



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2024-03-15

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2024-03-20 AT 10:00

TO The Executive Mayor, Ald G Van Deventer
The Deputy Executive Mayor, Cllr J Fasser

COUNCILLORS JC Anthony
R du Toit
P Johnson
J Joon
X Kalipa
L Nkamisa
R Pheiffer
C van Wyk
J Williams

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber on **Wednesday, 2024-03-20 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER

CHAIRPERSON

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2024-03-20
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Confirmation of Minutes: Mayoral Committee Meeting: 2024-02-14



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2024-02-14

MINUTES

MAYORAL COMMITTEE MEETING:

2024-02-14 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2024-02-14
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PRESENT: Executive Mayor, Ald GM Van Deventer (**Chairperson**)
Deputy Executive Mayor, J Fasser

Councillors: JC Anthony
R du Toit
P Johnson
J Joon
X Kalipa
L Nkamisa
R Pheiffer
C van Wyk
J Williams

Also Present: Councillor P Crawley (Chief Whip)
Councillor W Pietersen (MPAC Chairperson)
Councillor Q Smit (Speaker)

Officials: Municipal Manager (G Mettler (Ms))
Director: Corporate Services (A de Beer (Ms))
Director: Community & Protection Services (G Boshoff)
Director : Infrastructure Services (S Chandaka)
Chief Financial Officer (K Carolus)
Director: Planning and Economic Development (A Barnes)
Head: Contract Management (Y van den Berge)
Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Chairperson, Deputy Executive Mayor welcomed everyone present at the Mayoral Committee Meeting.

2.	COMMUNICATION BY THE CHAIRPERSON
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- All councillors and residents - Higher stages of load shedding places tremendous pressure on water supply operations across the country. Please use water sparingly, as this assists in adequately replenishing reservoir levels.

To report water interruptions, please send a WhatsApp to our dedicated Service Line on 0769510768. Residents can also send an email to engineering services@stellenbosch.gov.za. It is vital that we all do our bit to conserve and save water. We know South Africa is considered a water scarce country.

- Ek wil almal inlig van die 7de Adam Small Fees wat vanaf 23 – 25 Februarie 2024 in Pniel plaasvind. Die Pniël Erfenis en Kultuurtrust en ATKV bied die fees aan, met die

Adam Small gedenklesing wat op Saterdag, 24 Februarie 2024 deur Prof Hein Willemse gelewer word.

- In 2023, Stellenbosch Municipality participated in the Municipal Waste Recognition Programme (MWRP). The primary objective of this programme is to assess municipalities' adherence to the National Environmental Management: Waste Act and to address national and provincial waste management priorities.

Stellenbosch Municipality proudly secured the 2nd prize in the MWRP. As part of their recognition, the top 3 municipalities received infrastructure in the form of shipping containers, aimed at enhancing waste management initiatives. We have now taken possession of the shipping container, which will be designated for the collection and storage of electronic waste.

Electronic waste, commonly known as E-Waste, includes ICT equipment, consumer electronics and household appliances. Due to the presence of both valuable and potentially hazardous materials in E-Waste, it is essential to refrain from disposing of it in regular bins. Instead, residents are encouraged to utilise the designated E-Waste drop-off facility.

Proper recycling can recover valuable components from E-Waste, while hazardous materials can be treated to ensure safe disposal. Stellenbosch Municipality urges all residents to contribute to responsible waste management by using the E-Waste drop-off located at the Stellenbosch Waste Drop-off, situated off Adam Tas Road in Devon Valley.

- I attended the US Dream Walk on 1 February 2024. For thousands of Maties the Dream Walk symbolises the official start to their academic journey – for all practical reasons a dream coming true. The moment you pass underneath that banner of the Dream Walk hanging across Victoria Street, you know that you are now officially a Matie. Welcome to all the students to our beautiful town.
- On 2nd of February 2024, I visited Huguenot Fine Chocolates in Franschhoek accompanied by the Municipal Manager and colleagues from the Western Cape Department of Economic Opportunities. This local business received support from the municipality and the Department through its Alternative Energy Support Programme. The Alternative Energy Support Programme was established to assist Small, Medium, and Micro Enterprises (SMMEs) in adopting alternative energy solutions, ensuring their operational continuity during instances of load shedding. A budget of R12.5 million was allocated to the project for the fiscal year 2023/24. The department initiated a pilot project, installing 12 Solar Backup systems at municipal SMME trading hubs across seven municipalities.
- I was honoured to be part of the unveiling of the Blue Heritage Plaque at Rhenish Primary School, a prestigious recognition bestowed upon schools with a rich history and significant impact on the surrounding community. Initiated by the Centre for Conservation Education and the Stellenbosch Heritage Foundation in 2015, the Blue Plaque Schools Project honours educational heritage and celebrates its impact on our community.

Rhenish Primary School also joins other local schools, such as Paul Roos Gymnasium, Hoër Meisieskool Bloemhof and Pieter Langeveldt Primary School in having a Blue Heritage Plaque.

3.	DISCLOSURE OF INTERESTS
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NONE

4.	APPLICATIONS FOR LEAVE OF ABSENCE
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NONE

5.	CONFIRMATION OF PREVIOUS MINUTES
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5.1 The minutes of the Mayoral Committee Meeting held on 2024-01-17 were **confirmed as correct without any amendments.**

5.2 The minutes of the Special Mayoral Committee Meeting held on 2023-12-06 were **confirmed as correct without any amendments.**

6.	STATUTORY MATTERS
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6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2024
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Collaborator No: 762914
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 February 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 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 (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2024.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 6.1

that Council notes the deviations as listed for the month of January 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager: Supply Chain Management
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
REPORT DATE	06 February 2024

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
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7.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)
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NONE

7.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]
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NONE

7.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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7.3.1	STAFF RENTAL HOUSING OPPORTUNITY POLICY 2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

14 February 2024

1. SUBJECT: STAFF RENTAL HOUSING OPPORTUNITY POLICY 2023

2. PURPOSE

To submit the consulted Staff Rental Housing Opportunity Policy that was consulted at the Local Labour Forum and to request that said policy be approved by Council. .

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

The Staff Rental Housing Allocation Policy was first submitted to the Local Labour Forum on 26 October 2020 and was referred to the Human Resources Development Sub-Committee for consultation. Unfortunately, during 2020 there were no Local Labour Forum Meetings until the end of 2020 due to the COVID-19 pandemic. The Human Resources Development Sub-Committee re-convened between 2021/2022 but other policy matters that took preference above this policy were first dealt with at the Committee.

On 13 February 2023 at the Human Resources Development Sub-Committee the policy was discussed the parties were informed that the user department will rewrite the policy completely and will resubmit the new policy to the Local Labour Forum. This was also decided at the Local Labour Forum meeting of 27 February 2023. Subsequently, and after receipt of the new Staff Rental Housing Opportunity Policy, the Human Resources Development Sub-Committee met on 15 August 2023, 21 August 2023 and 26 August 2023 to discuss the policy and made changes to it. The unions requested to get a final mandate from their members. At the subcommittee meeting on 26 October 2023 the labour unions did not submit the final inputs from their members and requested extension of until the 10th of November 2023. This request was granted on condition that should not inputs be received, the Employer may proceed to submit the policy to MAYCO and Council for approval. The item was supposed to be discussed on 29 January, but the meeting did not conclude due to a dispute with SAMWU regarding the competent person.

IMATU indicated to the employer they have no further inputs and SAMWU as to date have not indicated that they have any further inputs.

The policy is therefore submitted for approval as the consultation is regarded as completed.

EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.3.1**RESOLVED**

that this item be referred back to Administration for further refinement and further information:

A detailed report on the 187 properties, including:

What is the state of each property—flat or house?

Who currently occupies the property?

What category of staff is the person staying in these properties (based on the categories of functional necessity)?

Also, the exact user department must be identified, and the housing department manages the units and allocations.

The exact location of the properties (street name and number).

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.debeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>16 January 2024</i>

7.3.2	UPDATED REPORT ON OUTDOOR DINING AND CONSIDERATION OF GENERAL CONDITIONS FOR OUTDOOR DINING
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

14 February 2024

1. SUBJECT: UPDATED REPORT ON OUTDOOR DINING AND CONSIDERATION OF GENERAL CONDITIONS FOR OUTDOOR DINING

2. PURPOSE

To provide feedback on the Outdoor Dining Applications as well as to submit General Conditions for Outdoor Dining for consideration and approval.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated Authority to consider applications for Lease Agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years.

The approval of lease agreements of three (3) years and less has been delegated to the Municipal Manager. The council approves all policies.

4. EXECUTIVE SUMMARY

During the Council Meeting of June 2022, it was resolved that communication was to be handed to all restaurants and businesses indicating that they need to apply for lease agreements in order to comply with the Outdoor Dining Policy of the municipality.

The department delivered the communication (letters requesting all restaurants that are using council property for outdoor dining to apply for a lease) and the municipality received applications from a number of restaurants and businesses and items have been prepared for consideration by the Mayoral Committee. 40 applications have served before the Mayoral Committee since August 2023 and 35 other establishments have received the communication to apply but have failed to file applications. Attached hereto as **APPENDIX 1** is an update on all establishments who have received formal notifications.

Council further needs to consider the general conditions for Outdoor Dining attached hereto as **APPENDIX 2** for approval. If the conditions are approved Council may withdraw approval for outdoor dining if establishments do not comply within a specific time period of if they do not meet the provisions of their lease agreements.

A further meeting was held with the Hermitage Advisory Committee on Monday 29 January 2024, and they undertook revert back to the department within a week. We have to date not received inputs.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.3.2

- (a) that Council takes note of the report; and
- (b) that the amended General Conditions on Outdoor dining be approved and recommended for approval to council.

FOR FURTHER DETAILS CONTACT:

NAME	Yolande van den Berg
POSITION	Contract Management Property Management department
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088073
E-MAIL ADDRESS	Yolande.vandenBerg@stellenbosch.gov.za
REPORT DATE	2024-02-06

7.3.3	CONSIDERATION OF THE REQUEST FROM THE DEPARTMENT OF WASTE MANAGEMENT TO USE THE BUILDING ON A PORTION OF FARM 1653, LA MOTTE ALSO KNOWN AS LA REFUGE FOR OFFICE SPACE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

14 February 2024

1. SUBJECT: CONSIDERATION OF THE REQUEST FROM THE DEPARTMENT OF WASTE MANAGEMENT TO USE THE BUILDING ON A PORTION OF FARM 1653, LA MOTTE ALSO KNOWN AS LA REFUGE FOR OFFICE SPACE

2. PURPOSE

Is for Council to consider the request from the Department of Waste Management to use the building on a portion of Farm 1653, La Motte for office space given that Council already resolved in February 2023 to sell the property on auction.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The property known as Farm 1653 La Motte was initially sold to the Stellenbosch Municipality by the Cape Winelands Municipality. One of the properties on this farm is a building where an NGO known as La Refuge requested to use the building as a safe house for abused women and children.

On 31 March 2021, after a public participation process was followed, a decision was made by the Mayoral Committee that the property can be leased out for 12 months to the non-profit organisation, subject to certain conditions. The non-profit organisation was unable to implement the centre due to financial issues. The organisation was unable to provide the municipality with any plan or acceptance of the council resolution and for this reason never took possession of the property.

In February 2023 the future use of the property served Council again as an in-committee item where it was decided that the property is no longer needed to provide basic municipal services and that the property should be sold by way of auction.

The department started the process to appoint the auctioneer and prepared the terms of reference for the auction and requested a valuation of the property to be used as the reserve price at the auction. The latter has recently been provided and we were awaiting dates for the auction.

On 23 January 2024 a memorandum was received from Infrastructure Directorate indicating that they have an interest in using the property for the Waste Management Department and Roads and Storm Water Department who are both looking for offices in the area. **(ANNEXURE A)**. Since this property was initially used as offices by the Cape Winelands Municipality no assessment was done by the property maintenance department on what is required to be able to use it as offices. The premises are currently vacant and can be occupied as offices immediately if Council agrees. There is no money on the budget of properties to deal with any renovations in this building nor are their capacity with the project

manager to handle the project. Should the request be approved the Infrastructure department will have to take full responsibility for the renovations, costs and future maintenance.

Should council consider the request favourably the Council resolution of February 23 should be revoked and rescinded.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.3.3

- (a) that the use of the property for Infrastructure Services be approved;
- (b) that the council resolution dated 22.3.23 be reviewed and rescinded, and
- (c) that the use of the rest of the property be investigated and a report brought back to council.

FOR FURTHER DETAILS CONTACT:

NAME	Yolande van den Berg
POSITION	Contract Management Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088073
E-MAIL ADDRESS	Yolande.vandenBerg@ Stellenbosch.gov.za
REPORT DATE	2024 – 02- 06

7.3.4	BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWOP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

14 February 2024

1. SUBJECT: BOTMASKOP ESTATE DEVELOPMENT PROPOSED LAND SWOP: BOTMASKOP ESTATE DEVELOPMENT ERF 3363 AND REMAINDER OF FARM 333, STELLENBOSCH

1. PURPOSE

To consider the request on a possible land swap between the Municipality and Botmaskop Estate Development.

2. DELEGATED AUTHORITY

Council must consider the matter.

3. EXECUTIVE SUMMARY

The Botmaskop Development was approved by the Municipality several years ago. On 16 April 2018 an encroachment agreement was entered into between the municipality and the Reset Properties on the land they are now requesting to swap.

The developers of the Botmaskop Development has now requested that council consider a possible land swap for this encroached area (adjacent to the Botmanskop Estate Development), portions of erf 3363 and Remainder of Farm 333 Stellenbosch for a similar size portion of land higher up against the mountain portion of portion 2 of farm 490 Stellenbosch. Both portions of land are 4.69 hectares.

The matter served before the Mayoral Committee in November 2023 and was referred back to obtain a valuation report on the properties and for further refinement. A valuation report has now been received and is attached to the item as **APPENDIX 3**. It is evident from the valuation report that the properties in question are the same in hectares as well as value.

The Property Management Policy provide that an exchange of Land Agreements may be concluded, subject thereto that reasons for justifying such a step is recorded in writing. Because this will also be seen as an asset transfer the asset transfer regulations will also be applicable to such a transaction including an information statement that will have to be published. This land that is requested for the swap currently forms part of the Botmanskop nature area.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.3.4

- (a) that the land indicated on the proposed land swap be identified as land not needed to provide basic municipal services;
- (b) that the land swap be approved, subject to a public participation process be followed to indicate the intention of council to enter into a possible land swap agreement;

-
- (c) that the matter be brought back to Council after the public participation process;
 - (d) that the applicant, at their cost, register any servitudes required to protect and give access to all existing municipal services on the land;
 - (e) that the applicant will attend to, at their costs, the registration, sub-division, consolidation, and any required land-use applications in the land swop; and
 - (f) that the Directorates provide inputs on the item before the Council meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Yolande van den Berg
POSITION	Contract Management Property and Property Maintenance
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088073
E-MAIL ADDRESS	Yolande.vandenBerg@ Stellenbosch.gov.za
REPORT DATE	2024-01-31

7.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
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NONE

7.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
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NONE

7.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
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7.6.1	STATUS REPORT ON ALTERNATIVE ENERGY PROGRAMMES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Green & Sustainable Valley

14 February 2024

1. SUBJECT: STATUS REPORT ON ALTERNATIVE ENERGY PROGRAMMES

2. PURPOSE

To inform Council about the progress from the Municipality as well as Provincial initiatives regarding the loadshedding mitigation initiatives underway, in order to ultimately reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 Eskom advised the Municipality to prepare an application to serve at their Loadshedding Committee, for the Municipality to be considered as curtailment customer. Upon receipt of the said application, Eskom then rejected the application. The matter has been escalated to Province for intervention with Eskom as well.

4.2 The Municipality has advertised a tender on 03rd February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), which closes on 02nd March 2024.

4.3 The Supervisory Control and Data Acquisition (SCADA) project is continuing with implementation and the fitting of main substations with the additional equipment.

4.4 Municipal Court Building: Contractor is on site busy with the completion of the snag list for the retrofitting of solar installation.

4.5 The Generator tender has been concluded and orders for 5 generators have been placed for critical infrastructure locations and the LaMotte Fire Station with available funding.

4.6 The Department has developed further strategies and estimates have been developed with respect to the upgrades of the existing network which for example R80 million for the substation upgrade and R22 million per megawatt of battery storage, pending positive outcomes from the above items.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH
THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.6.1**

that Council notes the Alternative Energy Generation strategies identified by the AEG Committee and the progress with the Alternative Energy Generation projects initiated.

7.6.2	ELECTRICITY BULK CONTRIBUTION LEVY
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Collaborator No:	762679
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	14 February 2024

1. SUBJECT: ELECTRICITY BULK CONTRIBUTION LEVY**2. PURPOSE**

To inform Council on the progress of the review of the Electricity Bulk Infrastructure Contribution Levy calculation. The basis upon which development charges will be determined i.t.o. electricity will be as per NRS 069: Code of practice for the recovery of capital costs for distribution network assets.

3. DELEGATED AUTHORITY

The Municipality must adjust the unit cost for each municipal infrastructure service on an annual basis during the budget preparation process referred to in Section 21 of the Local Government: Municipal Finance Management Act 56 of 2003, to take account of inflationary impacts and must publish the adjusted unit costs within two months of approving the municipal budget. The Municipality will use the Contract Price Adjustment Factor as prescribed in the SAICE General Conditions of Contract for Construction Works (as amended) to determine the annual effect of inflation.

Where possible, unit costs for each municipal infrastructure service should be recalculated every five years to take into account the current and planned capacity for each municipal infrastructure service at the date of re-calculation, and any other relevant factors.

4. EXECUTIVE SUMMARY

A Development Charge ('DC') also known as Development Contribution Levy is a once-off capital charge to recover the actual cost of external infrastructure required to accommodate the additional impact of a new development on engineering services. A DC calculation is triggered by a land use change/ development application that will, if approved, intensify the municipal infrastructure demand. The threshold is the level up to which a new land use is deemed to have the same infrastructure impact as the existing permissible use and is determined based on a technical assessment.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.6.2

- (a) that the content of this report be noted; and
- (b) that the updated Development Contribution Levy calculation detailed in **ANNEXURE A**, be noted and included in the 2024/2025 Medium Revenue and Expenditure Framework (Budget).

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>Shane Chandaka</i>
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Infrastructure Services</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8215</i>
<i>E-MAIL ADDRESS</i>	shane.chandaka@ Stellenbosch.gov.za
<i>REPORT DATE</i>	<i>2024 – 01 - 24</i>

7.6.3	UPDATE OF THE ELECTRICITY MASTER PLAN REPORT
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Collaborator No:	762680
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	06 February 2024

1. SUBJECT: UPDATE OF THE ELECTRICITY MASTER PLAN REPORT

2. PURPOSE

To submit the updated Electricity Master Plan to Council in line with the Service Delivery Budget Implement Programme Key Performance Indicator (SDBIP KPI). The Electricity Master Plan needs to be reviewed every five years in line with the Municipality's Distribution License conditions.

3. DELEGATED AUTHORITY

In terms of the Electricity Regulation Act, 2000 (Act no 4 of 2000), the National Energy Regulator of South Africa (NERSA) must monitor the supply and demand balance of the electricity systems to achieve an efficient, effective, sustainable and orderly development and operation of the electricity network.

To achieve this objective, National Energy Regulator of South Africa (NERSA) through its licensing conditions require municipalities to perform master planning which is valid for and reviewed every five years.

