corrective action being proposed is sufficient to address the poor performance.

The review should also focus on reviewing the systematic compliance to the performance management system, by directorates, departments, Portfolio Councillors and the Municipal Manager. The review will also include:

- An evaluation of the validity and suitability of the Key Performance Indicators and recommending must any changes;
- An evaluation of the annual and 5 year targets to determine whether the targets are over stated or understated. These changes need to be considered;
- Changes to KPIs and 5 year targets for submission to council for approval. (The reason for this is that the original KPIs and 5 year targets would have been published with the IDP, which would have been approved and adopted by council at the beginning of the financial year.)
- An analysis to determine whether the Municipality is performing adequately.

It is important that the Executive Mayor not only pay attention to poor performance but also to good performance. It is expected that the Executive Mayor will acknowledge good performance, where directorates or departments have successfully met targets in their directorate / departmental scorecards.

5.2.2 Council Reviews

At least annually, the Executive Mayor will be required to report to the full council on the overall municipal performance. It is proposed that this reporting take place using the municipal scorecard in an annual performance report format as per the [Local Government: Municipal Systems Act, 2000 \(Act No. 32 of 2000\) \(MSA\)](#). The said annual performance report will form part of the Municipality's Annual Report as per section 121 of the [MFMA Municipal Finance Management Act](#).

5.2.3 Public Reviews

The MSA as well as the MFMA requires the public to be given the opportunity to review municipal performance. Section 127 of the MFMA requires that the accounting officer (Municipal Manager) must immediately after the Annual Report is submitted to Council make the report public and invite the local community to submit representations with regards



to the Annual Report.

5.3 Roles and Responsibilities

The roles and responsibilities during the TL SDBIP process can be summarised as follows:

Table 2: Responsibilities during the TL SDBIP process

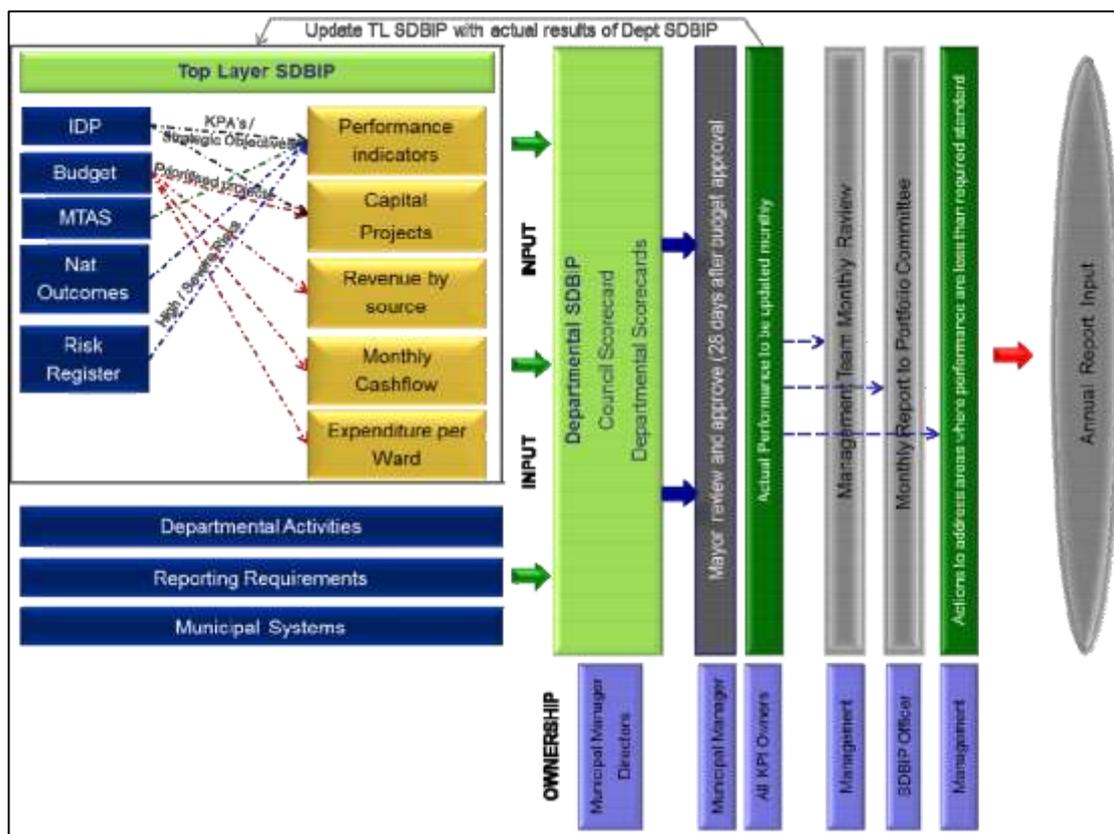
Role Player	Roles and Responsibilities
Executive Mayor	<ul style="list-style-type: none"> • Mayor is responsible for the performance and need to approve the TL SDBIP. • Quarterly review of performance and monitor implementation of corrective action. • Submit the mid-year and annual performance reports to Council.
Mayoral Committee	<ul style="list-style-type: none"> • Support to the Executive Mayor. • Provide strategic awareness and manage the development of the TL SDBIP.
Portfolio Councillor	<ul style="list-style-type: none"> • Monitor the implementation of the strategy. • Review and monitor the implementation of the TL SDBIP at Portfolio Committee level.
Council	<ul style="list-style-type: none"> • Oversight role to ensure that performance management processes are monitored.
Municipal Manager	<ul style="list-style-type: none"> • Drafting of the TL SDBIP • Ensure the implementation of the TL SDBIP. • Monitor the TL SDBIP and ensure that POEs proof performance exists. • Take corrective action where required. • Communicate with the Executive Mayor and Executive Management Team.
Senior Management Team	<ul style="list-style-type: none"> • Manage and report on departmental performance to be cascaded up to the TL SDBIP. • Plan Performance. • Integration role and ensure POEs exists to proof performance.
Internal Audit	Internal audit should quarterly audit the results reported and issue a report to the municipal manager / performance audit committee.
Auditor-General	Auditing of legal compliance and outcomes.
Performance Audit Committee	Independent oversight on municipal performance and legal compliance.

5.4 Departmental Scorecards

The directorate and departmental scorecards (detailed SDBIP) will capture the performance of each defined directorate or department. Unlike the municipal scorecard, which reflects on the strategic priorities of the municipality, the departmental SDBIP will provide detail of each outcome for which top management are responsible for, in other words a comprehensive picture of the performance of that directorate/sub-directorate. It will be compiled by senior managers for his/her directorate and will consist of objectives, indicators and targets derived from the Municipality's annual service delivery and budget implementation plan, SDBIP and any annual business or services plan compiled for each directorate or department.

