

Municipality • Umasipala • Munisipaliteit

2018-01-17
MINUTES
MAYORAL COMMITTEE MEETING:
2018-01-17 AT 10:00

Ref no.3/4/2/5

MINUTES

MAYORAL COMMITTEE MEETING

2018-01-17

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MINUTES MAYORAL COMMITTEE MEETING 2018-01-17

PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (Chairperson)

Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: PW Biscombe

JN De Villiers AR Frazenburg E Groenewald (Ms) XL Mdemka (Ms)

S Peters Q Smit

Also Present: Councillor PR Crawley (Ms)

Councillor MC Johnson Councillor WC Petersen (Ms) Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))

Director: Strategic and Corporate Services (A de Beer (Ms))
Director: Community and Protection Services (G Esau)

Chief Financial Officer (M Wüst)

Director: Human Settlements (T Mfeya) Director: Engineering Services (D Louw)

B de la Bat deputizing for Director: Economic Development and Planning

Head: Committee Services (EJ Potts)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))

1. OPENING AND WELCOME

The Executive Mayor welcomed everyone present to the first Mayoral Committee meeting for 2018, and extended a warm welcome in particular to Cllr Crawley, MPAC Chairperson Cllr WF Pietersen, Chief Whip WC Petersen and Cllr Johnson.

1.1 COMMUNICATION BY THE CHAIRPERSON

The Executive Mayor was pleased to announce that Stellenbosch Municipality received a clean audit without findings, thanks to all employees of the municipality for this achievement.

An incident occurred in Kayamandi where an electric transformer box exploded and caused injury to a little girl. A full investigation has been launched into the incident. The Executive Mayor requested that the Director: Engineering Services ensures that the Electricity Department keeps a register of regular inspections for any damages and/or instances of vandalism to the infrastructure, in order to possibly prevent such unfortunate incidents in the future.

1.2 DISCLOSURE OF INTERESTS

NONE

2. APPLICATIONS FOR LEAVE OF ABSENCE

The following application for leave was approved in terms of the Rules of Order of Council:-

Director: Economic Dev. and Planning (D Lombaard) – 17 January 2018

3. CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Mayoral Committee Meetings held on 2017-11-15 were confirmed as correct.

4. REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS

NONE

5. STATUTORY MATTERS

5.1 COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)

NONE

5.2 CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS)

5.2.1 2016/17 DRAFT ANNUAL REPORT AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

File No: 3/4/5/2/32

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 January 2018 and 24 January 2018

(This is the complete Replacement Item)

1. SUBJECT:

2016/17 DRAFT ANNUAL REPORT AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

2. PURPOSE

As per legal prescript to table the 2016/17 Draft Annual Report; To confirm that MPAC act as the Oversight Committee as resolved at the Council meeting: 16/02/2017, item 5.2.5; To recommend that the draft Annual Report be referred to the MPAC Committee to fulfil the role of an Oversight Committee and make a recommendation to council as contemplated in section 129 (1) of the Municipal Finance Management Act (Act 56 of 2003, as amended).

3. DELEGATED AUTHORITY

The Executive Mayor must table the Annual Report in Council in terms of Section 127(2) read with 121 and 129 of the Municipal Finance Management Act (MFMA), (Act 56/2003) and read with section 46 of the Systems Act. The report must be considered by Council and Council must resolve on the Annual Report as contemplated in section 129(1) of the MFMA. The Oversight Committee must consider the Annual Report and submit an Oversight Report to Council in terms of Section 33 and 79 of the Local Government Municipal Systems Act, 32 of 2000 read with the terms of reference of the MPAC committee.

4. EXECUTIVE SUMMARY

The Executive Mayor must table the Annual Report in Council in terms of Section 127(2) read with 121 and 129 of the Municipal Finance Management Act (MFMA), (Act 56/2003) and read with section 46 of the Systems Act. The report must be considered by Council and Council must resolve on the Annual Report as contemplated in section 129(1) of the MFMA. The Oversight Committee must consider the Annual Report and submit an Oversight Report to Council in terms of Section 33 and 79 of the Local Government Municipal Systems Act, 32 of 2000 read with the terms of reference of the MPAC committee.

The draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the report. It has become practise that the Oversight Committee also invites the public to make verbal representations at meetings where the report is discussed. A schedule with proposed dates for the meetings is also included. Council resolved in 2017 that MPAC has as part of their

terms of reference the role to sit as Oversight Committee to consider the Annual Report.

5. THE EXECUTIVE MAYOR RECOMMENDS TO COUNCIL:

That Council:

- (a) note the 2016/17 Draft Annual Report for Stellenbosch Municipality as tabled by the Executive Mayor;
- (b) take note that the Municipal Manager will make 2016/17 Draft Annual Report public for comment on the official website of the Stellenbosch Municipality and at the offices of the Municipality for a period of 21 days and that the public will be invited through local print media to provide written inputs/comments on the draft report on or before 22 February 2018;
- (c) confirm the Council resolution of 16 February 2017 where MPAC was given the Terms of Reference to fulfil the role as Oversight Committee when considering the Annual Report;
- (d) refer the draft Annual Report to MPAC to consider the Annual Report and make recommendations to Council as contemplated in section 129(1) of the MFMA;
- (e) allows the chairperson of the MPAC (Oversight Committee) to determine the final dates on which they will consider the Annual Report and make it available to the Municipal Manager to inform the public.

6. DISCUSSION / CONTENTS

6.1. Background

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.

Section 46 (1) of the Local Government: Municipal Systems Act, 32 of 2000 requires that:

A municipality must prepare for each financial year an Annual Report consisting of—

- (a) a performance report reflecting—
- (i) the municipality's, and any service provider's, performance during that financial year, also in comparison with targets of and with performance in the previous financial year;
- (ii) the development and service delivery priorities and the performance targets set by the municipality for the following financial year; and
- (iii) measures that were or are to be taken to improve performance;

- (b) the financial statements for that financial year prepared in accordance with the standards of generally recognised accounting practise referred to in section 89 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (c) an audit report on the financial statements and the report on the audit performed in terms of sec[ion 45(b); and
- (d) any other reporting requirements in terms of other applicable legislation.

A municipality must table its Annual Report within one month of receiving the audit report referred to in subsection (1)(c).

6.2 **Discussion**

The National Treasury issued strict guidelines on the content, disclosures, timelines and format of the Annual Report by means of MFMA Circular No. 63.

The MFMA Circular No. 63: Annual Report update, issued by National Treasury in September 2012, provides guidance to municipalities on the Annual Report format and its contents.

The purpose of the Annual Report is to:

- provide a record of the activities of the municipality or entity during the (a) financial year to which the report relates;
- provide a report on performance in service delivery and budget (b) implementation for the financial year;
- promote accountability to the local community for the decisions made (c) throughout the year by the municipality or municipal entity; and
- (d) reduce the additional reporting requirements that will otherwise arise from Government Departments, monitoring agencies and financial institutions.

With the above in mind, the goals of the Annual Report format are to achieve the following:

- (a) standardise reporting to enable municipalities / municipal entities to submit comparable Annual Reports;
- (b) align financial and non-financial reporting in the Annual Report;
- (c) create a standardised reporting structure that will enhance comprehensive oversight, meaningful evaluation and improved understanding of service delivery output. All meetings of the Municipal Public Accounts Committee (MPAC) are guided by Section 46 (3) of the Local Government: Municipal Systems Act, 32 of 2000 as follows:
- (3) (a) The municipal manager must—