4. EXECUTIVE SUMMARY

The Electricity Masterplan is the strategic planning document that informs the Electrical Services Department in terms of planning, management, and budgeting processes for current and future Electrical Services projects. The Electricity Masterplan also informs the operations and maintenance of the electricity network infrastructure to address the increase in electricity demand and supply in the WC024.

The current Electricity masterplan was updated in September 2015 and was valid for five years therefore the current Masterplan was due for review by September 2020.

However due to the changes in the electricity industry (load shedding, Alternative Energy Generation (AEG) initiatives) the municipality delayed the reviewing of the Electricity Master Plan in order to finalise the Energy Master Plan first. This was done in order for the outputs of the Energy Master Plan to be used as inputs for the Electricity Master Plan study. The finalisation and approval of the Spatial Development Framework (SDF) further played a vital role in the updating of the Electricity Master Plan.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.6.3

- (a) that the content of this report be noted; and
- (b) that the Updated Electricity Masterplan dated November 2023, detailed in **ANNEXURE A**, be noted and approved as stipulated by National Energy Regulator of South Africa (NERSA) through its licensing conditions requirements.

FOR FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	Director
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	shane.chandaka@ Stellenbosch.gov.za
REPORT DATE	2024 – 01 - 25

7.6.4	THE INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 762681
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 06 February 2024

1. SUBJECT: THE INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval to circulate the draft Integrated Waste Management plan (IWMP) for public comment (**APPENDIX 1**).

3. DELEGATED AUTHORITY

Municipal Council, however, the 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

In terms of Section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) each council must, within a prescribed period after the start of its elected term, adopt a single, inclusive, and strategic plan (IDP) for the development of the municipality. In relation to waste management, the IDP is required to include sectoral environmental plans which would be an IWMP for waste management.

Stellenbosch Municipality has appointed JG Afrika (Pty) Ltd to draft a fourth generation IWMP. This IWMP has been internally reviewed and requires public comment to be finalised.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.6.4

- (a) that Council accept the draft Integrated Waste Management Plan and approve that the draft IWMP be circulated for public comment;
- (b) that the draft Integrated Waste Management Plan be submitted to Department of Environmental Affairs & Development Planning for comment. In this process internal stakeholders will also be given an opportunity to comment; and
- (c) that relevant comments be incorporated for final approval and adoption by Council.

FOR FURTHER DETAILS CONTACT:

NAME	Clayton Hendricks
POSITION	<i>Senior Manager: Waste Management</i>
DIRECTORATE	INFRASTRUCTURE SERVICES
CONTACT NUMBERS	021 -808 8228
E-MAIL ADDRESS	Clayton.hendricks@ Stellenbosch.gov.za
REPORT DATE	22 January 2024

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
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NONE

7.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: CLLR C VAN WYK)
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NONE

7.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)
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7.9.1	GRANT IN AID POLICY REVIEW
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 February 2024

1. SUBJECT: GRANT IN AID POLICY REVIEW

2. PURPOSE

To obtain council approval for the reviewed Grant in Aid Policy.

3. DELEGATED AUTHORITY

For approval by Council.

4. EXECUTIVE SUMMARY

Feedback reports and comments received during the April 2023 period for comments on the draft budget raised concern and led the department to reconsider the Grant in Aid policy with specific reference to:

- a. Consequences relating to misappropriation of funds and
- b. The misuse of the comment/appeal period after the closing date for applications.

The recommended changes in the attached GiA Policy (**ANNEXURE A**) aims to address the above concerns.

After in-principle approval of the reviewed Grant in Aid Policy was obtained at the Special Council Meeting on 27-09-2023 (**ANNEXURE B**), same was advertised for public comment in the Eikestad News of 26 October 2023 as Notice 138/23 (**ANNEXURE C**) with a closing date of 24 November 2023. By the closing date, no comments were received.

EXECUTIVE MAYORAL COMMITTEE: 2024-02-14: ITEM 7.9.1

RESOLVED

After discussions the Mayoral Committee resolved that paragraph 8.5 on page 12 of the Grants in Aid Policy be amended to read "a period of up to 5 (five) years.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2024-02-14: ITEM 7.9.1

that the revised Grant in Aid Policy be adopted and recommended for approval by Council with the amendment of paragraph 8.5 on page 12 of the Grants in Aid Policy to read "a period of up to 5 (five) years.

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	29-11-2023

7.10	RURAL MANAGEMENT: (PC: CLLR J JOON)
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NONE

7.11	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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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

The meeting adjourned at 11:37

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2024
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 March 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 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 (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during February 2024

5. RECOMMENDATION

that Council notes there were no deviations approved for the month of February 2024.

6. DISCUSSION / CONTENTS

6.1. Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;

(iv) acquisition of animals for zoos; or
(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity and include as a note to the annual financial statements.

6.2. Discussion

Reporting the deviations as approved by the Accounting Officer for February 2024:

No deviations were approved as indicated below:

None

6.3 Legal Implications

The regulation applicable is:

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

6.4 Staff Implications:

No additional staff implications

6.5 Previous / Relevant Council Resolutions:

None.

6.6 Risk Implications

The Supply Chain regulations makes provision that deviations even provide a list of which deviations may be allowed and under what circumstances. The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit.

6.6 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.7.1 Municipal Manager

Supports.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	<i>Senior Manager Supply Chain Management</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8588</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@ Stellenbosch.gov.za</i>
REPORT DATE	14 March 2024

6.2	DRAFT 2nd REVIEW OF THE 5th GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027 AND THE IDP AND BUDGET OPEN DAYS SCHEDULE FOR APRIL 2024
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 March 2024

1. SUBJECT: DRAFT 2nd REVIEW OF THE 5th GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027 AND THE IDP AND BUDGET OPEN DAYS SCHEDULE FOR APRIL 2024

2. PURPOSE

To table to the Council for consideration:

- (a) the draft 2nd review of the 5th Generation IDP 2022–2027, attached as **ANNEXURE A**, to be released for public comment; and
- (b) the IDP and Budget Open Days Schedule, April 2024, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 34(a)(i)(ii) of the Local Government: Municipal Systems Act, 2000 (Act. No. 32 of 2000) (MSA), each municipal council must review its Integrated Development Plan annually in accordance with an assessment of its performance measurements in terms of Section 41 of MSA and to the extent the changing circumstances so demand. Therefore, considering the changing circumstances in the municipal environment, including the community's needs and priorities.

The draft 2nd Review of the 5th Generation IDP 2022 – 2027 informs the budget of the municipality and details the municipality's actions to address the vision, mission, strategic objectives, and needs of the community.

The municipal IDP must be reviewed annually to ensure that:

- municipalities and communities monitor the progress in the implementation of development projects and the spending of the municipal budget; and
- communities are provided with an opportunity to review their community needs and to recommend changes to the ward priorities outlined in the municipality's IDP.

The Council should take note that the Disaster Management and Safety and Security Plan information will be updated in the final IDP document, which will be presented to the Council in May 2024.

At an all-ward councillor meeting on Friday, 23 February 2024 it was resolved that the Stellenbosch Municipality will conduct public participation open days in April 2024. Therefore, area-based open days will be held in the respective areas of the

Stellenbosch municipal area, see attached **ANNEXURE B** for the IDP and Budget open days schedule.

The public participation period will comprise the period 02 – 23 April 2024, to allow members of the community and stakeholders ample time to provide written inputs and or comments on the draft 2nd Review of the 5th Generation IDP 2022 – 2027. The area-based public participation open days will be held from 09 – 15 April 2024, in the respective areas. The open-day schedule includes a detailed transport plan.

The listed public participation platforms below will be made available for the community and stakeholders to provide input and comments on the draft 2nd Review of the 5th Generation IDP 2022 – 2027:

- A link to an electronic submission form will be active from 02 – 23 April 2024 on the municipal website: www.stellenbosch.gov.za;
- The link to the electronic form will be broadcast via WhatsApp and published on Facebook, X and the Stellenbosch Citizen App;
- ‘Have your Say’ boxes will be placed at ward offices and libraries; and
- Written submissions may also be made via:
 - Email: idp@stellenbosch.gov.za;
 - WhatsApp: 067 427 1556;
 - Stellenbosch Citizen App: Download from Google Play Store, iStore, Windows Store and Java.

5. RECOMMENDATIONS

- (a) that the draft 2nd review of the 5th Generation IDP 2022 – 2027 of Stellenbosch Municipality be approved in terms of Section 34 (a)(i)(ii) of the MSA for the purpose of obtaining public input and comments, attached as **ANNEXURE A**;
- (b) that an advertisement be placed on the official website of the municipality and the local newspaper notifying the public that the draft 2nd review of the 5th Generation IDP 2022 – 2027 is open for public input and comments for a period of 21 days;
- (c) that the draft 2nd review of the 5th Generation IDP 2022 – 2027 be submitted to the MEC for Local Government, Environmental Affairs and Development Planning, Western Cape: Department of Local Government, Western Cape: Provincial Treasury, the Cape Winelands District Municipality, and the Office of the Provincial Speaker; and
- (d) that the IDP and Budget open days schedule for April 2024 be approved, attached as **ANNEXURE B**.

6. DISCUSSION

6.1 Background

In terms of the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each council must review its Integrated Development Plan in accordance with an assessment of its performance measurements in terms of Section 41 of MSA and to the extent the changing circumstances so demand.

The key dates and activities for the IDP review process form part of the integrated SDF / IDP / Budget Time Schedule adopted by the Council in August 2023 to guide the planning, drafting and review of the 2nd Review of the 5th Generation IDP 2017 – 2022.

The key activities stipulated in the table below were followed in accordance with the adopted SDF / IDP / Budget Time Schedule:

Date	Action(s)
July / August 2023	<ul style="list-style-type: none"> Approval of the Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2024/25
September 2023 – November 2023	<ul style="list-style-type: none"> The IDP public participation period was open from 04 September to 04 October 2023. The area-based IDP public participation open days were held from 12 September – 02 October 2023. The IDP stakeholder engagement was held on 04 October 2023. An electronic submission form was activated on the municipal website for the community and stakeholders to provide their community needs and inputs. This website link (URL) was shared via Facebook, Twitter, WhatsApp, and the Stellenbosch Citizen App. Hard copies of the 'Have Your Say' submission forms were also made available at all libraries and ward offices. All-ward councillor sessions were facilitated from 14 to 16 November 2023, for the reprioritisation of the 2022 – 2027 ward priorities considering community inputs as baseline information for the reprioritisation of ward priorities.
December 2023 – February 2024	<ul style="list-style-type: none"> Departmental sessions were held to review the IDP deliverables and targets for the draft 2nd Review of the 5th Generation IDP 2022 – 2027. MayCo and Management had a strategic session on 12 January 2024 to consider the external and internal analysis and strategies around the 5-year development priorities and operational strategies (programmes / projects / activities and actions).
March-May 2024	<ul style="list-style-type: none"> The MayCo and the Council to consider the draft 2nd review of the 5th Generation IDP 2022 – 2027 to obtain public input and comments. The IDP and Budget public participation period is scheduled to commence on Tuesday, 02 – 23 April 2024. A Stakeholder Engagement will be held on Tuesday, 16 April 2024. Consultation and refinement of the IDP and Budget documents. Adoption of final IDP, Budget, Tariffs, and budget-related policies in May 2024. Submission of the adopted IDP to the Provincial Government and other role-players.

6.1 Financial Implications

There are no financial implications beyond that which was approved in the 2023/24 MTREF Budget.

6.2 Legal Implications

The recommendations in this report comply with all applicable legislation.

Section 25(1):

The municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive, and strategic plan for the development of the municipality which—

- (a) links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
- (b) aligns the resources and capacity of the municipality with the implementation of the plan;

- (c) forms the policy framework and general basis on which annual budgets must be based;
- (d) complies with the provisions of this Chapter; and
- (e) is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

Section 26:

An integrated development plan must reflect—

- (a) the municipal council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;
- (b) an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
- (c) the council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;
- (d) the council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- (e) a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
- (f) the council's operational strategies;
- (g) applicable disaster management plans;
- (h) a financial plan, which must include a budget projection for at least the next three years; and
- (i) the key performance indicators and performance targets determined in terms of section 41.

Section 34:

“Annual review and amendment of the integrated development plan

A municipal council-

- (a) must review its integrated development plan-
 - (i) annually in accordance with an assessment of its performance measurements in terms of Section 41; and
 - (ii) to the extent that changing circumstances so demand; and
- (a) may amend its integrated development plan in accordance with a prescribed process.”

Section 35(1):

An integrated development plan adopted by the council of a municipality—

- (a) is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development, in the municipality;

- (b) binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and
- (c) binds all other persons to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

Section 36:

A municipality must give effect to its integrated development plan and conduct its affairs in a manner that is consistent with its integrated development plan.

The 3rd Review of the 5th Generation IDP 2022 – 2027 will be consulted and drafted during the 2024/25 financial year.

6.3 Staff Implications

This report has no additional staff implications for the municipality.

6.4 Risk Implication

This report has no direct risk implications for the municipality.

6.5 Previous / Relevant Council Resolutions

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: The draft 2nd review of the 5th Generation IDP 2022 – 2027.

Annexure B: IDP and Budget Open Days Schedule, April 2024.

(APPENDICES WILL BE DISTRIBUTED UNDER SEPARATE COVER)

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	geraldine.mettler@ Stellenbosch.gov.za
REPORT DATE	20 March 2024

6.3	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2024/2025-2026/2027
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ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
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7.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)
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NONE

7.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]
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NONE

7.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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7.3.1	REQUEST TO ENTER INTO A LEASE AGREEMENT FOR LONGER PERIOD: FRANSCHHOEK METHODIST CHURCH: PORTION OF ERF 23 FRANSCHHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2024

1. SUBJECT: RETURN ITEM: REQUEST TO ENTER INTO A LEASE AGREEMENT FOR LONGER PERIOD: FRANSCHHOEK METHODIST CHURCH: PORTION OF ERF 23 FRANSCHHOEK

2. PURPOSE

To request Council to consider the request for the approval of a longer lease period than month to month currently in place for the portion of erf 23 Franschhoek.

3. DELEGATED AUTHORITY

The Executive Mayor in consultation with the Executive Mayoral Committee may approve lease agreements with a value of less than R5 million and for less than 10 years. Lease agreements in excess of that Council must make the decision.

4. EXECUTIVE SUMMARY

The Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. They requested to buy the property and Council resolved in February 2020 not to sell the land to them. They have built a church and cheche on the property and are also using an area for parking for the church.

The lease expired on 31 August 2020. In terms of the lease agreement, they had an option to request a renewal for a further period of 10 years on terms and conditions to be mutually agreed upon between the parties, no later than 6 months before the expiry of the lease. The church did indicate that they would like to renew the agreement. They further requested that the contract be renewed on the same terms and conditions. A copy of their letter is attached as **APPENDIX 1**. The item served before Mayco (under delegated authority) on 17 February 2021, and it was resolved to provide them with a month-to-month agreement at that stage.

We brought the matter back to Council as the conditions of 17 February 21 which inter alia required that the property framework be drawn up, was completed by the administration.

The matter served before the Mayoral Committee in October 2023 and was referred back to appoint a valuator and for refinement. A valuation report has now been received and is attached to the item as **APPENDIX 2**. It must be noted that erf 23 comprises of a lot more than the portion used by the Methodist Church. The portion the church is leasing is the area where the church, creche and parking is used for.

5. RECOMMENDATION FOR CONSIDERATION:

- (a) that the portion of erf 23 Franschhoek on which the church is erected as well as the creche and parking be identified as land not required to deliver basic municipal services;
- (b) that should Council in principle approve the request to renew the lease for a period of 9 years and 11 months the intention be advertised for public comment/input/other proposals;
- (c) that the rental be determined; and
- (d) that the item be returned to council after the public participation process for a final decision.

6. DISCUSSION/CONTENT**6.1 Background****6.1.1 Lease Agreement**

On 29 November 1995 Franschhoek Municipality and the Methodist Church of Franschhoek concluded a 25-year lease agreement with effect from 1 September 1995, in relation to a portion of erf 23, Franschhoek.

In terms of clause 25 of the agreement *“The Lessor agrees that the Lessee shall have the option to renew this lease for a further period of up to ten years **on terms and conditions to be mutually agreed between the parties**, no later than six months before the expiring of the lease”*.

6.1.2 Notice of option to renew

The Methodist Church of Franschhoek has given notice of their option to renew the lease. They further requested that the contract be renewed on the same terms and conditions. In terms of clause 25 the parties must, by mutual agreement, agree on the terms and conditions.

A new, monthly rental must be determined, based on an independent valuation being obtained, as provided for in par. 22.1 of the Property Management Policy, which reads as follows: *“In respect of certain categories of immovable properties the Municipality shall be entitled to adopt below market-related tariffs, such as properties lease to non-profit organisations, NGO's bone fide small farmers etc. “*

6.2. DISCUSSION**6.2.1 Location and context**

The facility is situated on a portion of erf 23, Franschhoek, as indicated on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Extent of property

6.2.2 Ownership

Ownership of erf 23, Franschhoek, vests with Stellenbosch Municipality by virtue of Title Deed PLF4-7/1927.

6.2.3 Improvements

The property has been developed by the church at their cost: The improvements consists of the following buildings:

- Church building: $\pm 175\text{m}^2$
- Crèche/ECD centre: $\pm 260\text{m}^2$

6.3 Financial Implications

The Valuation report indicates that the market related monthly rental payable for the land is R15 625.00. The valuation report is attached hereto as **APPENDIX 2**. Council may in terms of the policy provide a reduced rental for organisations like the church up to 20%.

6.4 Legal Implications

The intention to enter into a longer term lease agreement must be advertised for inputs/comments/objections before a final decision can be made in terms of the asset transfer regulations, should council in principle agree to lease the property on a longer term. The recommendations contained in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

During 2019 the church applied to acquire the land from the Municipality. Having considered the matter on 2020-02-26, Council resolved as follows:

RESOLVED (majority vote)

- (a) *that Council takes note of the fact that no public inputs/objections/alternative proposals were received; and*
- (b) *that Council does not to dispose of the land indicated in Fig 3 to the Franschhoek Methodist Church at this stage.*

EXECUTIVE MAYORAL COMMITTEE: 2021-02-17: ITEM 7.2.5

RESOLVED

- (a) that a portion of Erf 23, 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 a month-to-month lease agreement be approved until a property register has been compiled and considered by Council to determine the future of Council properties per category;
- (c) that the terms and conditions of the lease agreement be based on the lease agreement dated November 1995;

- (d) that the Methodist Church pay their municipal account and that the Municipal Manager be mandated to determine the lease amount;
- (e) that the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and to submit it to Council by not later than December 2021; and
- (f) that the item be brought back to Council as soon as the property register has been adopted by Council

EXECUTIVE MAYORAL COMMITTEE: 2023-10-11: ITEM 7.3.7**RESOLVED**

That this item be referred back to get a valuation of the land and refinement.

6.7 Risk Implications

The risk implications are addressed in the item.

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

Supports the recommendations.

6.8.2 Director Infrastructure Services

Infrastructure Services has perused the Item and does not have an objection to the proposed recommendations to Council.

6.8.3 CFO

No comments received.

6.8.4 Director Community and Protection Services

No comments received.