The following diagram illustrates the establishment, components and review of the departmental SDBIP:

Figure 4: Establishment, components and review of the departmental SDBIP



5.5 Preparing the Departmental SDBIP

KPIs should be developed for Council, the office of the Municipal Manager and for each Directorate. The KPIs should:

- Address the TL KPIs by means of KPIs for the relevant section responsible for the KPI.
- Add KPIs to address the key departmental activities.
- Each KPI should have clear targets and should be assigned to the person responsible for the KPI. KPIs should conform to the be-SMART principle.



The number KPIs developed to address National KPAs, Municipal Strategic Focus Areas (SFAs) and strategic objectives should be spread amongst the aforementioned in terms of National and Local Agendas.

5.6 Approval of Departmental SDBIP

The Departmental SDBIP of each Directorate should be submitted to the Municipal Manager for approval by 31 August each year. The Municipal Manager may defer this date to a later date at the Municipal Manager's discretion, but by no later than 30 September each year.

5.7 Update Actual Performance

An evaluation of the validity and sustainability of the KPIs should be done and the actual performance results of each target should be updated and evaluated on a monthly basis. In order to measure the input/output of the KPIs, the performance results and performance evidence (POEs) should be evaluated and documented. The KPI owners should report on the results of the KPI by documenting the following information on the performance system:

- The actual result in terms of the target set;
- The output/outcome of achieving the KPI;
- The calculation of the actual performance reported. (If %);
- The reasons if the target was not achieved; and
- Actions to improve the performance against the target set, if the target was not achieved.

The municipal manager and his/her senior management team needs to implement the necessary systems and processes to provide the POEs for reporting and auditing.

5.7.1 Monthly Reviews

The Directorates will update their performance monthly in terms of the departmental SDBIP and report to the Municipal Manager. It is important that Directorates use these reviews as an opportunity for reflection on their goals and programmes and whether these are being achieved. The Portfolio Committee should have a standing agenda item to discuss at their monthly-scheduled meetings. The SDBIP report submitted should be used to analyse and discuss performance.

5.7.2 Adjustments to KPIs

KPIs should only be adjusted after the mid-year assessment and/or after the adjustments budget has been approved. KPIs should be adjusted to be aligned with the adjustment estimate and the reason for the change in KPIs should be documented in a report to the Executive Mayor/Municipal Manager for approval.

Additional KPIs can be added during the year with the approval of the municipal manager. The approval documents should be safeguarded for audit purposes.



5.7.3 Roles and Responsibilities

The roles and responsibilities during the Departmental SDBIP process can be summarised as follows:

Table 3: Responsibilities during the Departmental SDBIP process

Role Player	Roles and Responsibilities
Executive Mayor	<ul style="list-style-type: none"> Responsible for the KPIs assigned to him/her and his/her committee. The mayor should update performance results monthly.
Mayoral Committee	<ul style="list-style-type: none"> Review the feedback received from Portfolio Councillors/ respective senior manager and monitor overall performance. Support the Executive Mayor.
Portfolio Councillor	<ul style="list-style-type: none"> Support the senior manager to implement the municipal strategy. Review and monitor progress at portfolio level. Report to the Mayoral Committee on performance review and progress. Assist senior management to take corrective action to improve performance.
Municipal Manager	<ul style="list-style-type: none"> Approval of the Departmental SDBIP. Monitor SDBIP and ensure that POEs exist. Review and monitor the implementation on the SDBIP. Ensure that KPIs address the municipal strategy and service delivery requirements. Ensure alignment with the IDP objectives/programmes and budgets. Take corrective actions where required. Communicate with the senior management team on performance progress and reporting. Ensure quarterly internal audit and take necessary action where required. Communicate results to the Portfolio Committee and Mayoral Committee.
All Managers	<ul style="list-style-type: none"> Design KPIs to address the TL SDBIP, operational needs, service delivery improvement and other key departmental activities. Plan performance and set targets. Assign KPIs to KPI owners. Ensure the implementation of the SDBIP. Monitor performance and document POEs. Take corrective action where required. Communicate performance results to the municipal manager and Portfolio Committee.
Internal Audit	<ul style="list-style-type: none"> Internal audit should quarterly audit the results reported and issue a report to the municipal manager / performance audit committee.
Auditor-General	<ul style="list-style-type: none"> Auditing of legal compliance and outcomes.
Performance Audit Committee	<ul style="list-style-type: none"> Independent oversight on municipal performance and legal compliance.

5.8 Individual Performance

The performance of a municipality is integrally linked to that of staff. It is therefore important to link organisational performance to individual performance and to manage both at the same time, in separate processes. Although legislation requires that the municipal manager, and managers directly accountable to the municipal manager, sign formal performance contracts/agreements, it is also a requirement that all employees have performance plans.



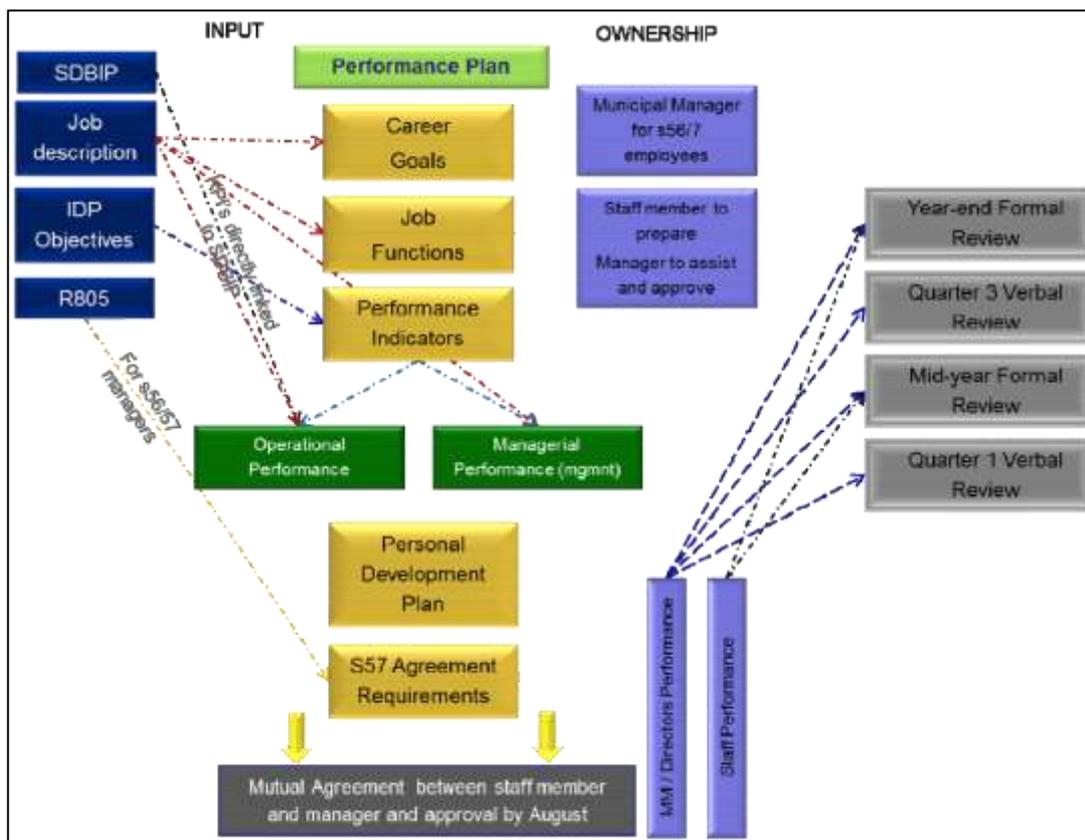
~~These should be aligned with the~~ The individual performance plan of the manager, Snr Manager and identified personnel should be aligned to head of the directorate and job descriptions. It is however the responsibility of the employer, to create an environment, which the employees can deliver the objectives and the targets set for them in their performance plans and job descriptions.