- (i) by prior notice in the media, inform the local community of the meeting or meetings of the council at which the municipality's Annual Report is tabled or discussed, which meetings must be open to the public;
- (ii) give written notice of such meetings to the Auditor-General and the MEC for local government in the province;
- (iii) submit copies of the minutes of those meetings to the Auditor-General and the MEC for local government in the province;
- (b) Representatives of the Auditor-General and the MEC for local government in the province are entitled to attend and to speak at such meetings, and the municipal manager must be available to respond to questions related to the annual report.
- (4) The municipality must adopt its annual report, and within 14 days
 - (a) make copies of the report accessible to the public, interested organisations and the media, free of charge or at a reasonable price; and
 - (b) submit a copy of the report to
 - (i) the MEC for local government in the province; .-
 - (ii) the Auditor-General; and
 - (iii) such other institutions as may be prescribed by regulation,

Timely notice of meetings should be given to enable representations to be made. A draft schedule may be as follows:

Date	Agenda	Venue	Time
6 February 2018	Orientation/ Discussion on Annual Report (Open to the public)	Stellenbosch Council Chamber	09:00 – 16:00
26 February 2018	Discussion on written inputs received from Public (open to Public)	Stellenbosch Council Chamber	13:30 – 16:30
8 March 2018	Finalisation of Oversight Report (Open to Public)	Stellenbosch Council Chamber	13:30 – 16:30

Questions raised with the accounting officer by the Oversight Committee may be taken on notice allowing responses to the committee. The dates for the Oversight Committee meetings in which the public may make oral representations and or attend for transparency purposes will be published in local newspapers. In accordance with Section 129(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the accounting officer must attend council and council committee meetings where the Annual Report is discussed for the purpose of responding to questions concerning the report. The

top management team may assist during the oversight committee meetings to avoid delays on answers.

Council has in the past co-opted members from the public to serve on the Oversight Committee. There is no legislative requirement for this and the co-opted members may not vote, should it be necessary. MPAC when they consider the Annual Report in their capacity as Oversight Committee does so on behalf of Council and that role is solely reserved for members of Council. Should Council approve to co-opt members, such members can be remunerated in line with the recommendations of National Treasury Regulation 20.2.2 dated: 27- 11-2017 as stated in the following schedule:

Tariff	Number of co- opted Members	Not exceeding no. of hours	Remuneration
Per hour tariff for attendance of meeting	2	45 hours	R 310.00
Once-off Tariff for duties performed in preparation	2	6 hours	R 1500 (for six hours)

The draft Annual Report for 2016/17 herewith tabled as APPENDIX 1.

6.3 <u>Financial Implications</u>

The following remuneration may be recommended for services rendered by coopted members of the Oversight Committee:

- A hourly rate of R310.00 for a maximum of 45 hours; and
- A once-off payment of R1500 for preparations prior to the start of the meeting schedule.

6.4 Legal Implications

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

6.5 Staff Implications

The functioning of the Oversight Committee will require the assistance of Committee Services in the drafting of meeting minutes as well as assistance of the Performance management officer to liaise with internal stakeholders on feedback as and when required.

6.6 <u>Previous / Relevant Council Resolutions</u>:

The last resolution in regard to MPAC relevant to this item was made on:

 2017-02-16: Item 5.2.5 which detailed that MPAC Committee should fulfil the functions of an Oversight Committee in terms of Sections 33 and 79 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

6.7 Risk implications

The Annual Report for the year preceding the current financial year, must be tabled by the Executive Mayor within seven months after the start of the new financial year and must be considered by Council. Council has to resolve to accept the annual report, reject the report or send it back for changes in terms of section 129 of the MFMA. Should Council not comply with the provisions it will be regarded as non-compliance.

6.8. <u>Comments from Management:</u>

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

6.8.1 Comments from the Municipal Manager:

Agrees with the recommendations and the dates proposed for the oversight committee meetings.

ANNEXURES

Appendix 1: Draft Annual Report 2016/17 (circulated under separate cover in

electronic format)

Appendix 2: Item 5.2.5 resolution dated 16/02/2017.