6.8.5 Director Planning and Economic Development

No objection nor any further comment

ANNEXURES:

- 1: Letter from Methodist Church
2. Valuation Report

FOR FURTHER DETAILS CONTACT:

NAME	Yolande van den Berg
POSITION	<i>Contract Management: Property Management</i>
DIRECTORATE	<i>Corporate services</i>
CONTACT NUMBERS	<i>021-8088073</i>
E-MAIL ADDRESS	<i>Yolande.vandenBerg@ Stellenbosch.gov.za</i>
REPORT DATE	<i>30/01/2024</i>

APPENDIX 1



FRANSCHHOEK METHODIST CHURCH

Together a Transforming Discipleship Movement Shaped for Mission

1 Bagatelle Street Franschhoek 7690

27 February 2020

Mr. Piet Smit
Manager- Property Management
Stellenbosch Municipality
Stellenbosch
7600

Dear Mr. Smit

- 1. APPLICATION TO PURCHASE LEASED PROPERTY:
PORTION OF ERF 23 FRANSCHHOEK**
 - 2. EXERCISE OF OPTION TO RENEW LEASE**
-

I refer to our meeting in Franschhoek today wherein you informed us that Council had decided not to proceed with the sale of the property, which is being used as the Franschhoek Methodist Church, despite having previously decided in principal to sell the property to the Church.

We have not been provided with any reasons for the decision not to proceed with the sale and would be grateful if you could request Council to provide us with such reasons.

In the circumstances we wish to exercise our option in terms of Clause 24 of the Memorandum of Lease Agreement between the Municipality for the Area of Franschhoek as lessor and the Methodist Church of Southern Africa, Franschhoek, as lessee, dated 29th November 1995.

The option that is being exercised is for renewing the lease for a further period of 10 (ten) years from 1st September 2020 and we wish to request that the renewal be upon the same terms as contained in the existing lease.

We wish to further request that an option be included in the new lease agreement for the Church to purchase the property upon such terms as may be agreed between the parties at the time of exercise of the option, provided that the option price shall be the sum of R315,000 (Three Hundred and Fifteen Thousand Rand) which shall be adjusted annually on

27 February 2020

Mr. Piet Smit
Stellenbosch Municipality

the anniversary of the lease at a rate equivalent to the increase or decrease in the Consumer Price Index.

Yours sincerely

Nick Norman

NICK NORMAN
FRANSCHHOEK METHODIST CHURCH

APPENDIX 2

RENTAL VALUATION REPORT

MARKET RELATED RENTAL
VALUE OF A PORTION OF ERF 23
FRANSCHHOEK
CHURCH AND CRESCHE



HCB Property Valuations

38 Long Street
Moorreesburg
7310

Tel: 022 433 2035

Email: admin@hcb.co.za

VALUATION REPORT – RENTAL VALUATION PORTION OF ERF 23 FRANSCHHOEK**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined, and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



Signature

VALUATION REPORT – RENTAL VALUATION PORTION OF ERF 23 FRANSCHHOEK**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



Signature

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1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have identified and inspected the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

➤ *See Annexure 1 for Valuer Certificates*

1.1 Instruction

An instruction was received from Yolande van den Berg of Stellenbosch Municipality to attend to the valuation of the property being more commonly known as a Portion of Erf 23, Franschhoek. This property is used in Franschhoek church and a cresse and the valuation is to determine the open market rental value of the property, as on 1 November 2023.

➤ *See Annexure 2 for Instruction*

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 November 2023.

1.3 Date of Inspection

The Subject Portion was inspected on 22 January 2024.

2. TITLE DEED DESCRIPTION**2.1 Title Deed**

The property report indicates title deed number as PLF4-7/1927.

2.2 Description

The property can be described as “Portion of Erf 23, Franschhoek, Western Cape”. Hereafter in the report we will refer to this erf as the “subject property”.

2.3 Owner

The property is registered in the name of Mun Stellenbosch.

2.4 Extent

The full erf extent of the subject property is 1628,4629ha.

2.5 Purchase Price

Not relevant to this report, because it will not have an impact on Market Value.

2.6 Surveyor General Information

HCB could not find any discrepancies regarding the ground layout with the Surveyor General Information.

2.7 Title Deed Conditions

HCB did not have sight of the Title Deed; thus, we cannot comment on any restrictive conditions it may hold.

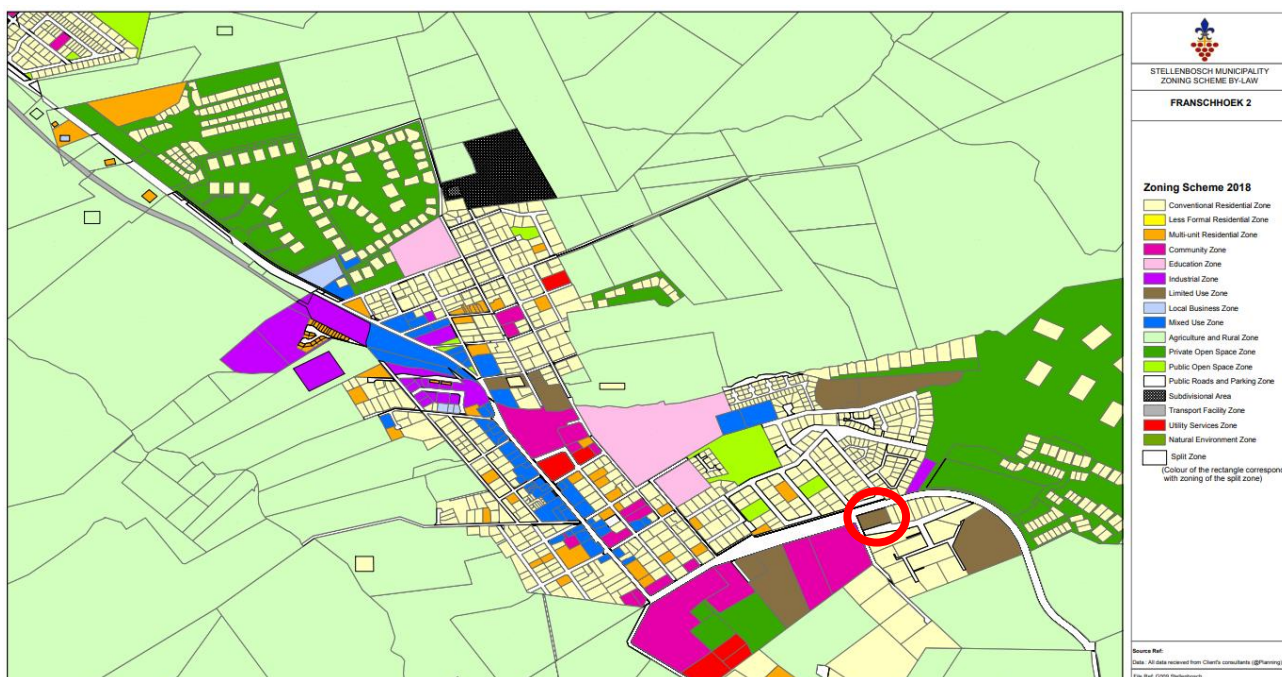
3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION

3.1 Local Authority

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

3.2 Zoning

The following Zoning was found on the Stellenbosch Municipal Website (January 2024).
Erf 1693 Franschhoek – Zoned: **LIMITED USE ZONE**



231. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses	Consent Uses
<ul style="list-style-type: none"> Dwelling house and/or Limited to existing lawful uses at commencement date 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None

Please note this zoning was not confirmed by Stellenbosch Municipality, and should this be incorrect, HCB reserves the right to amend this report.

4. PHYSICAL DESCRIPTION**4.1 Land**

The Subject Property is situated on the corner of Bagatelle and Lambrechts road, easily accessible and the ground is in good conditions. Subject property is improved. The portion of Erf 23 being valued for rental purposes is 2086m².

➤ See Annexure 3 for Locality Map / Aerial Photo

4.2 Improvements

The Subject Portion is improved with various buildings, although the portion of erf 23 situated on the corner of Lambrechts and Bagatelle Street contains the following:

Room Housing Pumping	9m ²
Church	134m ²
2x Halls	180m ²
Toilets	46m ²
Store/Workshop	174m ²
Office	25m ²
Covered Area	42m ²

5. MARKET ANALYSIS

Rent is a system of payment for the temporary use of something owned by someone else; the payments for such use are typically referred to as “rent”. In the open market, rent is a product; it does not occur naturally, as in, ‘this is the rent for the premises. To value rent, all the terms and conditions of the tenancy must be known, stated in advance, or defined. However, because the rent at a new letting is often agreed before the lease is drafted and/or approved; it is possible for a completed lease to contain terms and conditions that could produce a different rent to what was agreed.

6. METHOD OF VALUATION

The Comparable Rental Method of valuation is the most suitable method to apply to establish the market rental of the subject property. In applying the Comparable Rental Method, it is necessary to investigate the sales of similar type properties that have been rented as well as returns required by the holders of such land.

The above information is compared to the subject property, which involves judgments as to the degree of similarity regarding value factors such as location, shape of erf and use to which the subject property can be put.

7. ESTABLISHMENT OF COMPARABLE RENTALS**7.1 Highest and Best use**

Definition: *“The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued”.*

Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financially feasible and which result in the best value of the property to be valued.

Due to the zoning, I believe highest and best use is a church and cresche as currently used.

7.2 Valuation Method

The market was surveyed for current leases, rates of return and leasing practices. Information was sourced from local estate agents, local property professionals, as well as our property info database. The information that was obtained was verified and adjustments were made for time, use, layout, and location.

There is a lack in comparable property sales for this specific use. Sales were investigated and proposed rental was calculated from this.

Property Sales:

Erf	Area	Sale Price	Date	Extent
3731	Franschhoek	R1 800 000-00	2021/11/30	671m ²
3730	Franschhoek	R2 530 000-00	2023/02/15	651m ²
3729	Franschhoek	R2 465 000-00	2023/06/05	600m ²



Comparable Sales – Yellow

Subject Property - Red

The above sales range between R3 500-00/m² and R4 100-00/m². After adjustments for time, zoning, use, shape, layout, and location was done it is my opinion that a per square metre tariff of R3 000-00/m² is applicable and market related for subject property.

- Though the subject portion is improved, these improvements were made by the Methodist Church, thus the ownership of the buildings vest in the name of the Church.*

Therefor this lease valuation is only applicable to the land of the Portion of Erf 23 referred to in this report.

It is therefore my opinion that the market value of the subject portion is R6 258 000-00.

To determine a rental, the market was surveyed to establish an acceptable market rate of return. Market indicated that return varies between 3%-7%. It is my opinion that the applicable rate of return should be 3% and the rental therefore calculated at R15 645-00/monthly.

It is my opinion that the Open Market Rental Value of the subject property on 1 November 2023 is R15 645-00 per month, taking into consideration sales and after adjusting for time, location, zoning, and usage.

8 CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the monthly rental of the subject portion of 1 November 2023 to be R15 625-00 (Fifteen Thousand Six Hundred and Twenty-Five Rand Per Month)



Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

27 January 2024
Date of Signature

9 **CAVEATS**

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation unless such full disclosure has been made.

9.1 Valuation Standard

This valuation has been prepared in accordance with the guidelines of the South African Institute of Valuers for valuation reports.

9.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

9.3 Confidentiality

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

9.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

10 ANNEXURES**10.1****Annexure 1 – Valuer Certificate**

SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
PROFESSION**

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Valuer

In terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020

DATE OF ISSUE: 13 February 2020

PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024



JF Cloete
President

REGISTRATION No: 5601



MC Seela
Registrar

10.2 Annexure 2 – Instructions

Dear Helen,

Please see attached request for quotation for a portion of Erf 23 Franschhoek.

Please further see attached an item indicating where the property is situated as Erf 23 is a large property.

I trust you find this to be in order and look forward to hearing from you.



Kind regards,

Yolande van den Berg

Head: Contract Management

Corporate Services

T: +27 21 808 8073| Fax 021-886 7319

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



From: Yolande van den Berg

Sent: Thursday, November 30, 2023 12:31 PM

To: Helen Louwrens <helen@hcbval.co.za>

Subject: ACCEPTANCE OF QUOTATIONS

Dear Helen,

I hereby confirm that we accept the following quotations:

- 266 – Erf 9190 Technopark
- 267 – Erf 23 Franschhoek
- 268 – Erf 2885 Franschhoek
- 269 – Erf 1693 Franschhoek

I trust you find this to be in order and look forward to receiving your valuation reports.



Kind regards,

Yolande van den Berg

Head: Contract Management

Corporate Services

T: +27 21 808 8073| Fax 021-886 7319

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



VALUATION REPORT – RENTAL VALUATION PORTION OF ERF 23 FRANSCHHOEK



HCB

Valuations and Services (Pty) Ltd
HEAD OFFICE

38 Long Street, Moorreesburg, 7310

 T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za

HCB would like to assist with your valuation request.
 Kindly complete below to the best of your ability in order for us to provide you with a quotation and subsequent valuation report.

Erf/Farm Number:	Portion of Erf 23
Town/Region:	Franschhoek
Owner:	Stellenbosch Municipality
Zoning and Usage:	Church and Creche
Date of Valuation:	15/11/2023
Reason for valuation:	To determine market value and market Related Rental
Any other information you feel is pertinent to the valuation:	
Expected Delivery Date:	As soon as possible.

Should you have any questions or concerns contact:

Helen: 081 4733 707 / helen@hcbval.co.za

Coenraad: 083 663 2140 / coenraad@hcb.co.za

10.3 Annexure 3 – Locality Map / Aerial Photo



VALUATION REPORT – RENTAL VALUATION PORTION OF ERF 23 FRANSCHHOEK

10.4 Annexure 4 – Property report



Hcb Valuations - Moorreesburg
Helen Louwrens

E-mail: helenlouwrens@gmail.com
Cell: 081 473 3707

Tel: 022 433 2035



Tel: 022 433 2035
Email: admin@hcb.co.za
PO Box 247, Moorreesburg, 7319



PROPERTY INFORMATION			
Erf	23	GPS	19.129541°E 33.911752°S
Township	FRANSCHHOEK	Extent	16 284 629 m²
Address		Cadastral extent	4 567 m²
Suburb	FRANSCHHOEK RURAL	Usage	
Municipality	STELLENBOSCH	Type	
Province	WESTERN CAPE	Zoning	
		Zoning Desc	

MUNICIPAL VALUATION	
Total Value	-
Valuation Year	-

SALE INFORMATION			
Note: The Sale Price is inclusive of 3 properties on this Title Deed			
Owner	MUN STELLENBOSCH	Title Deed	PLF4-7/1927
Sale Price	-	Bond Holder	-
Sale Date	-	Bond Amount	-
Registered	1927/11/17	Sale Type	-

ACCOMMODATION					
Condition	-	Age	-	Building Extent	-
Bed Rooms	-	Reception Rooms	-	Alarm	-
Bath Rooms	-	En Suite	-	Pool	-
Study	-	Domestic Accom.	-	Garden	-
Garages	-	P Bays/C Ports	-	Borehole	-
Special Features					
				Perim Security	-
				Tennis Court	-
				Sprinkler System	-
				Outside Accom.	-

[illegible]

10.6 Annexure 6 – Photos of Subject Portion



VALUATION REPORT – RENTAL VALUATION PORTION OF ERF 23 FRANSCHHOEK







10.7 Annexure 7 – Rental Valuation Certificate**HCB****Valuations and Services (Pty) Ltd****HEAD OFFICE**

38 Long Street, Moorreesburg, 7310

T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za***Valuation Certificate***

Client: Stellenbosch Municipality
Erf Number: Portion of 23
Title Deed Number: PLF4-7/1927
Area/Town: Franschhoek
Owner: Mun Stellenbosch
Date of Valuation: 1 November 2023
Reference Number: FH/CC/23
Rental Valuation Amount: R15 625-00/Month (Land Lease Only)
Zoning: Limited Use Zone

Comments:

This Valuation Certificate must be read in conjunction with the attached Valuation Report.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

7.3.2	PROPOSED EMPLOYMENT EQUITY PLAN 01 OCTOBER 2023 – 30 SEPTEMBER 2028 FOR APPROVAL
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2024

1. SUBJECT: PROPOSED EMPLOYMENT EQUITY PLAN 01 OCTOBER 2023 – 30 SEPTEMBER 2028 FOR APPROVAL

2. PURPOSE

To approve the appended Employment Equity Plan 01 October 2023 – 30 September 2028 as consulted by the Employment Equity Committee of Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Employment Equity plan submitted was on 13 October 2023 to the Employment Equity Committee for consultation. The municipality should have a 5-year plan in place to measure the targets and achievements against which is reported annually to the Department of Labour. The purpose of the plan is to set out targets based on the Western Cape Economic Active Population, and it addresses barriers that may exist in policies and practices. The plan was workshopped by the Employment Equity Committee and revised based on inputs that was received from the Committee. The committee exists of employees that represent the different groups as per the Employment Equity Act and Regulations and Senior Management. The revised plan is attached as **APPENDIX 1**. The plan is reviewed on an annual basis to ensure that the information is updated.

5. RECOMMENDED

- (a) that Council notes that the plan was workshopped by the Employment Equity Committee and revised as per the inputs received; and
- (b) that the Employment Equity Plan 1 October 2023 – 28 February 2028 be approved by Council.

6. Background and Discussion

6.1 Background

The Municipality had an Employment Equity Plan that reached it's 5 years end life in 2018. The organogram was amended in 2017 and was populated with implementation on 1 July 2018. With the knowledge of the Department of Labour Human Resources started working on a new plan after the final placements were completed in 2019. Whilst compiling a new plan the targets used for appointments were amended to reflect the new organogram numbers and the annual reports to the Department of Labour was based on the appointment figures and funded posts on the organogram of 2917.

6.2 Discussions:

The Employment Equity Committee was established through election processes and had its first meeting on 13 October 2013 after Council approved the Employment Equity Policy on 23 November 2022. The Committee has representatives of all the groups as per the Employment Equity Regulations published in terms of the Employment Equity Act as amended. The Municipality uses the Western Cape Economic Active Population as per Stats SA – 2022 Government Gazette. The plan was submitted to the Employment Equity Committee, workshopped and amended through discussions and inputs received in the committee.

It is now submitted for approval for the period 1 October 2023 – 28 February 2028.

6.3 Financial implications

As per the approved budget.

6.4 Legal implications

The recommendations comply with the legislation.

6.5 Staff Implications

The staff are represented by elected representatives from the different groups as per the Employment Equity Policy. The targets per band are used at every recruitment and selection process and reported on annually to the Department of Labour.

6.6 Risks

The employer face non-compliance findings should we fail to adhere the applicable legislation. Addressed in the content of the item, plan and policy.

6.7 Previous Council Resolutions**9TH COUNCIL MEETING: 2022-11-23: ITEM 11.3.1**

RESOLVED (majority vote with 2 abstentions)

that Council approves the draft Employment Equity Policy for implementation.