Performance ~~contracts-plans~~ should be concluded with the Municipal Manager, Directors, Senior Managers and Managers. The rest of the performance ~~contracts-plans~~ with the rest of the staff will be implemented with a phased in approach.

Employees acting as a manager or Snr Manager for a minimum period of three (3) months are required to sign a performance plan with his / her supervisor.

The following diagram illustrates the individual performance management processes:

Figure 5: The individual performance management processes



The Benefits of Individual Performance are to:

- Ensure alignment of individual goals and objectives with that of the organisation and to co-ordinate efforts in order to achieve those goals;
- Understand what is expected from the incumbents, by when it is expected and to what standard is expected;
- Understand the incumbent's key areas of accountability;
- Determine whether or not performance objectives are being met;
- Make qualified decisions within the incumbents level of competencies; and



- Avail the incumbents of learning and development opportunities to competently meet their performance targets.

5.9 Individual Scorecards (Municipal Manager and MSA Section 56/57 Managers)

The MSA and Regulation 805 of August 2006 (Performance of the Municipal Manager and the Managers reporting directly to the Municipal Manager) require the Municipal Manager and the Managers reporting directly to the Municipal Manager to enter into annual Performance Agreements. The Performance Agreements of the Municipal Manager and other MSA Section 56/57 Managers should be directly linked to their employment contract. Performance will be reviewed quarterly of which the mid-year and year-end performance will be formal evaluations. These Performance Agreements consist of three distinct parts:

- Performance Agreement: This is an agreement between the MSA Section 56/57 Manager and the Municipality, which regulates the performance required for a particular position and the consequences of the performance. The Agreement deals with only one aspect of the employment relationship, namely performance. This agreement must be reviewed and renewed annually, subject to the individual's annual performance. This agreement can be altered during the course of the financial year with the written consent from both the employer and employee. The performance agreement is guided by any change in the organisational structure.
- A performance bonus may be paid as agreed in the performance agreement.
- Performance Plan: The Performance Plan is an Annexure to the Performance Agreement and stipulates in detail the performance requirements for a single financial year. The SDBIP transcends into the Performance Plan/s of the respective MSA Section 56/57 Managers according to their areas of responsibility.
- Personal Development Plan: The plan is an Annexure to the Performance Agreement and addresses the developmental needs/requirements of the manager indicating actions and timeframes.

The list of Core Managerial Criteria are tabled as follows:

Table 4: List of Core Managerial Criteria

Skills	Measurement
Strategic and direction leadership	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate
Programme and project management	Able to understand programme and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.
Financial Management	Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner.
Change Leadership	Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.
Knowledge and information management	Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government.
Analysis and innovation	Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives.
People management	Must be able to manage and encourage people, optimise their outputs and



Skills	Measurement
	effectively manage relationships in order to achieve the municipality's goals.
Communication	Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.
Governance Leadership	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.
Results and quality focus	Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.

The agreements must be finalised by August every year and be agreed and approved by the respective senior manager. The process on how to prepare performance plans is documented in the Performance Management System Manual.

5.10 Individual Scorecards (rest of staff)

The introduction of individual performance is applicable to employees with the title Manager, Senior Manager and any other senior staff member as identified by the relevant Manager, Senior Manager, Director and or Municipal Manager. Performance plans should also be concluded with senior staff members appointed on a temporary basis for minimum period of six months and more.

The data obtained from Directorate scorecards (~~detailed departmental~~ SDBIP), will provide the user with the respective individual performance plans for managers reporting to the S57 managers.

Performance Plans are agreed with each employee as part of his/her career development plan and should include the following:

- Qualifications – a record of formal and informal training and experience;
- Job functions – key focus areas for the year;
- Career goals - long term and intermediate career goals;
- Key performance indicators linked to the SDBIP – KPIs in the SDBIP that are the responsibility of the respective manager and KPIs aligned to the job description of the manager.
- Managerial KPIs – the core managerial competencies that the manager will be evaluated on.
- A list of the core managerial competencies (CMCs) is provided for the evaluation of managerial skills.
- Weightings show the relative importance of input or output against another input or output. Every input or output in the performance agreement must be assigned to a weighting. The weightings / ratings and the distribution of the ratings per level need to be determined by the management team in the beginning of each financial year and agreed with the employer or group of employers. (employee or group of employees)
- Development needs and learning plan.



5.11 Skills Development Plan

The skills development plan needs to be compiled / updated with the information obtained from the performance agreements and the development plans. The human resources manager together with the respective line manager is responsible to facilitate the implementation of the skills development plan.

5.12 Informal and Formal performance reviews

Monthly monitoring of the departmental SDBIP takes place and performance is discussed with relevant staff as and when required.

Although performance should be managed on a daily basis, performance reviews should be done by the respective supervisor quarterly of which two is formal and two informal. The objective review should be based on actual performance and performance evidence. The responsibility to maintain and present a portfolio of evidence file at the performance assessment is with the subordinate. The supervisor and employee needs to prepare for the review and discuss the performance during a focused performance meeting. The review should be documented on the electronic performance system as set out in the Performance Management System Manual. Feedback should be provided during the review on the employee's ability to render the allocated tasks including measures to improve on set targets

~~The Mid-year performance and annual performance evaluations should be completed by end February for the period 01 July to 31 December, of the current financial and August for the period January to June.~~

Formal performance evaluations are conducted between the official and his / her immediate supervisor by the end of February, for the period 01 July – 31 December, of the current financial year (mid-year review) and for the period 01 July – 30 June of the previous financial year (annual review).

Please note that performance and growth is the responsibility of each individual employee and employees should ensure that his / her performance plan is executed. Performance measurement is an ongoing process and should not only be addressed during the formal reviewing sessions.

Performance should be moderated per department per task level / group level after the performance evaluation of all staff has been finalised. The moderation should be conducted in terms of the Performance Management Manual to ensure objectivity and fairness.

Unacceptable performance needs to be addressed and action plans to improve the performance must be prepared and agreed with the employee who did not perform. The performance against the action plans must be reviewed on a monthly basis.