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR: CORPORATE AND STRATEGIC SERVICES
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 -808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	10 January 2018

DIRECTOR: STRATEGIC AND CORPORATE SERVICES

The contents of this report have been discussed with the Executive Mayor

MAYORAL COMMITTEE MEETING: 2018-01-17: ITEM 5.2.1

RESOLVED

That it be recommended to Council:

- (a) that council note the 2016/17 Draft Annual Report for Stellenbosch Municipality as tabled by the Executive Mayor;
- (b) that council take note that the Municipal Manager will make 2016/17 Draft Annual Report public for comment on the official website of the Stellenbosch Municipality and at the offices of the Municipality for a period of 21 days and that the public will be invited through local print media to provide written inputs/comments on the draft report on or before 22 February 2018;

- (c) that council confirm the Council resolution of 16 February 2017 where MPAC was given the Terms of Reference to fulfil the role as Oversight Committee when considering the Annual Report;
- (d) that Council refer the draft Annual Report to MPAC to consider the Annual Report and make recommendations to Council as contemplated in section 129(1) of the MFMA; and
- (e) that Council allows the chairperson of the MPAC (Oversight Committee) to determine the final dates on which they will consider the Annual Report and make it available to the Municipal Manager to inform the public.

5.3 ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))

NONE

5.4 FINANCIAL SERVICES: (PC: CLLR S PETERS)

5.4.1 MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS AND RATIFICATIONS FOR DECEMBER 2017

1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

2. DISCUSSION

Reporting the deviation as approved by the Accounting Officer December 2017. The following deviation was approved with the reason as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
D/SM 20/18	01/12/2017	BW MANAGEMENT WASTE CARRIERS	SLUDGE REMOVAL FROM STELLENBOSCH	Exceptional case and it is impractical or impossible to follow the official procurement processes	R 900 000 .00 (VAT INCL.)
D/SM 24/18	08/12/2017	TUFFY MANUFACTURING	TUFFY MANUFACTURING : RECYCLING BAGS (RATE PAYMENT INCLUDING VAT)	Exceptional case and it is impractical to follow the official procurement processes	R 916.94 per 1000 bags, rate payment
D/SM 28/18	20/12/2017	BROADWAY HARDWARE	RELOCATION OF SLABTOWN RESIDENTS IN EIKE HALL	Exceptional case and it is impractical to follow the official procurement processes	R 255 000. 00 (VAT INCL.)

2018-01-17

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

RATIFICATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
R/SM 5/18	14/12/2017	SWEY DESIGN	SWEY DESIGN: R44 547,10	4.36.1(b) to ratify any minor breaches of the procurement processes	R 44 547.10

MAYORAL COMMITTEE MEETING: 2018-01-17: ITEM 5.4.1

RESOLVED

That it be recommended to Council:

that Council notes the deviations and ratifications as listed above.

2018-01-17

5.4.2

OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2, OCTOBER 2017 – DECEMBER 2017

File Ref: 8/1/3/3/2

Collaborator No:

IDP KPA Ref: 8: Financial Sustainability (KFA 59: Supply Chain Management)

Meeting Date: 17 January 2018

1. PURPOSE OF REPORT

To submit to the Executive Mayor a report for the period 01 October 2017 to 31 December 2017 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

2. FOR DECISION BY MUNICIPAL COUNCIL

Section 2(3) & 4 of the SCM Policy 2017/2018 determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

3. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

MAYORAL COMMITTEE MEETING: 2018-01-17: ITEM 5.4.2

RESOLVED

That it be recommended to Council:

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

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2018-01-17

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
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NONE

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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NONE

5.7 PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)

NONE

5.8.1 QUARTERLY REPORT ON BY-LAW ENFORCEMENT

Collaborator No:

IDP KPA Ref No: Safest Valley

Meeting Date: Mayoral Committee Meeting: 17 January 2018

1. QUARTERLY REPORT ON BY-LAW ENFORCEMENT

2. PURPOSE OF REPORT

To submit a Quarterly Report on By-law Enforcement Statistics for the period 1 October 2017 until 31 December 2017.