6.8 Comments for Senior Management

The draft plan served before the Directors meeting and all Directors are represented on the Employment Equity Committee where the consultations took place.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.debeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>23 February 2024</i>

APPENDIX 1



<p>PLEASE READ THIS FIRST</p> <p style="text-align: center;">↓</p>	<p>DEPARTMENT OF LABOUR</p>
<p>PURPOSE OF THIS FORM</p> <p>Section 20 requires designated employers to prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in the employer's workforce. An Employment Equity Plan must state-</p> <p>(a) The objectives to be achieved for each year of the plan</p> <p>(b) The affirmative action measures to be implemented as required by section 15(2);</p> <p>(c) Where under representation of people form designated groups has been identified by the analysis, the numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational level in the workforce, the timetable within which this is to be achieved, and the strategies intended to achieve those goals;</p> <p>(d) The timetable for each year of the plan for the achievement of goals and objectives other than numerical goals;</p> <p>(e) The duration of the plan, this may not be shorter than one year or longer than five years;</p> <p>(f) The procedures that will be used to monitor and evaluate the implementation of the plan and whether reasonable progress is being made towards implementing employment equity;</p> <p>(g) The internal procedures to resolve any dispute about the interpretation or implementation of the plan;</p> <p>(h) The persons in the workforce, including senior managers, responsible for monitoring and implementing the plan; and</p> <p>(i) Any other prescribed matter.</p>	<p style="text-align: center;">EMPLOYMENT EQUITY PLAN OF STELLENBOSCH MUNICIPALITY</p> <p style="text-align: center;">01 October 2023 – 30 September 2028</p> <p>Employer Details</p> <p>Trade name Stellenbosch Municipality</p> <p>DTI Registration name -</p> <p>PAYE/SARS No 7950701799</p> <p>EE Ref No 1571</p> <p>Industry/Sector Local Government</p> <p>Province Western Cape</p> <p>Tel No 021 808 8025</p> <p>Fax No 021 886 6749</p> <p>Postal address P.O. Box 17 Stellenbosch</p> <p>Physical address Plein Street Stellenbosch</p> <p>Province Western Cape</p> <p>Name & Surname of the Municipal Manager/Accounting Officer Garaldine Mettler</p> <p>Email address municipal.manager@stellenbosch.gov.za</p>

1. INTRODUCTION

Section 20 requires that a designated employer prepares and implements an Employment Equity Plan which will achieve reasonable progress towards employment equity. An Employment Equity Plan must state the following:

- a. The objectives to be achieved for each year of the plan should meet the SMART principle as follows:-
 - Specific
 - Measurable
 - Attainable
 - Relevant; and
 - Time bound
- b. Barriers and Affirmative Action Measures must be aligned with those indicated in the audit analysis (section 19(1)) and meet the following requirements:
 - Include timeframes in order to track progress in the implementation of these AA Measures.
 - These timeframes should be within the duration of the EE Plan (no “on-going” permitted) and
 - Include responsible persons to monitor the implementation of these AA Measures (not names of people but designations).
- c. The workforce profile, numerical goals and targets with exact timeframes according to the duration of the plan which must be accompanied by strategies to achieve them as informed by the findings in the audit analysis (as per section 19(2)).
- d. Non-numerical goals according to paragraph b above (no need to repeat the table)
- e. The duration of the plan which may not be shorter than 1 year or longer than 5 years (it must have a start and end date in terms of day, month, and year).
- f. Procedures to monitor and evaluate the implementation of the plan (which must state clear roles of stakeholders involved in the monitoring of the plan including timeframes when the monitoring takes place).
- g. Internal procedures to resolve any dispute about the interpretation or implementation of the plan (include the stakeholders involved in resolving the dispute and timeframes allocated for each step of the process)
- h. The persons in the workforce, including senior managers, responsible for monitoring and implementing the plan.
- i. Any other prescribed matter.

NB: It is advisable that at least 6 months before the expiry of the EE Plan a designated employer should prepare a subsequent EE Plan (Successive EE Plan as required by Section 23)

DURATION OF THE PLAN

Section 20 indicates that the duration of the Employment Equity Plan may not be shorter than one year or longer than five years. The duration of the plan must have a specific start and end date, as reflected below: ***(Please note that the template shown below is based on a 5-year plan)***

Start date: (01 October 2023)

to

End date: (30 September 2028)

2. OBJECTIVES FOR EACH YEAR OF THE PLAN

The objectives for each year of the plan, which should be specific, measurable, attainable, relevant and time bound, are reflected in the table below:

TIMEFRAMES (e.g.)		OBJECTIVES
YEAR 1	01 October 2023- 30 September 2024	<ul style="list-style-type: none"> Barriers and affirmative measures are met: <ol style="list-style-type: none"> Advertising positions Job classification and grading Remuneration & benefits Succession & experience planning Corporate Culture
YEAR 2	01 October 2024- 30 September 2025	<ul style="list-style-type: none"> Barriers and affirmative measures are met: <ol style="list-style-type: none"> Advertising positions Job classification and grading Remuneration & benefits Succession & experience planning Corporate Culture
YEAR 3	01 October 2025- 30 September 2026	<ul style="list-style-type: none"> Barriers and affirmative measures are met: <ol style="list-style-type: none"> Advertising positions Job classification and grading Remuneration & benefits Succession & experience planning Corporate Culture
YEAR 4	01 October 2026- 30 September 2027	<ul style="list-style-type: none"> Barriers and affirmative measures are met: <ol style="list-style-type: none"> Advertising positions Job classification and grading Remuneration & benefits Succession & experience planning Corporate Culture Drafting a new EE Plan
YEAR 5	01 October 2027- 30 September 2028	<ul style="list-style-type: none"> Ensure all WC EAP goals are met Ensure that all the objectives and affirmative measures as mentioned above are met

3. BARRIERS AND AFFIRMATIVE ACTION MEASURES

The barriers and Affirmative Action Measures identified in the EE analysis conducted must be included in the EE Plan. These measures must include time-frames to track progress in the implementation of the AA Measures. The timeframes must have specific dates and be within the duration of the EE Plan (no “ongoing” permitted). The designations of responsible persons to monitor the implementation of these AA Measures should be specified.

POLICY	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS <i>(PLEASE PROVIDE NARRATION)</i> (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	AFFIRMATIVE ACTION MEASURES <i>(PLEASE PROVIDE NARRATION)</i> (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	TIME-FRAMES		RESPONSIBILITY (Designation)
	CATEGORY	PROCEDURE	PRACTICE			START DATE	END DATE	
Recruitment and Selection	Advertising of vacant position			There is a perception that advertisements are written/compiled to benefit certain employees	Adherence to the competency guidelines as per the Municipal Staff Regulations GN890	01 October 2023	30 September 2028	Directorate section / departmental Head where post is collaboration with Senior Manager HR (SMHR) and for approval by Director Corporate Services (DCS)

POLICY	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	TIME-FRAMES		RESPONSIBILITY (Designation)
	CATEGORY	PROCEDURE	PRACTICE			START DATE	END DATE	
Recruitment and Selection	Selection criteria			Qualification and experience too high	Minimum requirements too high to be implemented	01 October 2023	30 September 2028	SMHR and DCS
	Appointments			Take too long	Target to fill post within 90 days of interview date			
	Job classification and grading			No job descriptions	Develop job description for each budgeted post on organogram			
	Remuneration and benefits			As per policies	Have post evaluated and regularly revised. Benefits approved on National level			
	Terms & conditions of employment			In contract of employment	Clear and unambiguous provisions within contract of employment			
	Work environment and facilities			Improve workspaces	Safe and clean workplaces with standard ablution facilities. Address the ablution facilities for female workers in the field.			

POLICY	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION)	AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION)	TIME-FRAMES		RESPONSIBILITY (Designation)
	CATEGORY	PROCEDURE	PRACTICE	(Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Recruitment and Selection	Succession & experience planning			No succession plans in Directorates	Identify individuals for succession planning within departments	01 October 2023	30 September 2028	SMHR and DCS
	Reasonable accommodation			Staff not performing functions appointed for	Ensure staff follow function and performs job designation duties as per JD's and organogram			
	Retention of designated groups			No policy on retention of staff	Retention and Attraction chapter in Recruitment and Selection policy to retain staff from designated groups or current staff			
Performance Management	Performance and Evaluation			No performance measurement policy	Implement performance agreements and measurement in line with MSR provision			

POLICY	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION)	AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION)	TIME-FRAMES		RESPONSIBILITY (Designation)
	CATEGORY	PROCEDURE	PRACTICE	(Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
HR Strategy	Corporate culture			Change culture within Directorates	Provide workshops and programmes for Directorates to adjust the organisational culture			SMHR
Employee Assistance	HIV&AIDS prevention and wellness			No regular awareness	Regular wellness programmes to monitor and ensure wellness of staff	01 October 2023	30 September 2028	SMHR
Employment Equity	Assigned senior manager(s) to manage EE implementation			All Directors and Senior Managers	All Directors and Senior Managers. SMHR and Director Corporate Services play a monitoring role.			SMHR and DCS
	Time off for employment equity consultative committee to meet				As per policy			

POLICY	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS <i>(PLEASE PROVIDE NARRATION)</i>	AFFIRMATIVE ACTION MEASURES <i>(PLEASE PROVIDE NARRATION)</i>	TIME-FRAMES		RESPONSIBILITY (Designation)
	CATEGORY	PROCEDURE	PRACTICE	(Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Finance	Budget allocation in support of employment equity goals				Annual staff budget to include EEP goals and targets	01 October 2023	30 September 2028	CFO – Chief Financial Officer

4. WORKFORCE PROFILE, NUMERICAL GOALS AND TARGETS

Workforce profile information is a snapshot of the workforce at a particular date and time, which is used below to conduct an analysis of the workforce and, at the same time, serve as baseline information for the setting of numerical goals and targets.

4.1 SNAPSHOT OF THE CURRENT WORKFORCE PROFILE

The workforce profile snapshot tables used for the conducting of the analysis to inform this plan are used below as a baseline for the setting of numerical goals and targets for each year of the plan.

Workforce profile snapshot date 30/09/2023

Table 1: Snapshot of workforce profile for all employees, including people with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management	0	3	1	0	0	1	0	1	0	0	6
Senior management	0	7	0	4	1	2	0	0	0	0	14
Professionally qualified and experienced specialists and mid-management	7	27	1	12	11	16	1	10	0	0	85
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	49	114	2	24	58	94	0	17	0	0	358
Semi-skilled and discretionary decision making	84	157	0	6	56	94	0	3	0	0	400
Unskilled and defined decision making	104	128	0	0	24	30	0	0	0	0	286
TOTAL PERMANENT	244	436	4	46	150	237	1	31	0	0	1149
GRAND TOTAL	244	436	4	46	150	237	1	31	0	0	1149

Table 2: Snapshot for workforce profile for people with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management	0	0	0	0	0	0	0	0			0
Senior management	0	0	0	0	0	0	0	0			0
Professionally qualified and experienced specialists and mid-management	0	0	0	0	0	1	0	0			1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	0	0	0	0	1	0	0	0			1
Semi-skilled and discretionary decision making	0	1	0	1	0	0	0	1			3
Unskilled and defined decision making	1	0	0	0	0	0	0	0			1
TOTAL PERMANENT	0	1	0	2	1	1	0	1			6
Temporary employees	0	0	0	0	0	0	0	0			0
GRAND TOTAL	0	1	0	2	1	1	0	1			6

4.2 NUMERICAL GOALS

Numerical goals must include the entire workforce profile, and **NOT** the difference that is projected to be achieved by the end of this EE Plan. Below are two tables on numerical goals, one covering all employees, including people with disabilities, and the other covering people with disabilities **ONLY**.

It should be noted that Stellenbosch Municipality has an Organizational Structure that has 1985 post but of which only plus minus 1292 is budgeted for and therefore our plan is based on budgeted posts which is vacant.

Please note that Stellenbosch Municipality will use the Economic Active Population Percentage for the Western Cape to derive at its numerical goals.

Start date: 01 October 2023
DD / MM / YYYY

End date: 30 September 2028
DD / MM / YYYY

Numerical goals for all employees, including people with disabilities

Occupational Levels	Male				Female				Total Permanent	Vacant+ Funded
	A	C	I	W	A	C	I	W		
WC-EAP	23%	27%	0.5%	7.2%	18.6%	21.8%	0.4%	6.1%	100%	
Top management	0	3	1	0	0	1	0	1	6	6
Current	0	3	1	0	0	1	0	1		100%
GENDER %	4/66.66%				2/33.34%				0	0
Senior Management (T18-22) Current workforce	0	7	0	4	1	2	0	0	14	0
Senior Management Current workforce %	0%	50%	0%	28.6%	7.1%	14.3%	0%	0%	100%	14
GENDER %	11/78.6%				3/21.4%				100%	
Professionally Qualified/ Mid-Management (T14-T17) Current workforce	7	27	1	12	11	16	1	10	85	13
Professionally Qualified Current workforce %	8.2%	31.7%	1.2%	14.7%	12.9%	18.8%	1.2%	11.7%	100%	
Total funded+ vacant Professionally Qualified/ Mid-Management										98
CURRENT GENDER %	47/55.3%				38/44.7%				100%	
TOTAL FUNDED+ VACANT GENDER %	47/47.9%				38/38.8%					
Skilled Technical (T9-T13) Current workforce	49	114	2	24	58	94	0	17	358	57
Skilled Technical Current workforce %	13.6%	31.8%	0.6%	6.7%	16.2%	26.3%	0%	4.7%	100%	
Total funded+ vacant Skilled-Technical										415
GENDER %	189/52.7%				169/47.3%				100%	
TOTAL FUNDED+ VACANT GENDER %	189/45.5%				169/40.7%					
Semi- skilled Current workforce	84	157	0	6	56	94	0	3	400	49
Semi- skilled Current workforce %	21%	39.2%	0%	1.5%	14%	23.5%	0%	0.75%	100%	
Total funded+ vacant Semi-skilled										449
GENDER %	247/61.7%				153/38.3%				100%	
TOTAL FUNDED+ VACANT GENDER %	247/55%				153/34.1%					
Unskilled Current workforce	104	128	0	0	24	30	0	0	286	24
Unskilled Current workforce %	36.3%	44.7%	0%	0%	8.4%	10.4%	0%	0%	100%	
Total funded+ vacant Unskilled										310
Goals vs WEAP= %	232/81.1%				54/18.9%				100%	
TOTAL FUNDED+ VACANT GENDER %	232/74.8%				54/17.4%					
Current workforce	244	436	4	46	150	237	1	31	1149	
Current workforce %	21.2%	37.9%	0.4%	4%	13%	20.6%	0.08%	2.7%	100%	
GRAND TOTAL VACANT + FUNDED										1292
CURRENET GENDER %	730/63.5%				419/36.5%				100%	
TOTAL FUNDED+ VACANT GENDER %	730/56.5%				419/32.4%					

Numerical goals for people with disabilities ONLY

Occupational Levels	Male				Female				Total
	A	C	I	W	A	C	I	W	
WC-EAP	23%	27%	0.5%	7.2%	18.6%	21.8%	0.4%	6.1%	
Top management									
<i>Current workforce vs EAP</i>									
Senior management									
<i>Current workforce vs EAP</i>									
Professionally qualified and experienced specialists and mid-management									
<i>Current workforce vs EAP</i>									
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents									
<i>Current workforce vs EAP</i>									
Semi-skilled and discretionary decision making									
<i>Current workforce vs EAP</i>									
Unskilled and defined decision making									
<i>Current workforce vs EAP</i>									
GRAND TOTAL									
<i>Current workforce vs EAP</i>									

Directorates will identify posts for differently abled individuals as posts become vacant and will utilize the principles contained within the policy to fill and give preference to these individuals.

5. PROCEDURES TO MONITOR AND EVALUATE THE IMPLEMENTATION OF THE PLAN

All the structures for monitoring and evaluating the progress of the plan should be specified with clear roles and responsibilities for the stakeholders involved including time frames when the monitoring takes place.

STAKEHOLDER	ROLE/RESPONSIBILITY	FREQUENCY
<ul style="list-style-type: none"> Human Resources 	<ul style="list-style-type: none"> Consultation between Employees and Employer on labour relation matters 	<ul style="list-style-type: none"> Monthly
<ul style="list-style-type: none"> Employment Equity Committee 	<ul style="list-style-type: none"> Report on the status of Employment Equity in the Quarterly Report 	<ul style="list-style-type: none"> Quarterly

6. DISPUTE RESOLUTION MECHANISMS

A clear process to be followed to resolve disputes arising from the interpretation and implementation of the EE Plan, including the responsible persons and timeframes for each step to resolve the dispute.

- SALGA Grievance Procedure as per Main Collective Agreement

7. SENIOR MANAGERS ASSIGNED TO MONITOR AND IMPLEMENT THE PLAN

Director: Corporate Services and the Senior Manager: Human Resources

8. ANY PRESCRIBED MATTER CAN BE INCLUDED.

- Service Delivery Budget Implementation Plan (SDBIP)
- Integrated Development Plan (IDP)
- Performance Management System

SIGNATURE OF THE MUNICIPAL MANAGER / ACCOUNTING OFFICER

MUNICIPAL MANAGER / ACCOUNTING OFFICER

I, **GARALDINE LIZETTE METTLER**, Municipal Manager of **STELLENBOSCH MUNICIPALITY**
hereby declare that I have read, approved and authorized this EE Plan.

Signed on this _____ day of _____ 2023.

At place: _____

SIGNATURE

7.3.3	RETURN ITEM: LEASE AGREEMENT APPLICATION: FRANSCHHOEK BOWLS CLUB (ERF 2885 FRANSCHHOEK)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2024

1. SUBJECT: RETURN ITEM: LEASE AGREEMENT APPLICATION: FRANSCHHOEK BOWLS CLUB (ERF 2885 FRANSCHHOEK)

2. PURPOSE

To consider an application from The Franschhoek Bowls Club to enter into a lease agreement with Stellenbosch Municipality in terms whereof they would be able to use a portion of Council-owned property on Erf 2885 Franschhoek for a longer period. They are currently on a month-to-month lease.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated authority to consider applications for Lease Agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years.

4. EXECUTIVE SUMMARY

The Franschhoek Bowls Club has brought an application to lease a portion of Erf 23 Franschhoek for a period of 9 years 11 months. Erf 23 Franschhoek is a large property (1628ha) of which the already constructed Bowls Club forms a smaller portion. The previous lease agreement was on Erf 23 which has now been subdivided to become a new Erf known as Erf 2885, Franschhoek.

Franschhoek Bowling Club and Franschhoek Municipality concluded a Lease Agreement in 1993 for a period of 9 years 11 months, which agreement was renewed for a further 9 years and 11 months, until 2013. The item was not brought back to Council by the then Manager Properties and only served before Council again in 2021. The 2013 lease continued on an informal basis as long as the lessee paid their rent.

Subsequent to the 2021 item the club has been renting on a month-to-month basis pending the finalisation of the property register.

The applicant has also filed an executive summary with their application that outlines their requirements in terms of finances needed and upgrades required to attract more members, which should also be considered.

The item served before the Mayoral Committee in October 2023 and was referred back in order to obtain a valuation report and further investigations regards to the premises. A valuation report has now been obtained and further investigations done. The valuation report is attached to the item and it has been established that the grounds are being used for the sport and Bull. A small pub with a bar and pizza oven is being operated from the premises.

5. RECOMMENDATION

- (a) that erf 2885 is identified as land not needed to deliver basic services; and
- (b) For consideration.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Previous Lease Agreements

Franschhoek Bowling Club and Franschhoek Municipality concluded a Lease Agreement in 1993 for a period of 9 years 11 months, which agreement was renewed for a further 9 years and 11 months, until 2013. A copy of the lease agreement is attached hereto as **APPENDIX 1**. Subsequent to the lapsing of the lease agreement the lease continue for as long as the rental was paid.

6.2 DISCUSSION

6.2.1 Location and context

The property under discussion is situated on Erf 2885, Franschhoek, as indicated on Fig 1 and 2, below. The full extent of the property is 4 597 square meters.