5.13 Appeals Process

5.13.1 MSA Section 56/57-Employees

The Appeals process as prescribed in R805 of August 2006 and as agreed in the employment and performance contracts of the Section 56/57-Managers will be applicable in instances where they are not in agreement with their final performance evaluations.



5.13.2 Employees reporting to the Directors and the Municipal Manager

Should employees not agree with the contents of their performance ~~agreement-plan~~ after the performance discussions or with the final scores that are allocated to them, they may elect to follow the municipality's normal grievance procedures for the resolution by the Municipal Manager.

5.13.3 Reward and Recognition

The performance scores will be finalised during the moderation where after it must be approved by the moderation committee (fish-bowl). These scores will be used to recognised excellent performance in terms of the Council's Reward and Recognition Policy (Currently in draft format).

5.14 Service Providers

A municipal service can be provided by the Municipality by entering into a Service Delivery Agreement in terms of Section 76(b) of the ~~Municipal System Act~~MSA with an external service provider. The Municipality is responsible for monitoring and assessing the implementation of the agreement, including the performance of the service provider in accordance with section 41 of the Municipal Systems Act.

This section sets out the guidelines on the monitoring and reporting on the performance of service providers in terms of Chapter 8 of the ~~Municipal Systems Act~~MSA and Section 116 of the ~~Municipal Finance Management Act~~MFMA.

External ~~S~~service providers will be evaluated on the following criteria by the service departments on a monthly basis:

Table 5: Criteria to be used in evaluating external service providers

Performance rating	Objective Measures to Assess Service Provider Performance
3	<ul style="list-style-type: none"> - Quality of Sservice delivery as agreed; Deviations are managed as mutually agreed; - Compliance to most undertakings, duties and obligations and requirements as set out in the Main Agreement and Annexures; - Progress with all projects and new service requests are on target; and - All Sservice failure events during month resolved within agreed time frames and preventative measures are proposed by Service Provider.
2	<ul style="list-style-type: none"> - Quality of Sservice delivery not in full compliance with Agreement; Requires more management and focus from Service Provider; - Progress with projects and new service requests are on not on target; - Service failure events are not resolved in agreed time frames and preventative measures for implementation are not proposed by Service Provider.
1	<ul style="list-style-type: none"> - Quality of Sservice delivery totally unacceptable; Consider termination of Agreement and all Services. - Non-compliances, progress with projects and new service requests and service failure events worse than for rating 2; - Commitment from Service Provider to resolve outstanding issues is lacking; - Skills and resources to deliver a quality service are inadequate; - Participation in contract governance, service management and effective communication is lacking or inadequate.



5.14.1 Notification of Service Providers upon Appointment

All service providers must be informed of:

- The assessment and reporting of the service provider's performance;
- setting of performance criteria in terms of the tender, the required deliverables and service level agreement;
- the exchange of information on service provider performance reports between government units/departments.

5.14.2 Evaluating the Performance of Service Providers

Thresholds (size and types of service provider contracts in line that need to comply with the requirements of the SCM policy should be allowed ~~to~~. The thresholds that need to be reviewed include:

- Contracts larger than R200 000; and
- Contracts where the service providers isare required to deliver a service (not goods and products).

Contracts must be signed by service providers and sign a service level agreement indicating:

- The services to be delivered;
- the timeframes; and
- the evaluation methodology.

The service provider's performance must be assessed in the context of the project as a whole. The respective roles and obligations of the Municipality and service provider under the contract must be taken into account.

Persons preparing or reviewing the performance of a service provider must consider whether satisfactory progress or completion of a project has been affected by any matters which are:

- Outside the service provider's control; or
- The result of some action by the Municipality.

The service provider's performance must therefore be evaluated against set performance criteria, after taking into account matters beyond the service provider's control.

5.14.3 Prescribed Procedures to Evaluate Service Providers

The following procedures need to be followed:

- The requirements of this policy must be included in the contract of the service provider;
- The performance of the service providers under the contract or service level agreement contracts to be included in a clause must be assessed monthly by the Reporting Officer;
- The assessment must be filed in the contract file or captured onto the database;
- The Reporting Officer must complete the Service Provider Assessment Form on the database at the end of each month and on completion or termination of the contract;
- The quarterly assessment must be completed within 15 working days after the end of each quarter;
- The Reporting Officer must provide a copy of the assessment to the Service Provider at



the end of each quarterly assessment period and on completion or termination of the contract;

- Supply Chain Management Unit will review the quarterly Service Provider assessments within 20 days after the end of each quarter and submit a summary report to Council;
- The Accounting Officer need to develop the necessary forms and report structures to be utilised to manage the above processes. The forms and reporting requirements need to be reviewed on a regular basis;
- In the instance of under-performance:
 - The Municipality will facilitate support interventions to service providers in the identified areas of underperformance;
 - Service providers who have been identified as under-performing in identified areas must be informed of these support interventions;
 - The impact of support interventions must be monitored by the Reporting Officer; and
 - The records of the support interventions must be documented, signed by both parties and appropriately filed.

5.15 Evaluation and Improvement of the Performance Management System

The ~~Municipal Systems Act~~MSA requires the municipality to annually evaluate its performance management system. It is proposed that after the full cycle of the annual review is complete; the Municipal Manager will initiate an evaluation report annually, taking into account the input provided by directorates and departments. This report will then be discussed by the Management Team and finally submitted to the Council for discussion and approval. The evaluation should assess:

- The adherence of the performance management system to the ~~Municipal Systems Act~~MSA.
- The fulfilment of the objectives for a performance management system.
- The adherence of the performance management system to the objectives and principles.
- Opportunities for improvement and a proposed action plan.

While good and excellent performance must also be constantly improved to meet the needs of citizens and improve their quality of life, it is poor performance in particular that needs to be improved as a priority. In order to do this, it is important that the causal and contributing reasons for poor performance are analysed. Poor performance may arise out of one or more of the following:

- Poor systems and processes;
- Inappropriate structures;
- Lack of skills and capacity;
- Inappropriate organisational culture; and
- Absence of appropriate strategy.

To improve performance, the appropriate response strategy should be chosen:

- Restructuring is a possible solution for an inappropriate structure;
- Process and system improvement will remedy poor systems and processes;
- Training and sourcing additional capacity can be useful where skills and capacity are lacking;



- Change management and education programmes can address organisational culture issues;
- The revision of strategy by key decision-makers can address shortcomings in this regard; and
- Consideration of alternative service delivery strategies should be explored.

Performance analysis is a requirement in order to identify poor performance. The Municipal Manager will implement the appropriate response strategy to improve performance.

6. Governance

The governance structure was established to offer credibility to the overall performance processes. The audit of performance information and system should comply with section 166 of the ~~Municipal Finance Management Act~~ MFMA and Regulation 14 of the Municipal Planning and Performance Management Regulations (2001).

6.1 Governance Framework for the Performance Management system

The electronic performance management system is web-based and used for administering the TL and departmental SDBIP which is available on the internet ~~on a~~ 24 hour/7 days a week/356 days a year interval. ~~The m~~Maintenance on the electronic performance management system ~~are is~~ done on a weekly basis, as required, from 14:00 – 18:00 on a Sunday.