3. DELEGATED AUTHORITY

For Council to note.

4. EXECUTIVE SUMMARY

The report provides an overview of law enforcement activities for the period of October until December 2017. Detailed information is provided on actions such as land invasion, confiscation of illegal substances/items, integrated actions, arrests, liquor violations in terms of the Liquor By-law, notices issued for drinking in public, illegal car guards, vagrants, dumping, littering, car wash, disorderly behaviour and successes in terms of CCTV and LPR systems.

5. **RECOMMENDATIONS**

That the Quarterly Report on By-law enforcement be noted.

6. DISCUSSION / CONTENTS

6.1 Background

The activity report on By-law enforcement is attached as APPENDIX 1.

The report provides statistics on the activities by the Special Operations Unit consisting of South African Police Services, Law Enforcement Department, Traffic Services and Fire & Rescue Services. In addition, the report also provides statistics from Law Enforcement activities which focuses on by-law enforcement.

The report further includes successes by recently installed CCTV/LPR cameras as well as assistance to incidence such as public uproar.

6.2 Discussion

The report covers the period from 01 October 2017 until 31 December 2017. It should be noted that SSI partners played a significant supportive role in most of the operations. All these combined efforts contribute towards making Stellenbosch and its surrounding areas a safer place for its residents and visitors.

For the past quarter, the Law Enforcement Department have installed new License Plate Recognition (LPR) systems, namely Berry Street, Van Rheede Street, R310, Hofman Street, Traffic Department entrance, Oude Libertas, Saffraan Avenue, Jamestown and Idas Valley entrance.

These LPR cameras are connected to the VISEC cloud. The system detects stolen vehicles or vehicles utilized in committing a crime whether within Stellenbosch or any other area. When such vehicle is detected via the LPR camera, a detailed message is received with all crime detail as well as a photograph of the vehicle, where after such information is relayed to the Stellenbosch Safety Initiative partners.

6.3 <u>Financial Implications</u>

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

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

6.8.1 <u>Director: Infrastructure Services</u>

No comments required.

6.8.2 <u>Director: Planning and Economic Development</u>

No comments required.

6.8.3 <u>Director: Community and Protection Services:</u>

No comments required.

6.8.4 <u>Director: Strategic and Corporate Services:</u>

No comments required.

6.8.5 <u>Director Human Settlements and Property Management</u>

No comments required.

6.8.6 Chief Financial Officer

No comments required.

6.8.7 Municipal Manager

No comments required.

ANNEXURES

APPENDIX 1: Law Enforcement Quarterly Report.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU	
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES	
DIRECTORATE	COMMUNITY & PROTECTION SERVICES	
CONTACT NUMBERS	021 – 808 8437	
E-MAIL ADDRESS	Gerald.esau@stellenbosch.gov.za	
REPORT DATE	08 January 2018	

DIRECTOR: COMMUNITY & PROTECTION SERVICES

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.

MAYORAL COMMITTEE MEETING: 2018-01-17: ITEM 5.8.1

RESOLVED

that this item be referred to the Section 80 Committee in order to advise the Executive Mayor if any action is needed in respect of this report.

MINUTES		MAYORAL COMMITTEE MEETING	2018-01-17	
5.9	YOUTH, SI	PORT AND CULTURE: (PC: XL MDEMKA (MS))		
	NONE			
6.	REPORTS	SUBMITTED BY THE MUNICIPAL MANAGER		
	NONE			
7.	REPORTS	SUBMITTED BY THE EXECUTIVE MAYOR		
	NONE			
8.	MOTIONS	AND QUESTIONS RECEIVED BY THE MUNICIPAL	MANAGER	
	NONE			
9.	URGENT N	MATTERS		
	NONE			
10.	MATTERS TO BE CONSIDERED IN-COMMITTEE			
	NONE			
The m	eeting adjour	ned at 10:35.		
CHAIRPERSON:				
DATE:				
Confirmed on		with/without a	mendments.	