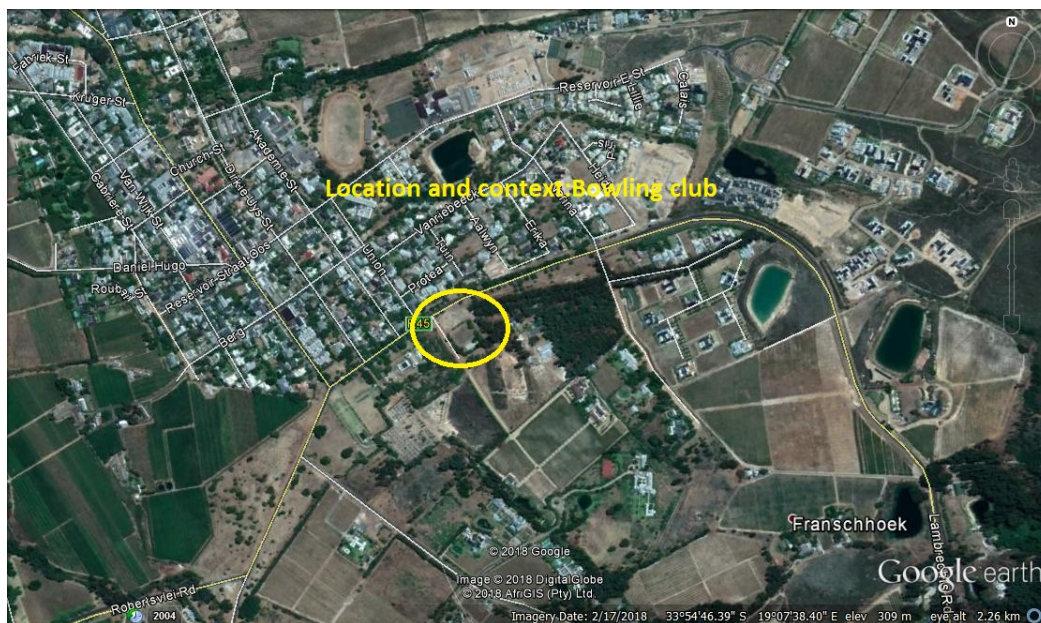


Fig 1: Location and context



Fig 2: Proposed leasing area

6.2.2 Current Application

The Franschhoek Bowls Club has applied for a lease agreement of Erf 2885 Franschhoek. The application is attached hereto as **APPENDIX 2**. The application refers to Erf 23 Franschhoek, however this portion has been sub-divided and is now known as Erf 2885, Franschhoek. Attached hereto as **APPENDIX 3** is a WinDeed Search indicating the registration of Erf 2885. The initial application did not indicate the term they are interested in and during further discussion the applicant indicated that they are interested in a lease agreement for 9 years 11 months. An email received from the applicant is attached hereto as **APPENDIX 4**.

The applicant has also filed an Improvement Plan for the 2022/2023 year which is attached as **APPENDIX 5**. In the plan they outline their requirements and requests to the Municipality in assisting with certain financial constraints and upgrades required to attract more members.

The department is of the view that the club must maintain the premises to the standard that is required for their sport. They have no permission to operate the bar from the premises and the municipality has not given permission for the liquor licence. The department is therefore of the view that the bar is operating without a valid liquor licence.

A valuation report is attached hereto marked as **APPENDIX 6**. The property is in good condition in terms of the grounds being kept in proper condition to be used as a bowling green. There is a clubhouse on the property as well as garages. The clubhouse has a small bar and pizza oven where the members and the members of the public can purchase food and drinks.

The valuation was done taking into consideration the value of the land (R2 500 000.00) as well as the improvements (R1 400 000.00) and the monthly rental has been valued at R10 050.00 per month.

The applicant has also filed an executive summary with their application that outlines their requirements in terms of finances needed and upgrades required to attract more members, which they also request to be considered. The department does not support the requests for maintenance or a fence. It is the responsibility of the club to keep the property maintained. They are already paying a reduced rental and can therefore fence the area themselves.

The item served before the Mayoral Committee in October 2023 and was referred back to address the concerns raised by the Mayoral committee. The concerns was inter alai - to obtain a valuation report and further investigations regards to the premises. A valuation report has now been obtained and further investigations done. The valuation report is attached to the item, and it has been established that the grounds are being used for the sport and Bull. A small pub with a bar and pizza oven is being operated from the premises without approval by the Municipality of a valid liquor licence administration suspects.

6.3 Financial implication

Should an agreement be concluded, the monthly rental (income) for the Municipality will have to be determined in line with the policy that indicates that sport facilities may be leased at a percentage of the market value (up to 20%) and taking into consideration the maintenance and upkeep of the property. The market related rental per month as per the valuation is R10 050.00.

6.4 Legal requirements

6.4.1 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, *inter alia*:-

- a) whether the capital asset may **be required for the municipality's own use** during the period for which the right is to be granted;
- b) the extend to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;
- c) the (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

6.4.2 Property Management Policy

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 (h) is where encroachment applications are received from adjoining owners, subject to approved tariff structure.

6.5 Legal Implications

The legal implications are discussed above and recommendations in line with the legislative provisions.

6.6 Staff Implications

No additional staff implications.

6.7 Previous / Relevant Council Resolutions

EXECUTIVE MAYORAL COMMITTEE: 2021-03-24: ITEM 7.2.1 RESOLVED (nem con):

- (a) That Erf 2885 Franschoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided in Regulation 36 of the Asset Transfer Regulations;
- (b) That a month-to-month lease agreement be approved until the property register has been compiled and considered by Council to determine the future of Council properties per category;
- (c) That the terms and conditions of the lease agreement be based on the terms of the expired lease agreement, and that the conditions are strictly adhered to;
- (d) That the bowling club pay their municipal account and that the Municipal Manager be mandated to determine the lease amount;
- (e) That the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and submit it to Council by no later than December 2021; and
- (f) That the item be brought back to Council as soon as the property register has been adopted by Council.

EXECUTIVE MAYORAL COMMITTEE: 2023-10-11: ITEM 7.3.4 RESOLVED (nem con):

That this item be referred back to deal with the concerns raised by the Mayoral Committee.

6.8 Risk Implications

The risks are addressed in the item.

6.9 Comments from Senior Management

The item has not been distributed yet.

ANNEXURES:

- Appendix 1: Previous lease agreement**
- Appendix 2: Application**
- Appendix 3: WinDeed Search**
- Appendix 4: Correspondence from applicant**
- Appendix 5: Improvement Plan**
- Appendix 6: Valuation Report**

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088073</i>
E-MAIL ADDRESS	<i>annalene.debeer@Stellenbosch.gov.za</i>
REPORT DATE	<i>2024 – 03 – 11</i>

APPENDIX 1

HUUROOREENKOMS

tussen

MUNISIPALITEIT STELLENBOSCH

en

FRANSCHHOEKSE ROLBALKLUB

VERHUUR VAN GEDEELTE VAN

ERF 23, FRANSCHHOEK



OOREENKOMS VAN VERHUUR aangegaan 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 LOTTEN 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 oormake 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.

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 toekoms 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 versekeringspolisse 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 kanselleer 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 gely 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 heff, 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, Franschoek, 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 dienoooreenkomstig 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 dienoooreenkomstig 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.

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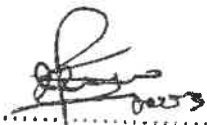
ALDUS GEDOEN EN GETEKEN TE STELLENBOSCH OP HIERDIE

9 de DAG VAN Oktober 2003

GETUIES

1. 

2. 



namens VERHUURDER

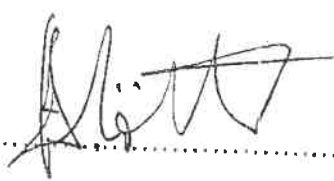
ALDUS GEDOEN EN GETEKEN TE FRANSCHHOEK OP HIERDIE

6 DAG VAN Oktober 2003

GETUIES

1. 

2. 



namens HUURDER

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

APPLICATION FOR LEASE OF MUNICIPAL LAND APPLICATION FORM

A: APPLICANT'S DETAILS

Name : THE FRANSCHHOEK BOWLS CLUB

Physical address: 1 LAMBRECHTS STREET
FRANSCHHOEK

Postal code: 7690

Mailing address: 1 LAMBRECHTS STREET
FRANSCHHOEK

Postal code: 7690

E-mail address:

Telephone: 021 867 0557

Cell phone: 081 557 0557

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 23

Suburb: FRANSCHHOEK

Town:

C: PROPERTY DETAILS OF LEASE AREA APPLYING FOR

Erf/farm number : 23

Suburb: FRANSCHHOEK

Town:

Area applying form²

* To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

For commercial purposes, other than for parking

☐

For commercial parking purposes

☐

For residential parking purposes

☐

For non-commercial purposes

☐

For projecting structures onto street reserves

☐

For projecting structures onto other council-owned land

☐

Other: please provide description: Sports Club.

☒

Brief description of application:

Renewal of lease agreement between
Municipality of Stellenbosch and Franschoek

Motivation: Bowls Club.

The bowls club has been running
from the late 60's. The club is a member of

E: LIST OF ATTACHMENTS AND SUPPORTING DOCUMENTS

Please mark the appropriate box

- Special Power of Attorney, where Applicant is not the owner ☐
- Diagram of proposed area of the lease area ☒
- Letters of consent (affected neighbours) ☐
- Application fee (non-refundable) ☐

I hereby certify that the information supplied in this application form is correct and that I am properly authorized to make this application.

Applicant's signature:  Full name: LE ROY EVERS

Date: 11 SEPTEMBER '23

Bowls South Africa (BSA) and Badminton Bowls. The club offers Lawn Bowls as a sport for all in the Francistown area. The sport is strictly controlled by the governing bodies. Youth development is one of our key development areas.

APPENDIX 3



Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPI), and shall not be used for marketing purposes.

SEARCH CRITERIA

Search Date	2023/09/26 11:06	Erf Number	2885
Reference	-	Portion Number	-
Report Print Date	2023/09/26 11:06	Township Remaining Extent	NO
Township	FRANSCHHOEK	Search Source	WinDeed Database
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T34852/2007
Township	FRANSCHHOEK	Local Authority	FRANSCHHOEK MUN
Erf Number	2885	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	PAARL RD	Extent	4597.0000SQM
Previous Description	-	LPI Code	C05500030000288500000

OWNER INFORMATION (1)

MUN STELLENBOSCH		Owner 1 of 1	
Company Type	LOCAL AUTHORITY	Document	T34852/2007
Registration Number	-	Microfilm / Scanned Date	2007 0781 1284
Name	MUN STELLENBOSCH	Purchase Price (R)	CRT
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	2007/05/09
Share (%)	-		

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	SUBDIVISION FROM	TOWN FRANSCHHOEK ,ERF 23 ,PRTN 0	-	0000000000 00 *

HISTORIC DOCUMENTS

No historic documents to display

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APPENDIX 4

Yolande van den Berg

From: Leroy Elder <leroyelder80@gmail.com>
Sent: Friday, 22 September 2023 12:03
To: Yolande van den Berg
Cc: Paul Sleath; Alta Malherbe; Reginald Pheiffer
Subject: [EX] Re: Lease Agreement: Franschoek Rolbal Klub

Dear Yolande,

With reference to our telephonic conversation this morning regarding the renewal of the lease agreement between The Municipality of Stellenbosch and The Franschoek Bowling Club.

This is to confirm that The Franschoek Bowling Club would like to enter into a lease agreement with The Municipality of Stellenbosch for a term of nine years and 11 months.

Kind regards

Le Roy Elder
 President: The Franschoek Bowling Club

On Thu, 14 Sept 2023 at 15:35, Leroy Elder <leroyelder80@gmail.com> wrote:
 Dear Yolande,

As a followup to our previous mail regarding the renewal of our lease agreement, I have attached the following supporting documents for your attention:

- 1) Franschoek Bowls Club EXCO Resolution to renew lease agreement
- 2) Development plan
- 3) Application for lease of Municipality land application form

I trust that you will find this in order. Please let me know if you require any additional information or if I need to schedule an appointment with your office.

Kind regards

Le Roy Elder
 President: Franschoek Bowls Club
 0815570557

On Wed, 13 Sept 2023 at 16:33, Leroy Elder <leroyelder80@gmail.com> wrote:
 Good Day Yolande,

The renewal of the lease agreement between The Municipality of Stellenbosch and The Franschoek Bowls Club has reference.

I am the President of The Franschoek Bowls Club and have the approval of our executive committee to enter into negotiations with your office to secure the renewal of our lease. The Franschoek Bowls Club is a member of Boland Bowls and Bowls South Africa. The previous lease agreement, attached, was signed in 2003 for a period of nine years and eleven months. Our previous president made numerous attempts to renew our lease with no success.

I would like to assure you that you and Cllr Pheiffer have our full cooperation to make this an effortless and successful process. We have great plans to develop our club and the sport among our members,

APPENDIX 5

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The Franschhoek Bowls Club

Improvement Plan 2022/23

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Le Roy Elder

President: The Franschhoek Bowls Club
Created on September 20, 2022



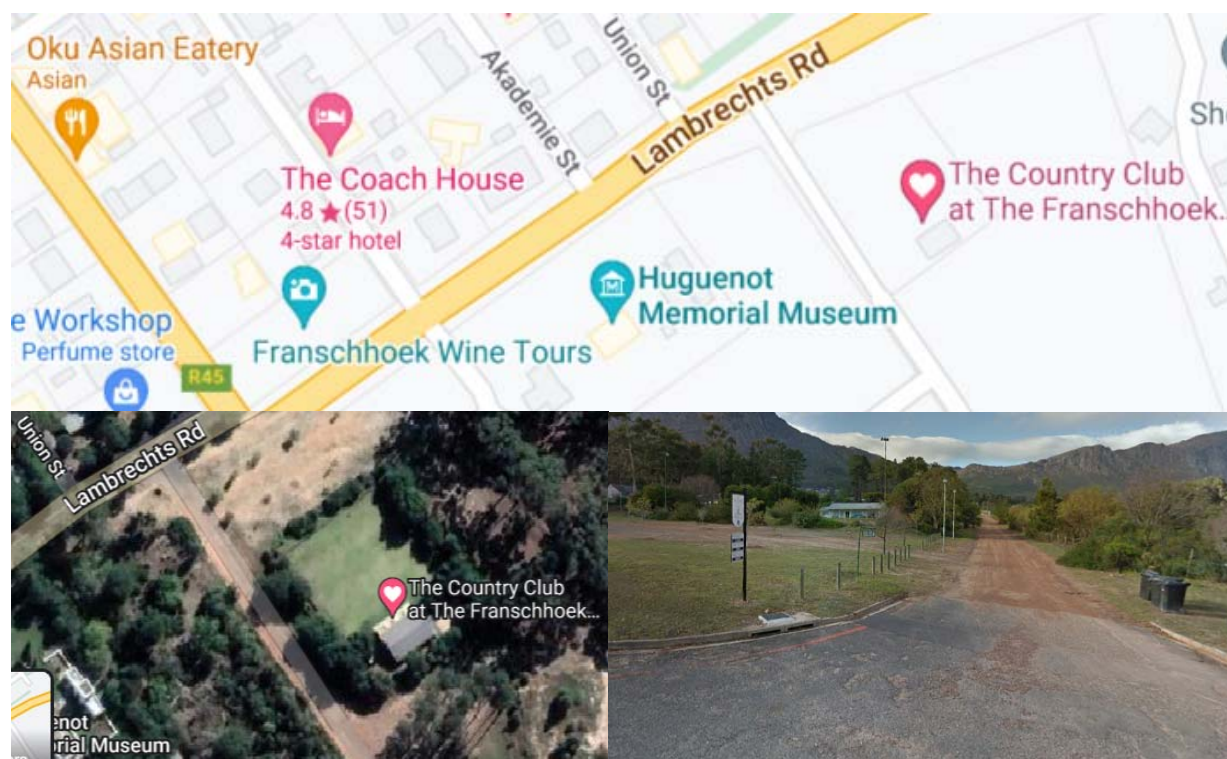
Executive Summary

Lawn Bowls in South Africa

Bowls South Africa (Bowls SA), (BSA) is the governing body for the sport of Lawn Bowls in South Africa. Bowls South Africa is responsible for the promotion and development of lawn bowls in South Africa, and is affiliated with the world governing body World Bowls, as well as SASCOC.

Bowls as a sport began in South Africa around 1882, when the initial bowling green was commissioned. A lawn bowls club was subsequently established in Port Elizabeth at St Georges Park. South African Bowling Association was founded in 1904 as the governing body for the sport of bowls in South Africa. Afterwards, the growth of the women's game led to the establishment of South African Women's Bowling Association in 1935 to control and promote the women's game. The two controlling bodies merged in 1996 to establish Bowls South Africa.

The Franschhoek Bowls Club is located at 1 Lambrechts Road, Franschhoek.



The Franschhoek Bowls Club History

The Franschhoek Bowls Club was established during the 60/70s and is affiliated to Boland Bowls (Cape Winelands) and BSA. The club was stagnant for a few years and was revived at the end of 2019. Our membership has grown gradually and to date we have about 70 social and 15 registered BSA members. New Pétouque courts were recently added and have about 25 active members.

Challenges

We are hard at work to increase the registered BSA bowls members, but are finding it difficult to attract and securing good, regular bowlers. This is mostly due to the fact that we do not have a BSA rated bowling green.

Our green does not comply with the strict ratings as prescribed by the BSA federation. Thick thatch, uneven levels and a heavy (slow) green are contributing factors influencing bad or undesirable playing conditions. A “bad” green will never attract experienced and good bowlers. Especially players from other clubs and towns, bring with it much needed local financial spend. The only way to overcome this is by regularly performing the appropriate green maintenance principals. Mowing the green regularly will only prevent to grass from growing too long. Specialized equipment is needed to keep the green healthy, free of fungicides, diseases and unwanted elements. Regular grooming and verti-cutting is essential for a good healthy green with desired playing conditions.

Over the last few years the club members have spent many hours trying to improving our facilities, i.e. painting the building inside and outside, improving the interior and nurturing the green. The club does not have the funds or ability to generate an income in order to secure the services of a qualified Green Keeper and the appropriate mechanical green machinery. We do however have a Protea 760 Lawn mower (in good condition). A few willing members volunteer their services and time when required to attend to general maintenance matters, i.e. repairing the green after mole damage, weeding, pests control, fertilizing, etc. Most clubs schedule their annual “Spring Treatment” after September. This includes laser leveling, scarifying, hollow tinning, topdressing and subsequently the correct maintenance, including grooming, verti-cutting, fertilizing and irrigation. This year The Franschhoek Bowls Club will not be able to fund this treatment, at an annual once-off cost of about R35K (Servest).

The most suitable solution to the problem is to acquire a multipurpose green maintenance machine that is capable of performing the above functions. We would most definitely be grateful if you would consider donating a multi-purpose green machine with interchangeable cartridges like the Protea SVG 500 to assist with the required maintenance. The estimated cost is R70K. Having acquired such machine will enable the club to perform the essential maintenance tasks

as prescribed by the WP Green Keepers Committee and BSA. The Franschhoek Bowls Club therefore is applying to the Stellenbosch Municipality to consider our request to supply the appropriate green machines and green irrigation solutions. Once we have upgraded our green and facilities we will be in a position to attract local bowlers in our Village that are currently selecting to play at other clubs, which have the appropriate greens and these that are supported by their local municipalities. Inter-club competitions will then become more attractive.

Boland Bowls Structure

Boland Bowls is affiliated to Bowls South Africa.



Boland Bowls is subdivided into 3 sub-districts; Cape Winelands, Overberg and Westcoast.