6.1.1 Continuous quality control and co-ordination

Directorates are required to co-ordinate and ensure good quality of performance reporting and reviews on an ongoing basis. It is their role to ensure conformity to reporting formats and verify the reliability of reported information, where possible.

~~The Municipal Manager must review overall performance monthly while the Senior Manager: Governance should support him/her in verifying the performance data and prepare the performance reports.~~

6.2 Performance investigations

The Executive Mayor or the Audit and-Performance Audit Committee (APAC) should be able to commission in-depth performance investigations where there is either continued poor performance, a lack of reliability in the information being provided or on a random ad-hoc basis. Performance investigations should assess:

- The reliability of reported information;
- The extent of performance gaps from targets;
- The reasons for performance gaps; and
- Corrective action and improvement strategies.

While the internal audit function may be used to conduct these investigations, it is preferable that external service providers, who are experts in the area to be audited, should be used. Clear terms of reference will need to be adopted by the Executive Mayor for such investigation.



6.3 Internal Audit

Section 165 of the MFMA requires that each municipality must have an internal audit unit however such function may be outsourced.

The municipality's internal audit function will need to be continuously involved in auditing the performance reports based on the organisational and directorate/departmental scorecards. As required by Regulation, they will be required to produce an audit report on a quarterly basis, to be submitted to the Municipal Manager and Performance Audit Committee.

The audit should include an assessment of the:

- functionality of the municipality's performance management system;
- adherence of the system to the ~~Municipal Systems Act~~ MSA; and
- the extent to which performance measurements are reliable.

6.4 Audit and Performance Audit Committee (APAC)

The MFMA and the Municipal Planning and Performance Management Regulations require that the municipal council establish an audit committee consisting of a minimum of three members, where the majority of members are not employees of the municipality. No Councillor may be a member of an audit committee. Council shall also appoint a chairperson who is not an employee.

The Regulations give municipalities the option to establish a separate performance audit committee whereas the MFMA provides only for a single audit committee. The operation of this audit committee is governed by section 14 (2-3) of the regulations.

According to the regulations, the performance audit committee must:

- review the quarterly reports submitted to it by the internal audit unit;
- review the municipality's performance management system and make recommendations in this regard to the council of that municipality;
- assess whether the performance indicators are sufficient;
- at least twice during a financial year submit an audit report to the municipal council.

~~It is further proposed that the~~ the audit committee APAC is to be tasked with assessing the reliability of information reported.

In order to fulfil their function a performance audit committee may, according to the MFMA and the regulations,

- communicate directly with the council, municipal manager or the internal and external auditors of the municipality concerned;
- access any municipal records containing information that is needed to perform its duties or exercise its powers;
- request any relevant person to attend any of its meetings, and, if necessary, to provide information requested by the committee; and
- investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.



7. Performance Reporting

Performance must be reported in terms of the MSA, MFMA and the regulations and circulars issued in terms of the aforementioned legislation. These reports include the reports listed below.

7.1 Quarterly Reports

Quarterly reporting of departmental KPIs that is linked to Top Layer KPIs is due on the ~~15~~¹⁵th day after the end of the quarter, irrespective if the due date falls on a weekend. Directors (secondary users) will have the opportunity to review the updates of the relevant directorate between the ~~10~~¹⁰th and ~~15~~¹⁵th day after the end of the quarter. Supporting proof of evidence should be uploaded to the [electronic performance management](#) system to substantiate performance against the key performance indicator.

Reports on the performance of the TL SDBIP should be generated from the system and submitted to Council. This report should also be published on the municipal website.

Actuals are to be updated in relation to the unit of measurement as follows:

Table 6: unit of measurement

Units	If the Unit of measurement is in	The Actual must also be in # unit
Number (#)	Number	Number
Percentage (%)	Percentage	Percentage
Rand (R)	Rand	Rand

7.2 Mid-year Assessment

The performance of the first 6 months of the financial year should be assessed and reported on in terms of section 72 of the MFMA. This assessment must include the measurement of performance, the identification of corrective actions and recommendations for the adjustments of KPIs, if necessary. Supporting proof of evidence should be uploaded to the [electronic performance management](#) system to substantiate performance against the key performance indicator.

The format of the report must comply with the [MFMA](#) section 72 requirements. This report must be submitted to Council on or before 31 January of each year.

7.3 Annual Performance Report

The annual performance report must be completed by the end of August and submitted with the financial statements [to the Auditor General of South Africa](#). This report must be based on the performance reported in the SDBIP supported by the relevant proof of evidence. Reports should be generated from the system, reviewed and updated in the performance comments field for reporting purposes.

7.4 Annual Report

The annual report should be prepared and submitted as per MFMA Circular 11. The update of the Annual ~~R~~Report commences on the 1st of July annually whereby service departments are required to submit narratives that address the highlights, challenges experienced during the previous financial year



Submission of the First Draft Annual Report to Council: Within 7 months after the end of the financial year.

MFMA Section 121(1) states that every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.

Submission of the Final Draft Annual Report to Council: Within 9 months after the end of the financial year.

Section 129. (1) of the ~~Municipal Finance Management Act (MFMA), (Act No 56 of 2003)~~ states that *"The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council-*

- (a) *has approved the annual report with or without reservations;*
- (b) *has rejected the annual report; or*
- (c) *has referred the annual report back for revision of those components that can be revised."*

8. Legislative Reporting Requirements

The legislative requirements regarding reporting processes are summarised in the following table:

Table 7: legislative requirements regarding reporting processes

Time frame	MSA/ MFMA Reporting on PMS	Section
Quarterly reporting	The municipal manager collates the information and draft the organisational performance report, which is submitted to Internal Audit. The Internal Auditors (IA) must submit quarterly audited reports to the Municipal Manager and to the Performance Audit Committee. The Municipal Manager submits the reports to the Council.	MSA Regulation 14(1)(c)
Bi-annual reporting	The <u>Audit and</u> Performance Audit Committee must review the PMS and make recommendations to council.	MSA Regulation 14(4)(a)
	The Performance Audit Committee must submit a report at least twice during the year a report to Council The Municipality must report to Council at least twice a year.	MSA Regulation 14(4)(a)
	The Accounting officer must by 25 January of each year assess the performance of the municipality and submit a report to the Mayor, National Treasury and the relevant Provincial Treasury.	MSA Regulation 13(2)(a) MFMA S72
Annual reporting	The annual report of a municipality must include the annual performance report and any recommendations of the municipality's audit committee.	MFMA S121 (3)(c)(i) & MSA S46
	The accounting officer of a municipality must submit the performance report to the Auditor-General for auditing within two months after the end of the financial year to which that report relate.	MFMA S126 1(a)