Cape Winelands

Bonnievale, Brandvlei, Ceres, Franschhoek, Hexvallei, Montague, Paarl, Robertson, Tulbagh, Wellington, Worcester



Overberg

Barrydale, Bredasdorp, Caledon, Elgin-Grabouw, Franskraal, Greyton, Hermanus, Kleinmond, LAGulhas, Napier, Riviersondend, Swellendam, Villiersdorp



Westcoast

Clanwilliam, Darling, Hopefield, Lagoon, Langebaanweg, LCE, Lutzville, Moorreesburg, Piketberg, Porterville, Velddrift, Vredendal, Yzerfontein, Weskus Militer



Boland Bowls Management:

Official title	Name	Home	Mobile	
President	Stoffel Lambrechts	023-312 1377	072-347 2050	
Vice President	Rika Mitchell			
Secretary	Pierre Paul		083 453 2389	
Members and Marketing	Charmaine Mostert			
Match Secretary	Brasler van Schoor			
Treasurer	Tom Tromp		073 381 1770	
Cape Winelands	Charmaine Mostert		083 285 5445	
West Coast	Leon Meyer		083-488 3332	
Overberg	Pierre Paul			

Winelands Bowls Management:

Official title	Name
President	Charmaine Mostert
Vice President	Jaco Whiteman
Sekretaris	Jacques Siebrits
Treasurer	Steven Kilfoil
Match Secretary	Engela Lambrecht
Members and Marketing	Charmaine Mostert
School Representative	Kalie Barnes

The Franschhoek Bowls Club Management

President	Le Roy Elder
Vice President	Paul Sleath
Treasurer	Pieter Nel
Match Secretary	Alta Malherbe

The Club has one bowling green and two Pétouque courts. Indoors facilities include a well-stocked bar and a small restaurant serving light meals from Thursday to Sunday.

Future of our Club

The Executive management is on a drive to grow memberships of social and BSA registered members. It is however difficult to ramp up BSA members due to the condition of the bowling green and the inability to generate funds to acquire the appropriate equipment. We would like to be in a position to offer residents of the Village and surrounding areas an increased level of value.

Development

The Franschhoek Bowls Club has been around for many years, however very few residents are aware of our facilities. We are hidden away from the main road, down a gravel road that becomes difficult to use during rainy months. The following improvements will eliminate most of our problems:

- Resurface the access road and parking with tar that leads up to the graveyard and the Club.

- Increasing the security situation by erecting a new spiked fence with gates around the property. Vagrants have become a real problem lately, resulting in increased vandalism of infrastructure.
- The green needs upgrading (Servest - R30K, annually) and continued and appropriate maintenance thereafter (Protea SVG 500 - R70K, once).
- The erecting of the appropriate direction signage on the corner of the access road at the club and at the intersection at the monument.

Growth Strategy

To grow the Club, we need to:

- Attract new and good bowlers from the village and surrounding areas, currently playing in Paarl or Stellenbosch, due to the current sub-standard green.
- Improve green levels to the standard prescribed by BSA federation. This can be fast-tracked by the annual “spring treatment”. A good green should offer level and an even-playing surface for all bowlers, especially senior players that might not have to strength to deliver their bowls to the other side of the green.
- A healthy green is the result of well-planned and continuous maintenance, keeping unwanted grass, weeds and fungi under control though regular Grooming, Verti-cutting and scarifying. This is only possible by having access to the correct equipment, i.e. the multipurpose Protea 560 green machine with interchangeable cartridges.
- Once we have managed to improve our green, players will start joining The Franschhoek Bowls club and with increased members we will be in a position to host competitions as part of the Boland Bowls calendar. This will attract more feet and revenue to the Village and surrounding areas.
- Youth development is a key development opportunity and we have the vision to build a strong competitive youth league among the local schools. This vision is supported by the recognition of bowls as an official schools sport. A number of schools in the province are strong participants in interschool competitions, guided by the national BSA youth program.
- We would also like to apply for the annual financial grant to sport clubs.

Conclusion

We thank you for the opportunity to express our needs and look forward to a long and successful relationship with The Municipality of Stellenbosch

Proposed new fence and tar road for The Franschhoek Bowls Club



Example of the Clearview fence and gates



The Multi-purpose Protea SVG 500 green machine with interchangeable cartridges.



Protea Machines - 2020 Product Catalogue

SVG 500 (19") Petrol Or Electric

Used on smaller golf greens, bowling greens and cricket pitches. This machine is extremely popular for cricket pitches and bowling greens when used in conjunction with a scarifying reel when it is time to carry out spring treatment.

Runs on high quality rubber wheels with bearings.
No grass box.
Can be fitted with a Verticut/Scarifier/Groomer or Pin-type Scarifier Reel.
All Reel options can be purchased separately.



Protea Machines - 2020 Product Catalogue

SVG500 Verticut Reel

The Verticutter blade is a thin, straight, rectangular blade. It is made out of hardened spring steel.

Deep Verticutting is normally required when the ground is compacted, and the ground needs to be aerated. Prior to Verticutting the ground should be watered to make the ground soft. You can Verticut up to a depth of 25-30mm. This is below the root level of grass.

By Verticutting you can aerate the green, then fertilize and irrigate it. Nutrients can now penetrate down to root level and rejuvenate the green. Before this could not happen, due to compaction, water and nutrients would just lie on top of the grass and not penetrate the ground.

Verticutting will not only loosen the ground, but also bring up dead roots and thatch, encouraging further growth.



SVG500 Groomer Reel

The function of a Grooming Reel is to remove thatch in the upper layers of the grass and improve its condition. As a result, bowling greens, putting greens and cricket pitches will become faster. However, the groomer is not designed to be used as a Verticutter by digging deeper into the ground (see Verticutting).



Bowling greens and putting greens need to be maintained to achieve a constant minimum speed of the ball. This can be achieved by cutting regularly with the lawnmower at a minimum height and using a teasing rake or teasing brush. For example, bowling greens are cut at a height of 3mm. However, if the green is still too slow after cutting at this height, the groomer must be used.

The results are amazing and instantly the speeds of the greens are improved without disturbing the playing surface.

Grooming can be done midseason without any disturbance on a well cut, looked after lawn.

“Spring Treatment”



Estimations for “Spring Treatment” and New Protea SVG 500

servest

8th September 2022

The Franschhoek Bowls Club
1 Lambrichts Street
Franschhoek
7690

Attention: Leroy Elder
Email: leroyelder80@gmail.com

Dear Leroy

Re: Spring Treatment Proposal Bowling Greens

As requested our quote to do the Final Levels and Spring Treatment is as follows:-

J	Specialized Turf Practices				
ITEM	DESCRIPTION	UNIT	QUANTITY	RATE PER GREEN	PRICE
1.1	Set out levels using a laser level	m²	1300	R 2000 per green	R 2000.00
				SUB-TOTAL (EX VAT)	R 2 000.00
				15% VAT	R 300.00
				TOTAL (INCLUDING VAT)	R 2 300.00

The cost to carry out the Standard Procedure of scarifying, hollow-tining and topdressing is as per below.

EQUIPMENT	m²	TOTAL	SCOPE OF WORK
Pin Scarify		R2 500.00	Remove thatching & poor organic
Clear clippings & Blow		R1 500.00	Remove all clippings and blow clean
Toro Pro-core		R2 550.00	Hollow tine greens 12mm side ejects
Apply Bowling Green mix-10m²		R13 220.00	Small heaps onto green before leveling
Laser / box/tractor		R3 500.00	Float surface level by laser measurement
Remove cores and clean surface and brush final finish		R2 000.00	Cleaning, remove cores to side of green only. Final brushing of surface after laser level
Transport of equipment		R2 000.00	All equipment
TOTAL EXCL VAT		R 27 270.00	Excl Vat

Landscaping, a division of Servest Proprietary Limited (Company Registration No. 1997/306391/OT)

Hi Leroy

Thank you for chatting to me earlier today.

Please see attached the info on the Protea SVG500 with interchangeable cartridges.

SVG 500 Machine with verticutter reel @ R 33 750.00

SVG 500 Pin type reel @ R 13 500

SVG 500 scarifier reel @ R 8 050

SVG 500 Groomer reel @ R 8 250

Please let me know if you need any other info of pricing on any other machines.

Regards

Quinton Oosthuizen

Business Development Manager,
Commercial Turf & Construction Specialist.

Cell: 078 214 5045

LinkedIn: quintonoosthuizen

Skype: quintonoosthuizen

Facebook: www.facebook.com/lawnmowermecca/

Website: www.lawnmowermecca.co.za

Historical Improvements: The Franschhoek Bowls Club 2019 and 2021



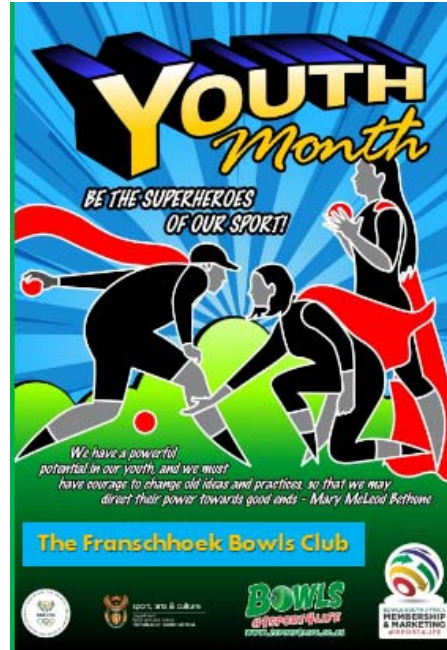
2021



New Pétoque Court



Youth Focus



APPENDIX 6

RENTAL VALUATION REPORT

MARKET RELATED RENTAL
VALUE OF ERF 2885
FRANSCHHOEK BOWLS CLUB



HCB Property Valuations

38 Long Street
Moorreesburg
7310

Tel: 022 433 2035

Email: admin@hcb.co.za

VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined, and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



Signature

VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



Signature

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1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have identified and inspected the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

➤ See Annexure 1 for Valuer Certificates

1.1 Instruction

An instruction was received from Yolande van den Berg of Stellenbosch Municipality to attend to the valuation of the property being more commonly known as Erf 2885, Franschhoek. This property is used as the Franschhoek Bowl Club and the valuation is to determine the open market rental value of the property, as on 1 November 2023.

➤ See Annexure 2 for Instruction

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 November 2023.

1.3 Date of Inspection

The Subject Portion was inspected on 22 January 2024.

2. TITLE DEED DESCRIPTION**2.1 Title Deed**

The property report indicates title deed number as T34852/2007.

2.2 Description

The property can be described as “Erf 2885, Franschhoek Bowl Club, Western Cape”. Hereafter in the report we will refer to this erf as the “subject property”.

2.3 Owner

The property is registered in the name of Mun Stellenbosch.

2.4 Extent

The full erf extent of the subject property is 4 597m².

2.5 Purchase Price

Not relevant to this report, because it will not have an impact on Market Value.

2.6 Surveyor General Information

HCB could not find any discrepancies regarding the ground layout with the Surveyor General Information.

2.7 Title Deed Conditions

HCB did not have sight of the Title Deed; thus, we cannot comment on any restrictive conditions it may hold.

3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION

3.1 Local Authority

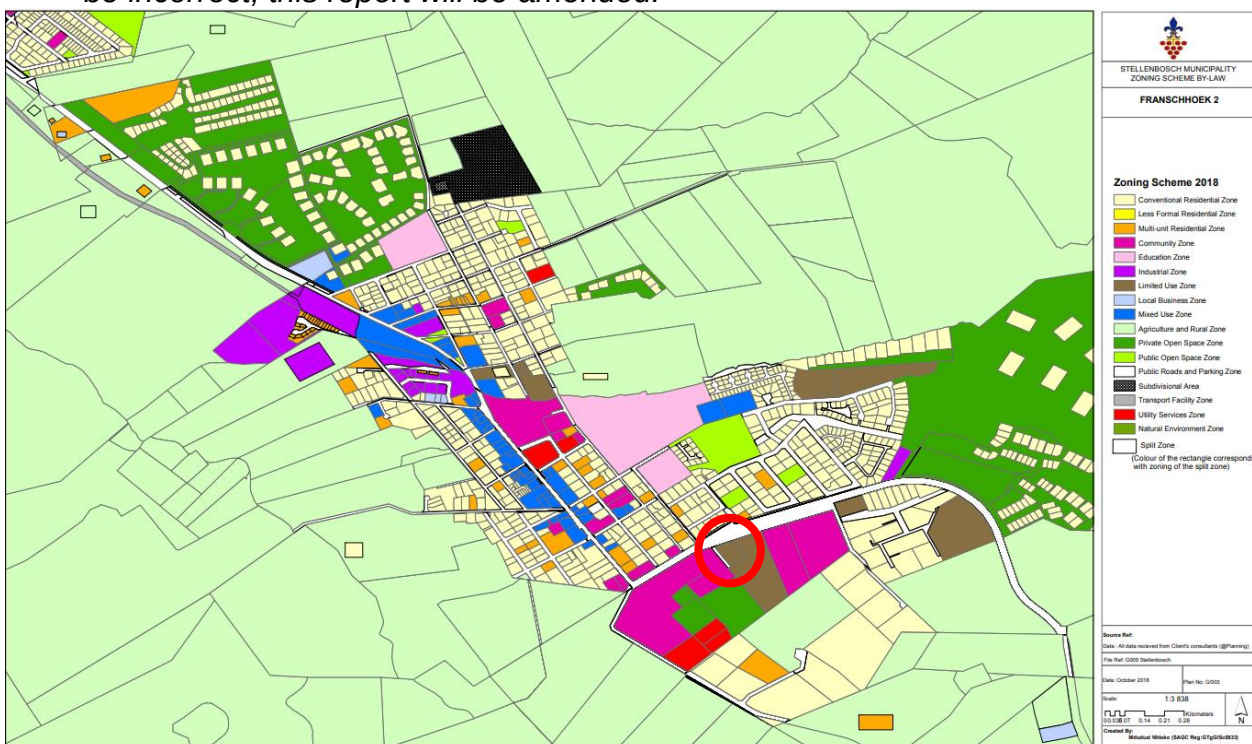
This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

3.2 Zoning

The following Zoning was found on the Stellenbosch Municipal Website (January 2024).

Erf 2885 Franschhoek – Zoned: **LIMITED USE ZONE**

Please note this zoning was not confirmed by Stellenbosch Municipality, and should this be incorrect, this report will be amended.



231. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses	Consent Uses
<ul style="list-style-type: none"> • Dwelling house and/or • Limited to existing lawful uses at commencement date 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None

4. PHYSICAL DESCRIPTION**4.1 Land**

The land is flat, and ground is in good condition, as it has been well maintained. It is situated on Pass Road and Bowling Green Avenue. It is easily accessible via Lambrecht Street.

➤ See Annexure 3 for Locality Map / Aerial Photo

4.2 Improvements

Subject Property is improved with bowling green as well as a club house and garages. These improvements consist of zinc sheeted roofing, brick plastered walls, aluminium framed windows

Improvement Extents are as follows:

- | | |
|--------------|-------------------|
| • Club House | 115m ² |
| • Garages | 19 m ² |

5. MARKET ANALYSIS

Rent is a system of payment for the temporary use of something owned by someone else; the payments for such use are typically referred to as “rent”. In the open market, rent is a product; it does not occur naturally, as in, ‘this is the rent for the premises. To value rent, all the terms and conditions of the tenancy must be known, stated in advance, or defined. However, because the rent at a new letting is often agreed before the lease is drafted and/or approved; it is possible for a completed lease to contain terms and conditions that could produce a different rent to what was agreed.

6. METHOD OF VALUATION

The Comparable Rental Method of valuation is the most suitable method to apply to establish the market rental of the subject property. In applying the Comparable Rental Method, it is necessary to investigate the sales of similar type properties that have been rented as well as returns required by the holders of such land.

The above information is compared to the subject property, which involves judgments as to the degree of similarity regarding value factors such as location, shape of erf and use to which the subject property can be put.

7. ESTABLISHMENT OF COMPARABLE RENTALS

7.1 Highest and Best use

Definition: “The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued”.

Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financially feasible and which result in the best value of the property to be valued.

Due to the zoning, I believe highest and best use is Recreational Activity as currently used.

7.2 Valuation Method

The market was surveyed for current leases, rates of return and leasing practices. Information was sourced from local estate agents, local property professionals, as well as our property info database. The information that was obtained was verified and adjustments were made for time, use, layout, and location.

There is a lack in comparable property sales for this specific use. Sales were investigated and proposed rental was calculated from this.

Property Sales:

Erf	Area	Sale Price	Date	Extent
234	Franschhoek	R9 775 000-00	2022/01/18	1 340m ²
574	Franschhoek	R10 350 000-00	2021/08/17	464m ²
1704	Franschhoek	R7 000 000-00	2017/11/15	3 581m ²
1606	Franschhoek	R12 000 000-00	2023/01/11	953m ²
451	Franschhoek	R6 300 000-00	2019/02/19	516m ²
Unit 7	SS Central Da Village	R1 380 000-00	2023/08/15	43m ²
Unit 4	SS La Petite Bijout	R2 185 000-00	2022/12/15	39m ²



Comparable Sales – Yellow

Subject Property - Red

7.3 Application of Comparables**The Valuation of the Subject Property is Calculated as follows:**

Improvements:	R1 400 000-00
Land:	R2 500 000-00
Total:	R3 900 000-00

Determination and Adjustment of Value:

Rental of the Subject Property is determined as follows, based on the updated Valuation on Erf 2885, Franschhoek as on 1 November 2023:

Description	Market Value
Erf 2885, Franschhoek	R3 900 000-00

Required Rate of Return	Rental per Year	Rental Per Month
3%	R117 000-00	R9 750-00

Method 1 (Rental Calculation):

Value x Rate of Return ÷ 12 (Months) = Monthly Rental

R3 900 000-00 x 3% ÷ 12 = R9 750-00

Method 2 (Rental Calculation):

Land & Improvements @ R90-00/m² = R90-00 x 115m² = R10 350-00

Final Calculation:

Valuation Method 1: R 9 750-00

Valuation Method 2: R10 350-00

$$= \frac{R21\ 100-00}{2}$$

$$= R10\ 050-00/\text{month}$$

= R10 000-00 (Rounded) Monthly Rental

8 CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the monthly rental of the subject portion of 1 November 2023 to be R10 000-00 (Ten Thousand Rand Per Month)



Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

27 January 2024
Date of Signature

8 CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation unless such full disclosure has been made.

9.1 Valuation Standard

This valuation has been prepared in accordance with the guidelines of the South African Institute of Valuers for valuation reports.

9.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

9.3 Confidentiality

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

9.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

10 ANNEXURES**10.1****Annexure 1 – Valuer Certificate**

SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
PROFESSION**

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Valuer

In terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020

DATE OF ISSUE: 13 February 2020

PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024



JF Cloete
President

REGISTRATION No: 5601



MC Seela
Registrar

VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK

10.2 Annexure 2 – Instructions

Dear Helen,

Please see attached the form for a quotation for valuation for Erf 2885 Franschhoek.

I look forward to hearing from you.



Kind regards,

Yolande van den Berg

Head: Contract Management

Corporate Services

T: +27 21 808 8073| Fax 021-886 7319

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



From: Yolande van den Berg

Sent: Thursday, November 30, 2023 12:31 PM

To: Helen Louwrens <helen@hcbval.co.za>

Subject: ACCEPTANCE OF QUOTATIONS

Dear Helen,

I hereby confirm that we accept the following quotations:

- 266 – Erf 9190 Technopark
- 267 – Erf 23 Franschhoek
- 268 – Erf 2885 Franschhoek
- 269 – Erf 1693 Franschhoek

I trust you find this to be in order and look forward to receiving your valuation reports.



Kind regards,

Yolande van den Berg

Head: Contract Management

Corporate Services

T: +27 21 808 8073| Fax 021-886 7319

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK



HCB

Valuations and Services (Pty) Ltd

HEAD OFFICE

38 Long Street, Moorreesburg, 7310

T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za

HCB would like to assist with your valuation request.
Kindly complete below to the best of your ability in order for us to provide you with a quotation and subsequent valuation report.

Erf/Farm Number:	ERF 2885
Town/Region:	Franschhoek
Owner:	Stellenbosch Municipality
Zoning and Usage:	Bowls Club
Date of Valuation:	15/11/2023
Reason for valuation:	To determine value of property AND Market Related Rental
Any other information you feel is pertinent to the valuation:	
Expected Delivery Date:	As soon as possible.

Should you have any questions or concerns contact:

Helen: 081 4733 707 / helen@hcbval.co.za

Coenraad: 083 663 2140 / coenraad@hcb.co.za

Annexure 3 – Locality Map / Aerial Photo



VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK

10.3 Annexure 4 – Property report

Hcb Valuations - Moorreesburg
Helen Louwrens

E-mail: helenlowrens@gmail.com
Cell: 081 473 3707

Tel: 022 433 2035



Tel: 022 433 2035
Email: admin@hcb.co.za
PO Box 247, Moorreesburg, 7310

**PROPERTY INFORMATION**

Erf	2885	GPS	19.125734°E 33.913227°S
Township	FRANSCHHOEK	Extent	4 597 m²
Address	PASS ROAD	Cadastral extent	4 597 m²
Suburb	FRANSCHHOEK RURAL	Usage	Business
Municipality	STELLENBOSCH	Type	
Province	WESTERN CAPE	Zoning	
		Zoning Desc	

MUNICIPAL VALUATION

Total Value	R 2 711 000
Valuation Year	2021

SALE INFORMATION

Note: The Sale Price is inclusive of 2 properties on this Title Deed

Owner	MUN STELLENBOSCH	Title Deed	T34852/2007
Sale Price	-	Bond Holder	-
Sale Date	-	Bond Amount	-
Registered	2007/05/09	Sale Type	-

VALUATION REPORT – RENTAL VALUATION OF ERF 2885 FRANSCHHOEK

10.5 Annexure 5 – CSG Diagram of Property

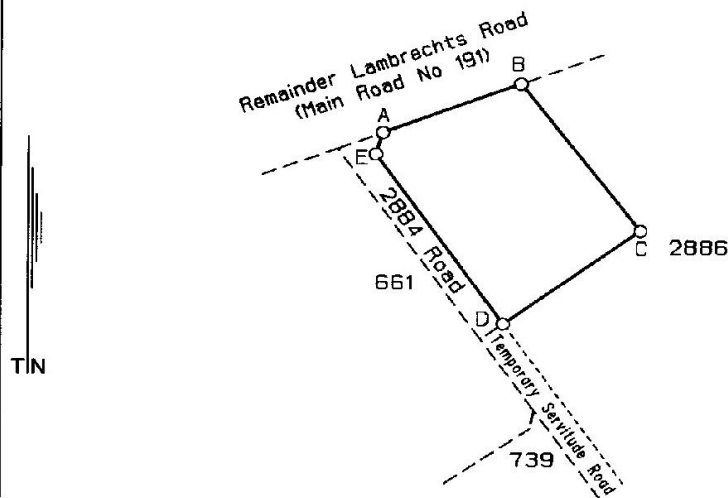
DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

OFFICE COPY

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19			S.G. No 1530/2005
		Constant	Y	X	
AB	52,44	248 47 00	± 0,00	+3 700 000,00	Approved <i>[Signature]</i> for Surveyor-General 2005-04-19
BC	70,66	323 02 30	A - 11 584,10	+ 54 019,83	
CD	60,33	53 39 40	B - 11 632,99	+ 54 000,85	
DE	79,19	145 06 30	C - 11 675,47	+ 54 057,32	
EA	8,66	196 56 50	D - 11 626,88	+ 54 093,07	
			E - 11 581,57	+ 54 028,11	
272 Du Toitskop		Δ	- 13 868,02	+ 50 664,68	
274 Robert		Δ	- 9 159,39	+ 54 252,31	

Beacon Description

A B C D E 12 mm iron peg



Scale 1:2 000

The figure **ABCDE**represents **4 597 square metres**

of land being

Erf 2885 a portion of Erf 23 Franschhoeksituate in **the Stellenbosch Municipality**Administrative District of **Paarl**

Province of the Western Cape

Surveyed in **July and August 2004**

by me,

[Signature]
D S HELLIG
 Land Surveyor
 PLS 0256

This diagram is annexed to

No. **134852/2007**
 dated
 i.f.o.

Registrar of Deeds

The original diagram is

No. **B107/1926** annexed to
 (Filed as Plan 2270)
 Deed of Grant No. **Pa.F.4-7**
 dated 17/11/1927

File No. **S/7042 Vol. 3**
 LPI C055003
 S.R. No. **1885/2004**
 Comp.
 BI-7CB/Y11 (1607)
 Outline Plan F13^C (2270)

ERF 2885 FRANSCH HOEK

10.6 Annexure 6 – Photos of Subject Portion



10.7 Annexure 7 – Rental Valuation Certificate**HCB****Valuations and Services (Pty) Ltd****HEAD OFFICE**

38 Long Street, Moorreesburg, 7310

T: +27(0)22 433 2035 M: +27(0)83 663 2140 E: admin@hcb.co.za***Valuation Certificate***

Client: Stellenbosch Municipality
Erf Number: 2885
Title Deed Number: T34852/2007
Area/Town: Franschhoek
Owner: Mun Stellenbosch
Date of Valuation: 1 November 2023
Reference Number: FH/BC/2885
Rental Valuation Amount: R10 000-00/Month
Zoning: Limited Use Zone

Comments:

This Valuation Certificate must be read in conjunction with the attached Valuation Report.

Hendrik Coenraad Botha
Professional Valuer
Registration Number: 5601

7.3.4	PROPOSED DISPOSAL OF ERVEN 3192. 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2024

1. SUBJECT: PROPOSED DISPOSAL OF ERVEN 3192. 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK

2. PURPOSE

To obtain a resolution on the way forward with the disposal of the of three properties in Mooiwater, Franschhoek (erf 3192, 3019 and 3111).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Three properties in Mooiwater, Franschhoek have been identified as being surplus to the municipality's own needs, i.e the municipality does not require the properties to provide the minimum level of basic municipal services. At the time of the item serving before Council the Manager property management indicated to the Director that the erven were zoned for institutional use. Based on this information Council resolved to put the erven out on a call for proposals. The public participation process did not provide any direction as to what council should use the erven as no inputs were received when the residents of the wards 1 and 2 in Franschhoek when requested to indicate what they want the erven to be used for.

A "call for proposals" is very difficult to evaluate in a supply chain process as even on the same erf you may not get proposals that can be evaluated like for like. In trying to draft specifications it was discovered that the zoning for the erven is not as it was indicated in 2018 and 2019.

In the item that serves before council in 2018 and 2019 reference was made that the zoning is Institutional use – with a reference to churches and cheches.

It seems that Stellenbosch Zoning scheme does not have a zoning for institutional use. It is recommended that the resolution on 24 April 2019 be reconsidered.

The definition in reference to Institutional Zone with regards to the Occupation Classification in terms of the National Building Regulations Act is as follows:

Class	Class of occupancy of Building	Example
E3	Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for.	* Assisted Living Facility * Children's Home * Community Care Centre * Congregate Care Facility * Foster Care Facility * Frail Care Facility

		<ul style="list-style-type: none"> * Halfway House * Hospice * Nursing Home * Old Age Home
--	--	--

Stellenbosch Zoning Scheme does not have an Institutional Zoning

After requesting the Planning department to provide the current zoning for these erven the following surfaced:

ERF 3192 FRANSCHOEK - UTILITY SERVICES ZONE

Purpose of the zone

The purpose of this zone is to make provision for:

(1) (a) the use of land for the provision and protection of any infrastructure services for the general public, whether in public or private ownership;

(b) land used by government, parastatal or private bodies appointed to perform a public function for any of the uses in the definition of "authority use" or where the authority use is not provided for in terms of any of the other land use categories and thus cannot be classified in any other suitable zone.

The following uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Authority use • Parking garage • Public parking • Public road • Utility services • Occasional use (one event/year) • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Market 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Helicopter landing pad • Occasional use (>one event/year) • Renewable energy installation • Transport purposes (passengers)

ERVEN 3019 and 3111 FRANSCHOEK - PUBLIC OPEN SPACE ZONE

182. Purpose of the zone

The purpose of this zone is to make provision for land which vests in the Municipality as a 'public place' and which is intended to be used for: (a) active or passive public recreational and public amenity purposes; or

(b) creating a desired townscape, or visual open space for residents; or

(c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to

(d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

Land use within this zone

The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Open space • Natural environment • Private road • Occasional use (one event/ year) 	<ul style="list-style-type: none"> • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Camping site • Cemetery • Employee housing • Freestanding base telecommunication station • Indoor sport • Market • Occasional use (>one event/year) • Outdoor sport • Tourist accommodation establishment • Tourist facilities

5. RECOMMENDATION

For consideration

6. DISCUSSION / CONTENTS

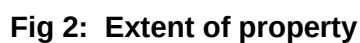
6.1 Background

Various sites in Mooiwater, Franschhoek have been identified as properties not needed to provide the minimum level of basic municipal service, ie. Surplus to our own needs. At the stage of their identification, it was alleged that they were church sites/cheche sites.

6.1.2 Property description

6.1.2.1 Erf 3192, Mooiwater, Franschhoek

Erf 3192, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 1 and 2, below and zoned for Utility Services.



Erf 3192 is 1144m² in extent and is zoned for utility services.
This zoning was incorrectly reflected in the item.
The ownership vests with Stellenbosch Municipality by virtue of Title Deeds T27271/1999 and T39839/2001.

6.1.2.2 Erf 3019, Mooiwater, Franschhoek

Erf 3019, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 3 and 4 below.



Fig 3: Location and context



Fig 4: Extent of property

Erf 3019 is 793m² in extent and is zoned for public open space. The zoning was incorrectly indicated in the item that serve before Council before

The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001.

6.1.21.3 Erf 3111, Mooiwater, Franschhoek

Erf 33111, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek, as indicated on Fig 5 and 6 below.



Fig 5: Location and context



Fig 6: Extent of property

Erf 3111, Mooiwater is 744m² in extent and is zoned for Public Open space. The zoning was incorrectly indicated in the item that served before Council before.

The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001.

6.9 DISCUSSION

The definition in reference to Institutional Zone with regards to the Occupation Classification in terms of the National Building Regulations Act is as follows:

Class	Class of occupancy of Building	Example
E3	Other institutional (residential) Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for.	<ul style="list-style-type: none"> * Assisted Living Facility * Children's Home * Community Care Centre * Congregate Care Facility * Foster Care Facility * Frail Care Facility * Halfway House * Hospice * Nursing Home * Old Age Home

Stellenbosch Zoning Scheme does not have an Institutional Zoning

Below is **Community Zone** Definition/Purpose for ease of reference.

The purpose of this zone is to make provision for: (a) buildings which are used for a wide range of community and welfare purposes including places of education for pre-primary, primary and secondary school levels;

(b) tertiary educational facilities such as colleges and universities; and

(c) permitted uses shall include ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with such facilities.

The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Clinic • Community residential building • Day care centre • Extramural facility • Indoor sport • Medical consulting rooms • Outdoor sport • Occasional use (one event/year) • Place of assembly • Place of education • Place of worship • Public institution • Welfare institution • Private road 	<ul style="list-style-type: none"> • Dwelling house • Employee housing 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Helicopter landing pad • Hospital • Hostel • Market • Occasional use (>one event/year) • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution

After requesting the Planning department to provide the current zoning for these erven the following surfaced:

ERF 3192 FRANSCHOEK - UTILITY SERVICES ZONE

Purpose of the zone

The purpose of this zone is to make provision for:

- (1) (a) the use of land for the provision and protection of any infrastructure services for the general public, whether in public or private ownership;
- (b) land used by government, parastatal or private bodies appointed to perform a public function for any of the uses in the definition of "authority use" or where the authority use is not provided for in terms of any of the other land use categories and thus cannot be classified in any other suitable zone.

The following uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Authority use • Parking garage • Public parking • Public road • Utility services • Occasional use (one event/year) • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Market 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Helicopter landing pad • Occasional use (>one event/year) • Renewable energy installation • Transport purposes (passengers)

ERVEN 3019 and 3111 FRANSCHOEK - PUBLIC OPEN SPACE ZONE

182. Purpose of the zone

The purpose of this zone is to make provision for land which vests in the Municipality as a 'public place' and which is intended to be used for: (a) active or passive public recreational and public amenity purposes; or
(b) creating a desired townscape, or visual open space for residents; or
(c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to
(d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

Land use within this zone

The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
--------------	--------------------------------------	-------------------------------------

- | | | | | | |
|---|------------------------------------|---|---------------------------|---|---|
| • | • Open space | • | • Rooftop base | • | • Camping site |
| • | • Natural environment | • | telecommunication station | • | • Cemetery |
| • | • Private road | | | • | • Employee housing |
| • | • Occasional use (one event/ year) | | | • | • Freestanding base telecommunication station |
| | | | | • | • Indoor sport |
| | | | | • | • Market |
| | | | | • | • Occasional use (>one event/year) |
| | | | | • | • Outdoor sport |
| | | | | • | • Tourist accommodation establishment |
| | | | | • | • Tourist facilities |

6.2.3 Legal Requirements

6.2.3.1 MFMA

In terms of section 14(1) a municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), but only after the municipal council, in a meeting open to the public-

- (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
- (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

6.2.3.2 Asset Transfer Regulation (ATR)

6.2.3.2.1 Transfer or disposal on non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal Council may transfer or dispose of a non-exempted capital asset only after-

- a) the accounting officer has in terms of regulation 6 conducted a public participation* process to facilitate the determinations a municipal council must make in terms of Section 14(2)(a) and (b) of the Act; and
- b) the municipal council-
 - i) has made determinations required by section 14(2) (a) and (b)* and
 - ii) has, as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

6.2.2.2.2 Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council **must**, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), take into account—

- (a) whether the capital asset may be required for the municipality's own use at a later date;

- (b) the expected loss or gain that is expected to result from the proposed transfer or disposal;
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
- (d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
- (e) the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) the estimated cost of the proposed transfer or disposal;
- (h) the transfer of any liabilities and reserve funds associated with the capital asset;
- (i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons; (if applicable)
- (j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury; (if applicable)
- (k) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
- (l) compliance with the legislative regime applicable to the proposed transfer or disposal.

6.2.3.2.3 Conditional approval of transfer or disposal of non-exempted capital assets

Further, in terms of Regulation 11, an approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying—

- (a) the way in which the capital asset is to be sold or disposed of;
- (b) a floor price or minimum compensation for the capital asset;
- (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.

6.2.3.2.4 Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system

In terms of Regulation 12(1); if approval has been given in terms of regulation 5(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its disposal management system, irrespective of—

- (a) the value of the capital asset; or
- (b) whether the capital asset is to be transferred to a private sector party or an organ of state.

*In the case of Stellenbosch Municipality the Policy on the Management of Council-owned property is deemed to be the disposal management system.

6.2.3.2.5 Compensation for transfer of non-exempted municipal capital assets

In terms of Regulation 13, the compensation payable to a municipality for the transfer of a non-exempted capital asset must, subject to sub regulation

(2)—

- (a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and
If a municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a non-exempted capital asset for less than its fair market value, the municipality must, when considering the proposed transfer, take into account—
- (b) the interests of—
 - (i) the State; and
 - (ii) the local community;
- (c) the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;
- (d) the constitutional rights and legal interests of all affected parties;
- (e) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
- (f) whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.

6.2.3.2.6 Transfer agreements

In terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state, only by way of a written transfer agreement concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

- (a) a sufficient description of the capital asset being transferred in order to identify the asset;
- (b) particulars of any subsidiary assets that are transferred with the capital asset;
- (c) particulars of any liabilities transferred with the asset;
- (d) the amount of compensation payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and
- (e) the effective date from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.2.3.3 Policy on the management of Council-owned property**6.2.3.3.1 General principles**

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of Viable Immovable property shall be effected-

- a) by means of a process of public competition; and
- b) at market value except when the public interest or the plight of the poor demands otherwise.

6.2.3.3.2 Methods of disposal

In terms of paragraph 9 the type of tender may vary, depending on the nature of the transaction. The following options may be considered:

- a) outright tender/auction
- b) Call for proposals

6.3 Financial Implications

The valuation for the erven will have to be obtained.

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. See paragraph 6.2.2, *supra*.

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions**21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.2****RESOLVED** (nem con)

- (a) *that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of;*
- (b) *that Council considers a public participation process for wards 1 and 2 to indicate what uses they would want on these properties before Council takes a decision on an in principle process to dispose of the properties;*
- (c) *that the Municipal Manager be authorised to follow a public participation process by requesting the residents of wards 1 and 2 to provide inputs on the type of uses they would want the properties to be used for;*
- (d) *that the public participation process be advertised in a local newspaper and communicated by the ward Councillors, and that it run for a period of 21 days from date of advertising; and*
- (e) *that the item be re-submitted to Council after the public participation process.*

26TH COUNCIL MEETING: 2019-04-24: ITEM 7.2.2**RESOLVED** (majority vote)

- (a) *that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;*

(b) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be, in principle, disposed of;

(c) that Council resolves that the properties be put out on a Call for Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals;

(d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and

(e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.

Councillor DA Hendrickse requested that his vote of dissent be minuted, on the grounds that, in his view, the item is not legally compliant.

6.7 Risk Implications

The rezoning of the specific land pieces to be used for different purposes then what it is currently zoned.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Requested that erf 3192 be allocated for waste management for the use of waste management in particular recycling. Illegal dumping is a huge problem in the area and a skip and other containers can be put on the premises for recycling and waste management.

No other comments were received from Directorates.

6.8.2 Municipal Manager

The re-rezoning of public open spaces is a big challenge.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene De Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	annalene.debeer@ Stellenbosch.gov.za
REPORT DATE	2024 – 02 - 07

7.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)
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NONE

7.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)
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7.5.1	STELLENBOSCH MUNICIPALITY'S ELECTRIFICATION PROGRAMME FOR INFORMAL SETTLEMENTS
-------	--

ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

7.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)
-----	--

7.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME
-------	---

Collaborator No: 764144
 IDP KPA Ref No: Green & Sustainable Valley
 Meeting Date: 20 March 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation initiatives underway, in order to ultimately reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

- 4.1 Eskom in 2022-23, advised the Municipality to prepare an application to serve at their Loadshedding Committee, for the Municipality to be considered as a curtailment customer. Upon receipt of the said application, Eskom then rejected the application. A follow up meeting was held with Eskom and the outcome is that a revised application must be resubmitted for representation to the Eskom Loadshedding Committee. The draft application has been prepared and is due to serve at the Eskom Loadshedding Committee at the end of April 2024. Note that this is still on a load curtailment premise.
- 4.2 The Municipality has advertised a tender on 03 February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), with a closing date being 20 March 2024.
- 4.3 The Supervisory Control and Data Acquisition (SCADA) project is continuing on track with the implementation and the fitting of main substations with the additional equipment. Two main substations have been completed to date.
- 4.4 Municipal Court Building: Inverter has been successfully installed to ensure business continuity.
- 4.5 An official order for five generators was issued to the service provider and the expected delivery date was originally middle of March 2024 however the service provider indicated that they are experiencing challenges and it is expected that the generators will be delivered and installed by end of April 2024. The department has engaged the Contract Management Section to pursue possible consequence management against the service provider for not meeting their original delivery date.

- 4.6 The tender for the Stellenbosch Fire Station battery storage system closed on 26 February 2024 with tender evaluation underway at present.