Time frame	MSA/ MFMA Reporting on PMS	Section
	The Auditor-General must audit the performance report and submit the report to the accounting officer within three months of receipt of the performance report.	MFMA S126 (3)(a)(b)
	The Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality	MFMA S127(2)
	The Auditor-General may submit the performance report and audit report of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of the state	MFMA S127 (4)(a)
	Immediately after an annual report is tabled in the council, the accounting officer of the municipality must submit the annual report to the Auditor- General, the relevant provincial treasury and the provincial department responsible for local government in the province.	MFMA S127 (5)(b)
	The council of the municipality must consider the annual report by no later than two months from the date on which the annual report was tabled, adopt an oversight report containing council's comments on the annual report	MFMA S129 (1)
	The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organ of the state	MFMA S130 (1)
	The Cabinet member responsible for local government must annually report to Parliament on actions taken by the MECs for local government to address issues raised by the Auditor-General	MFMA S134
Contracts and contract Management	<p>(1)A contract or agreement procured through the supply chain management system of a municipality or municipal entity must-</p> <ul style="list-style-type: none"> (a)be in writing; (b)stipulate the terms and conditions of the contract or agreement, which must include provisions providing for- <ul style="list-style-type: none"> (i)the termination of the contract or agreement in the case of non- or underperformance; (ii)dispute resolution mechanisms to settle disputes between the parties; (iii)a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years; and (iv) any other matters that may be prescribed. <p>(2)The accounting officer of a municipality or municipal entity must-</p> <ul style="list-style-type: none"> (a)take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality or municipal entity is properly enforced; (b)monitor on a monthly basis the performance of the contractor under the contract or agreement; (c)establish capacity in the administration of the municipality or municipal entity- <ul style="list-style-type: none"> (i)to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and (ii)to oversee the day-to-day management of the contract or agreement; and (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 contractor. <p>(3)A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may</p>	MFMA 116

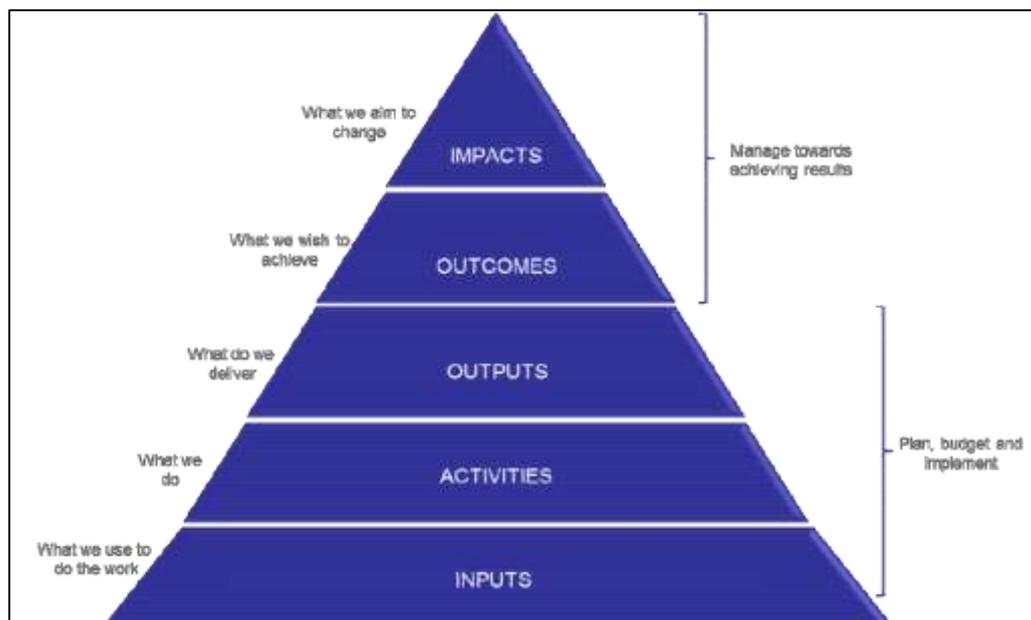
Time frame	MSA/ MFMA Reporting on PMS	Section
	<p>be amended by the parties, but only after-</p> <p>(a)the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and</p> <p>(b)the local community-</p> <p>(i)has been given reasonable notice of the intention to amend the contract or agreement; and</p> <p>(ii)has been invited to submit representations to the municipality or municipal entity.</p>	

9. Design of Key Performance Indicators and Targets

9.1 Setting Indicators

In setting indicators, it is important that one understands the key performance concepts and the relationship between the core performance information concepts illustrated below.

Figure 6: The key performance concepts and the relationship between the core performance information



The following aspects must also be considered:

- The key priorities and objectives of the Municipality set in the IDP, which have been determined during the public participation process ~~at~~ and with ward committees;
- The scope of sector plans to be evaluated to reach the key priorities and objectives of the Municipality during the next financial year;
- The activities and processes identified in the IDP for achieving the developmental objectives as well as the earmarked resources;
- Baseline and performance standard information for each indicator;
- The risks identified during the risk review of the municipality that needs to be addressed with specific actions;
- The indicators listed in the Municipal Turnaround Strategy (MTAS);
- Compliance and reporting requirements in terms of legislation;
- Core departmental activities that need to be measured to improve municipal effectiveness and efficiency;
- The alignment of departmental activities and capital projects identified in the IDP with



the budget;

- Whether measurement tools (system and data) to measure the performance of the indicators are available or can be developed;
- In the event that measurement tools do not exist, then it is advisable that a KPI be set which would measure the design and implementation of such a system. Once the measurement tool has been implemented, then the KPI measuring the output from the tool can then be included in the scorecard;
- The cost involved in setting up measurement tools needs to be considered;
- The time frame for the implementation of measurement tools is also important;
- It is important that the responsibility for the KPI needs to be allocated to the appropriate person who will be required to measure the output/outcome on the KPIs; and
- The timeframes for measuring and reporting actual performance against target set.

The following steps should be followed to develop a performance indicator:

- Identify the strategic objectives defined in the IDP and the key activities in the department that need to be measured;
- Agree on what you are aiming to achieve by considering the end result (outcome / impact) of each strategic objective and define the critical processes to achieve each of the strategic objectives;
- Specify the outputs, activities and inputs in order to achieve the outcomes and impacts;
- In the instance where performance indicators for individuals needs to be developed you also need to consider key job requirements (job description);
- For each activity, confirm that it will assist in achieving the objectives and determine what the proof of evidence will be that the activity has been delivered;
- Determine what resources you will require to be able to deliver the activity and confirm availability for such resources, e.g. you cannot establish a play park without the necessary financial resources;
- Determine the timeframes by when the activities need to be achieved;
- Decide which department and individual will take responsibility for the activities;
- Draft the KPI by explaining what will be done, how it will be done and what will be achieved;
- Link it to timeframes indicating by when the activity should be delivered as well as to the National KPAs, National Outcomes and the objective to be achieved;
- Formulate how the activity will be measured and what the proof will be that the activity has been delivered (how will the activity be measured);
- Add the baseline for the indicator (the level where we are before we start with the work);
- Determine and add the performance standard for the target (minimum or ideal level of performance);
- Allocate responsibility for delivering the activity to a department and individual (who will be responsible for delivery and reporting on the target);
- Set the targets to be achieved per month / quarter in order to deliver the indicator (targets should as far as possible comply with the SMART principle);
- Agree the finally formulated indicator with the respective department / manager / staff member.

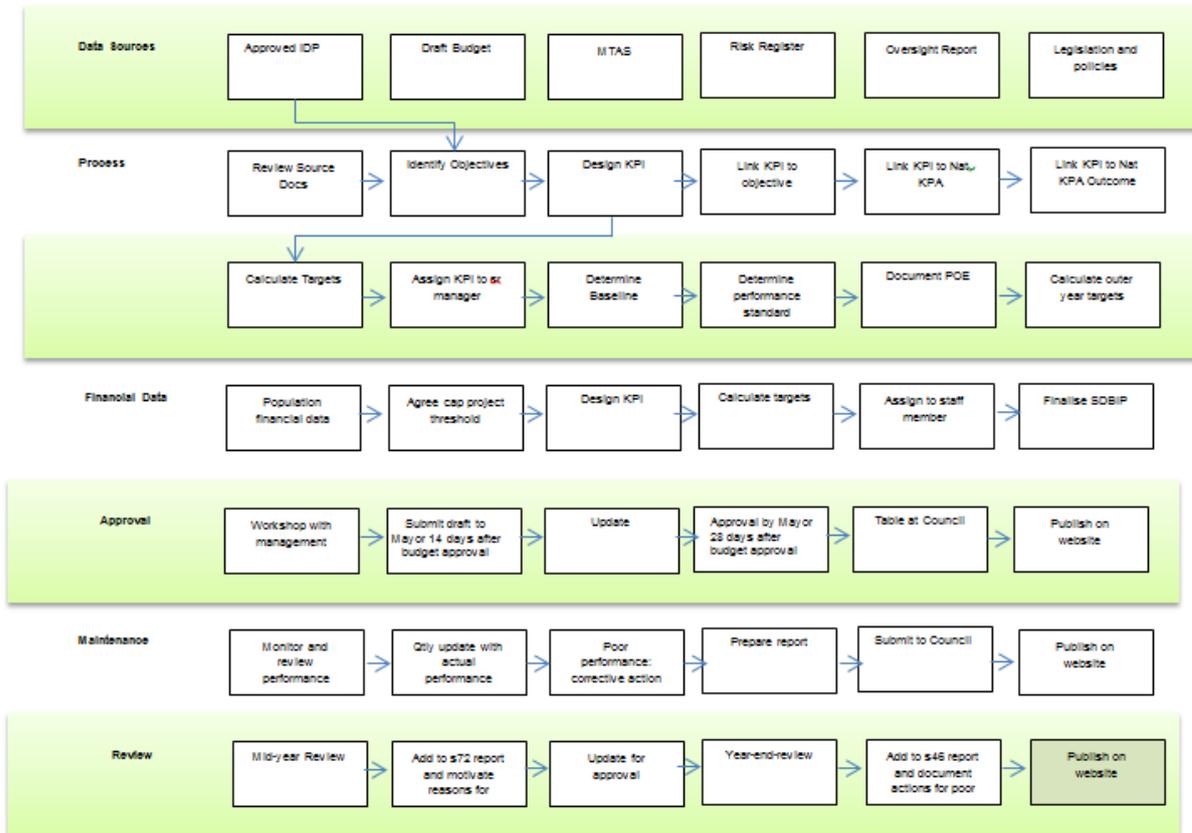
9.2 Performance Process Maps

The following process maps summarise the key operational and individual performance processes. These process maps should be read with the sections dealing with these



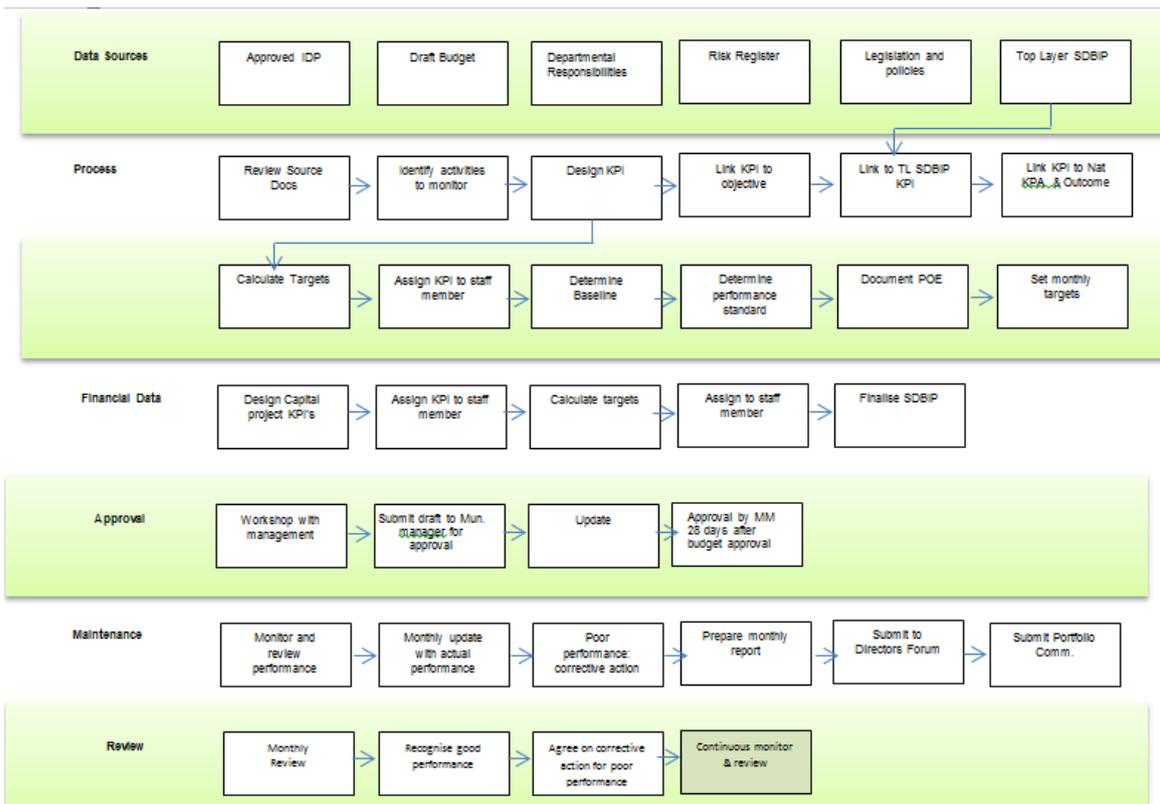
performance processes.

9.2.1 Top Layer SDBIP

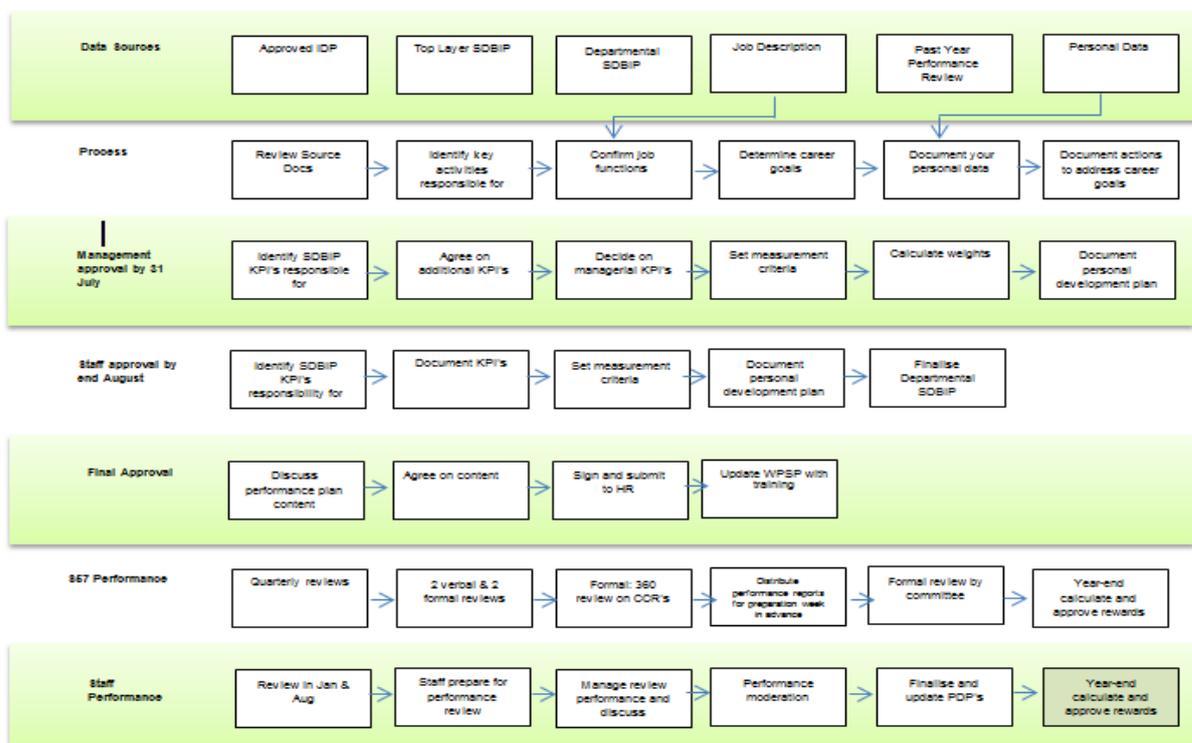




9.2.2 Departmental SDBIP



9.2.3 Individual Performance





9.3 Role and Responsibilities of Stakeholders

The following table sets out a summary of the roles and responsibilities of the various stakeholders in the PMS within each of the management components:

Table 8: Role and Responsibilities of Stakeholders

Stakeholders	Involvement	Benefits
	Administrative Oversight	
Executive Mayor	<ul style="list-style-type: none"> Facilitate the development of a long term Vision regarding IDP and PMS. Mayor is responsible for the performance and need to approve the SDBIP and submit the annual performance report to Council. Approval of municipal manager performance plan and evaluate and report on municipal performance. 	Optimum and equitable service delivery.
Mayoral Committee	Support to the Executive Mayor. Provide strategic awareness and manage the development of the IDP and PMS.	Promotes public awareness and satisfaction.

Stakeholders	Involvement	Benefits
	Administrative Oversight	
Portfolio Councillor	<ul style="list-style-type: none"> Monitor the implementation of the strategy. Review and monitor the implementation of the IDP and the PMS. Evaluate performance of senior management, where applicable. 	Facilitates the process of benchmarking and collaboration with other municipalities.
Council	<ul style="list-style-type: none"> Adopt the PMS policy and approve the IDP. Approve performance rewards Oversight role to ensure that performance management processes are monitored. 	Provides a mechanism for the implementation and review of PMS and IDP achievement.

Stakeholders	Involvement	Benefits
	Implementers	
Municipal Manager	<ul style="list-style-type: none"> Ensure the implementation of the IDP and the PMS. Communicate with the Executive Mayor and Senior Management Team. 	Clarifies goals, targets and work expectations of the executive management team, other senior managers, line managers and individual employees.
Senior Management Team	<ul style="list-style-type: none"> Manage Departmental and individual performance. Review and report on performance. 	Facilitates the identification of training and development needs at different levels in the municipality.
All Other Managers	<ul style="list-style-type: none"> Implement the departmental business / operational plans and monitor the Individual Performance Plans. 	Provides an objective basis upon which to reward good performance and correcting under performance.



Stakeholders	Involvement	Benefits
	Implementers	
Individual Employees	<ul style="list-style-type: none"> Execute individual performance plans. 	Mechanism for early warning indicators to check and ensure compliance.
Reporting Officer (for service provider evaluations)	<ul style="list-style-type: none"> Line Departments Monitor and assess work done or service provided as per the service delivery agreement or contract. Report on the performance of the service 	Ensure quality and effective performance of service providers.
Supply Chain Management	<ul style="list-style-type: none"> Manage the performance monitoring process of service providers. Report on contract management and service provider performance to Council quarterly. Report to Council annually on the performance of service providers. Investigate and report on the impact of the interventions. 	<p>Enhances service delivery and performance.</p> <p>Addresses weak performance timeously.</p> <p>Effective reporting.</p>
Internal Audit	<ul style="list-style-type: none"> Assess the functionality, integrity, effectiveness and legal compliance with the PMS. 	<ul style="list-style-type: none"> Enhances the credibility of the PMS and the IDP enhances the status and role of Internal Audit.

STAKEHOLDERS	INVOLVEMENT	BENEFITS
	OVERSIGHT	
Representative Forums / Ward Committees	<ul style="list-style-type: none"> Inform the identification of community priorities. Public involvement in service delivery of the municipality. 	Provide a platform for the public / communities to inform and communicate with Council.
Auditor-General	Audit legal compliance and performance processes.	Provides warning signals of under-performance which can provide proactive and timely interventions.
Performance Audit Committee	Independent oversight on legal compliance.	Provides warning signals of under-performance.
MPAC/Oversight Committee	Review Annual Report and suggest corrective action to address shortfalls.	Improved performance



10. Policy Review

This policy will be reviewed as and when required.

11. Conclusion

This policy describes how the municipality's performance process, for the organisation as a whole will be conducted, organised and managed.

It is important to note that a Performance Management Policy is dynamic and will change and develop over time to reflect the unique features of the municipality. The municipality environment is no exception to this phenomenon and this policy lends itself to improvement and positive changes with even more focused alignment to the municipality's strategic objectives and performance levels.