4.7 Provincial Initiative to Establish a 50MW Solar Plant

Provincial Government Western Cape (PGWC) has appointed a Project Manager and Transactional Advisory Consultancy Team to facilitate a possible 50 MW Independent Power Producers project, with the following deliverables:

- Inception report has been completed by the Project Team.
- A Feasibility Study is now underway at present.
- The service level agreement between Province, their Project Management firm and the Municipality has been provided by PGWC and commented on by the Municipality.
- The Memorandum of Understanding between PGWC and Stellenbosch Municipality for the Energy Resilience programme has been signed and finalised.
- Provincial Government has expressed concerns about the Municipality's 20MW IPP tender, as per Item 4.2 above, and has been requested to submit these concerns in writing.

4.8 Provincial Project: Municipal Pooled Buying initiative:

The Provincial Government held a series of workshops with the Municipality's Legal, Financial and Technical teams. The Municipality has submitted comments during 2023 to PGWC. A follow up workshop is to be scheduled by PGWC by end March 2024.

5. RECOMMENDATION

that Council notes the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

6. DISCUSSION / CONTENTS

6.1 Background

Under previous circumstances, the Constitution did not allow Local Government to enter the generation of electricity and the Electricity Regulation Act did not allow municipalities to purchase electricity from any company other than Eskom. Through the promulgation of Electricity Regulation Act Regulations, on 16 October 2020, this changed, and municipalities are now allowed to generate electricity and purchase electricity from other electricity providers other than Eskom.

6.2. Discussion

Progress to date on the various initiatives are as follows:

6.2.1 Outcome of Eskom Engagements

Various meetings and interactions have taken place with Eskom.

The following feedback has been received from Eskom so far:

- Application for load curtailment has not been granted by Eskom. Eskom has formally responded on 19 January 2024 indicating that the application cannot be considered since the Municipality's load curtailment application seems to be interpreted by Eskom as not in line with the NRS 048-9 principles. At the meeting held with Eskom on 7 February 2024, Eskom recommended that the Municipality revise our application for reconsideration. The revised application was tabled at the AEG Steering Committee before resubmission to Eskom's Loadshedding Committee.
- As an immediate objective and for the proposed strategies to materialize, an agreement with Eskom on curtailment is still of crucial importance.
- As part of the long-term loadshedding mitigation strategy, the municipality will be initiating self loadshedding but for this to take place it necessitates the installation of a Supervisory Control and Data Acquisition (SCADA) system and a fully operational control room.
- The objective is still to obtain approval from Eskom and sign an agreement as soon as possible. This strategy is dependent on the approval from Eskom. Without the approval from Eskom, the Municipality is at risk of not being able to implement any of the strategies to mitigate the impact of loadshedding.

6.2.2 Loadshedding Mitigation Investigations Concluded to Date

Extensive analysis has been undertaken and the following conclusions were reached:

1. Various strategies were investigated at the Alternative Energy Steering Committee:
 - Installation of big renewable plants via Independent Power Producers (IPPs).
 - Mass roll-out of consumer Small Scale Embedded Generation (SSEG) Photovoltaic (PV) systems.
 - Energy switching by consumers.
 - Energy efficiency of municipal facilities including streetlights.
2. Various strategies that would qualify as load shedding mitigation were also investigated including the following:
 - Use of batteries to store electricity in order to provide the required load during load shedding. This has been found to be not financially viable.
 - Use of batteries plus a Solar (PV) station with batteries to curtail the required load to mitigate the impact of loadshedding were investigated and found to be not financially viable,

3. Extensive analysis has shown that it would be easier to mitigate the impact of load shedding by becoming a load curtailment consumer rather than being a self-load shedding consumer. The following strategies have been analysed, and found to be affordable and qualify for load curtailment:

- 3.1 Large consumer load curtailment strategies together with own generation facilities.

- To enable load curtailment, the Municipality will have to design and implement tariffs to encourage participation by large consumers.

- 3.2 Using the geyser remote control system.

- Extensive communication and engagement with the municipality's customers will be required as the implementation of this strategy will result in some instances to customers being without hot water for extended periods especially during peak hours. Council to note that it has since come to light that technology changes might influence the viability of this strategy. The department is investigating all options and will report on the outcome.

6.2.3 Proposed Load Curtailment Strategy

Taking the above into consideration the following load shedding mitigation strategy is proposed:

6.2.3.1 Load curtailment

Load Curtailment is usually for 4 hours from 14h00 to 18h00.

The large load curtailment consumers will be used to reduce the load by 10% from 14h00 to 18h00 during the majority of load curtailment days.

6.2.3.2 The geyser control system

The geyser control system will be used to curtail the load by 10% from 18h00 to 22h00 however it has since come to light that technology changes might influence the viability of this strategy. The department is investigating all options and will report on the outcome.

In cases where curtailment is required for more than 8 hours per day or for higher stages of load shedding, the following will apply:

- 6.2.4 The maximum amount of load curtailment / geyser control will be used to meet the requirements. This may incur additional costs to the municipality in order to compensate the customer for the extended period they would be without hot water.

- 6.2.5 When all possible curtailment has been applied and the requirements are still not met, the municipality will have to apply self loadshedding. To enable to self loadshedding the following is required:

- A SCADA remote control facility equipped network
- A proper operating system control room.

- A minimum staff complement of x 4 System network operators with administrative support.

Due to the costs involved in above load curtailment strategies, it is also proposed to contract with an Independent Power Producer (IPP) with renewable power to supply 20 MW of power to the Stellenbosch Main substation. This will not assist with loadshedding mitigation but will reduce the Eskom bulk purchase expenditure and may thus reduce the total cost of load shedding mitigation strategies.

6.2.6 Municipal Initiatives

6.2.6.1 Appoint Alternative Energy Independent Power Producers (IPP's)

The Municipality has advertised a tender on 03 February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), with a closing date being 20 March 2024.

Possible second Tender: Three sites were identified by Stellenbosch Municipality with the view to establishing IPP's. The Municipality is continuing to facilitate a possible separate tender process to procure IPP's as follows:

- Erf RE/119 Idas Valley for possible Biomass.
- Erf 181/0 Stellenbosch (below reservoir) for possible photovoltaic site.
- Erf 279/0 Stellenbosch (Droëdyke site opposite landfill) for possible photovoltaic site.

As a result of extensive investigations that are still required to be conducted to ensure that the tender specifications adhere to the Municipality's needs and ensuring the responsiveness of bidders, this tender will be the second tender to be issued. The Municipality is continuously engaging with other Municipalities who are also following the same process to learn from their experiences, but this tender will only be advertised once the evaluation for the 20 MW IPP tender process has been concluded.

6.2.6.2 Implementation of Supervisory Control and Data Acquisition (SCADA)

The completion of Phase 1 which is the remote **monitoring** of seven main substations is scheduled for completion by 30 June 2024. The total cost estimate for this phase R12 600 051.28 (VAT incl). To date 47% of this phase has been completed.

The total estimated cost to complete Phase 2 (implementation of remote **switching** at the 7 main substations) and Phase 3 (remote monitoring of the 11 kV substations is R35 916 310.15 (VAT incl). These phases are proposed for implementation in the 2024/25 financial year.

6.2.6.3 Municipal Critical Buildings and Plants

The investigation for the most suitable alternative energy for the key infrastructure (water- and wastewater plants) to ensure continued service delivery is underway.

The progress on the four municipal buildings identified for business continuity is;

- o Municipal Court – Battery back up installation (16 kVA inverter with 10 kWh battery back) has been installed.
- o Fire Station – The tender for the supply and installation of a 100 kVA inverter and 400 kWh battery storage closed on 26 February 2024 and tender evaluation is underway.
- o NPK Building – Investigation for the most feasible option is underway.
- o Main Building – Preliminary investigations have revealed that the existing electrical wiring of the main building is not suitable for the installation of an inverter with battery back-up. The existing electrical wiring must first be separated into essential and non-essential loads, and this will require the complete rewiring of the Main Building. Detailed investigations for the most suitable solution are underway.

6.2.6.4 Provincial Initiative to Establish a 50MW Solar Plant

Provincial Government Western Cape (PGWC) has appointed a Project Manager and Transactional Advisory Consultancy Team to facilitate the 50 MW IPP project.

The following deliverables are applicable to this process:

- Inception report has been completed by the Project Team.
- Feasibility Study now underway.
- The service level agreement between the Project Manager and the Municipality has been provided by PGWC and commented on by the Municipality.
- The Memorandum of Understanding between PGWC and Stellenbosch Municipality for the Energy Resilience programme has been signed.
- Provincial Government has expressed concerns about the Municipality's 20MW IPP tender, as per Item 4.2 above, and has been requested to submit these concerns in writing.

6.2.7 Decisions taken by the AEG Steering Committee on prioritized projects

- The Department to drive the process to get the geyser load control system fully operational and integrated into the control room however it has since come to light that technology changes might influence the viability of this strategy. The department is investigating all options and will report on the outcome.
- The Department to continue with the discussions with bulk consumers and develop details of the product to become load curtailment consumers.
- The Department to continue with the IPP tender for 20 MW IPP at Main substation and the signing of a Power Purchase Agreement (PPA) to deliver power within 2 years after signing of the PPA. The tender is currently in the advertisement stage.
- The Department undertakes the tariff study and get the cost of supply study and tariffs approved by NERSA.

- The Department to continue with investigations into the Small-Scale Embedded Generation (SSEG) impact and possible strategies and option to use SSEG consumer batteries as load shedding mitigation.
- The Municipality continues participating in the Provincial 50 MW IPP project.
- The Municipality continues participating in the Provincial Pool Buying project.
- The Department facilitates projects for the upgrading of the substations to enable self loadshedding.
- The Department conduct investigations on possible affordable network upgrades to absorb more than 20 MW into the network.

6.3 **Financial Implications**

This report has further financial implications to the municipality than what has been mentioned in this report, but the exact impact will only become known once all the investigations have been concluded.

6.4. **Legal Implications**

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

6.5. **Staff Implications**

It is foreseen that 4 staff members would be required operate the control room which is required to manage self loadshedding.

A minimum staff complement of x 4 System Network Operators with Administrative support for the Network systems control room.

Further to the above, specialized technical staff would be required to facilitate and implement the loadshedding initiatives. The department has identified vacancies that need to be funded and filled in order to enable the loadshedding initiatives.

6.6. **Previous / Relevant Council Resolutions**

"40TH COUNCIL MEETING: 2021-01-27: ITEM 11.5.1

RESOLVED (nem con)

- (a) that Council approves the investigation into alternate methods of electricity generation and purchases;
- (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government;

- (c) that Council accepts the initiating of the following processes as may be required:
- i. Municipal Systems Act, Section 78(1) processes
 - ii. Municipal Finance Management Act, Section 33 investigation processes
 - iii. Electricity Regulation Act, Section 13; and
- (d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.

16TH COUNCIL MEETING: 2023-08-23: ITEM 11.6.3

NOTED

The progress of the Alternate Energy Generation initiatives and studies.

20TH COUNCIL MEETING: 2024-02-21: ITEM 11.6.1

NOTED

The Alternative Energy Generation strategies identified by the AEG Committee and the progress with the Alternative Energy Generation projects initiated.

6.7. Risks / Challenges: Implications and Mitigation:

- With both initiatives (Municipal 20 MW tender and Provincial 50 MW proposed tender) currently underway, Provincial Government has raised a concern that the Municipal 20 MW tender currently being advertised, may inhibit or jeopardise the future possible 50MW tender currently being developed by the Transaction Advisor team.
- They also have concerns that no draft Power Purchase Agreement was included in the 20MW tender. The PGWC were requested to submit their concerns in writing to the Municipality.
- A meeting was facilitated with the Provincial Government Heads of Department of the Department of Local Government, and Department of Infrastructure on 26th January 2024, to discuss the above matters.
- The implementation of the load shedding mitigation strategies is still subject to the approval of the municipality's load curtailment application by Eskom's Load Shedding Committee. Regular follow-up engagements are being held with Eskom and the Municipality's revised application has been re-submitted for advice by the Eskom team, who are also the representatives at the Loadshedding Committee.
- To enable self-loadshedding, a significant capital investment will be required. The Department is implementing in phases the upgrades to the electrical network and has budgeted accordingly.
- The identified resources (vacancies and equipped operational control room) will be budgeted, for the strategies and initiatives to be realised.
- The existing ICT network infrastructure needs to be upgraded, but it will be a phased in approach over time, so that the existing bandwidth of the ICT network is sufficient to deal with the volume of the SCADA traffic. The ICT Department is investigating solutions to enable a functioning SCADA on the ICT network.

- The preliminary simulations investigation that was conducted by the Municipality's service provider revealed that the maximum suitable size for a solar plant without batteries that can be absorbed into the Stellenbosch network is 20MW.
- Therefore, in order for both the Provincial 50MW power plant and the 20MW Municipal power plant to be accommodated into the current Stellenbosch electrical network, upgrades will be required by the electrical network. These plants must be connected to the Main substation to be able to transfer the load to the various load centres. To enable the existing electrical network to absorb both the 50 MW and 20 MW capacities at the Main Substation, the Department has submitted for consideration its proposed MTREF budget for the anticipated upgrades.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	11 March 2024

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)
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NONE

7.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM :(PC: CLLR C VAN WYK)
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7.8.1	CONSIDERATION FOR ADDITIONAL FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2023 / 2024: (LOCAL TOURISM ORGANISATIONS)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 March 2024

- SUBJECT:CONSIDERATION FOR ADDITIONAL FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2023 / 2024: (LOCAL TOURISM ORGANISATIONS)**

2. PURPOSE

To discuss and consider the amendment to the funding application for the 2023 / 2024 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000, as approved by Council at the Special Council Meeting dated 27 June 2023.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation is delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The following body submitted an additional application to perform the local tourism function for Council for the 2023 / 2024 financial year.

Applicant	2023 / 2024 Additional Funding Requested in Rand Value	2023 / 2024 Total additional funding to be considered for approval.
Visit Stellenbosch	R280 000	R280 000
Franschhoek Wine Valley	R1 387 500	R250 000

Currently, Council allocated the above amount of R6 359 855 to the Local Tourism Organisations (LTO's) for the 2023/24 financial year.

5. RECOMMENDATIONS

- (a) that an additional amount of R 280 000 be allocated to Visit Stellenbosch for the 2023 / 2024 financial year; and
- (b) that an additional amount of R 250 000 be allocated to Franschhoek Wine Valley Tourism Association for the 2023 / 2024 financial year.

6. DISCUSSION /CONTENTS

6.1 Background

On the 27th of June 2023 at the Special Council Meeting, Council resolved the following:

- a) That the amount of R4 341 300.00 be allocated to Visit Stellenbosch NPC for the 2023/24 financial year;
- b) That the amount of R2 018 555.00 be allocated to Franschhoek Wine Valley Tourism Association for the 2023/24 financial year; and

A funding application against the Adjustment Budget 2023/2024 was made by Visit Stellenbosch and Franschhoek Wine Valley Tourism Association for a number of projects.

Therefore, the proposed table below summarises the additional funding breakdown.

6.2.1 Budget Breakdown

Visit Stellenbosch (NPC) Appendix 1

	Type of project	Name of project	Performance targets / Deliverables	Amount in Rand	Departmental Comment	Recommended Funding
1	Destination marketing and branding. Overview of destination products and offerings with multiple tools assisting visitors.	Safety Programme – Street Savvy in Stellenbosch	Visible policing	R250 000	Safety in general is a function of the South African Police Service ("SAPS"), it is however noted that Council is part of the Winelands Security Initiative ("WSI") with the aim of creating safer communities and areas. The Department is	R250 000

AGENDA

MAYORAL COMMITTEE MEETING

2024-03-20

					therefore in support of the proposal.	
2	Wine Tourism	Business of Wine Tourism Conference	Bring the Business of Wine Tourism Conference to Stellenbosch. Attracts 100 international speakers to Stellenbosch.	R30 000		R30 000
	Total:					R280 000

6.2.2 Budget Breakdown

Franschhoek Wine Valley (NPC) Appendix 2

	Type of project	Name of project	Performance targets / Deliverables	Amount in Rand	Departmental Comment	Recommended Funding
1	Marketing and branding	Marketing and branding	Festivals / Events: <ul style="list-style-type: none"> • Bastille • Harvest Long Table at Boschendal • Literacy Festival • Explore Franschhoek • International Wine Masters Visit November 2023 • Restaurant Week • Champagne and Cap Classique Festival • Trade and Media Tastings in JHB and FHK • Business Tourism - MICE 	R250 000	The initial amount requested for this project was R1 814 000. The Department however only allocated funding to the amount of R425 000 due to limited resources. An additional amount of R250 000 will be allocated towards Marketing and Branding.	R250 000
	Total:					R250 000

6.2 Financial Implications

The budget allocated for Local Tourism Authorities for the 2023/24 financial year is R6 359 855 on Ukey 20220630080640.

The following budgets were approved:

- a) That the amount of R4 341 300.00 was allocated to Visit Stellenbosch for the 2023 /2024 financial year; and
- b) That the amount of R2 018 555.00 was allocated to Franschhoek Wine Valley for the 2023 /2024 financial year; and

The Department has sufficient funds are available for the recommended budget on Ukey 20230621063466.

6.3 Legal Implications

The recommendations in this report comply with Council's policies and applicable legislation and the approved Policy for the Financing of External Bodies Performing a Municipal function.

The applicant is required to submit quarterly reports reflecting accurately the application of the funds allocated and using the reporting template which will be provided by Council to them as specified in the Memorandum of Agreement ("MOA") which they are required to enter into with the Municipality.

6.4 Staff Implications

None

6.5 Risk Implications

Visit Stellenbosch is an entity funded to undertake a function of Council and is therefore also subject to reporting to the Auditor-General in terms of their Annual Financial Statements ("AFS") in terms of the Municipal Finance Management Act, Act 56 of 2000. Therefore, the Department will draft a reporting template to ensure that the financial reporting will be in accordance with the required financial reporting in terms of the relevant Generally Recognised Accounting Practices ("GRAP") and the MOA as signed with Council.

GRANTS COMMITTEE MEETING: 2024-01-30: ITEM 3.1.2

RECOMMENDATIONS

- (a) that an additional amount of R 280 000 be allocated to Visit Stellenbosch for the 2023 / 2024 financial year: and
- (b) that an additional amount of R 250 000 be allocated to Franschhoek Wine Valley Tourism Association for the 2023 / 2024 financial year.

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REPORT DATE	23 January 2023

7.8.2	REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY BUSKING POLICY, 2024
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Collaborator No:

764000

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

20 March 2024

1. SUBJECT: REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY BUSKING POLICY, 2024

2. PURPOSE

To provide Council with the pertinent facts in order to obtain approval of the Final Draft Stellenbosch Municipality Busking Policy, 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch is known for its rich cultural heritage and is home to a diverse community of artists, musicians and performers. Busking provides these artists and performers with a platform to showcase their skills and interact with a diverse audience.

The aim of the Busking Policy is to encourage artistic expression of these artists and musicians while addressing potential concerns related to noise, public safety, and the overall well-being of the community of Stellenbosch. The implementation of the Busking Policy will have several benefits, contributing to the cultural, social and economic vibrancy of the Municipality.

At the 17th Council Meeting dated 25 October 2023, Council resolved that the draft Stellenbosch Municipality Busking Policy be advertised to solicit public comments, and thereafter will be evaluated and resubmitted to Council for consideration. The subject Policy was advertised in the Eikestadnuus and Paarl post on 02 November 2023, with a closing date of 04 December 2023. Copy of the advertisement attached as Appendix 2 to this report.

5. RECOMMENDATIONS

- (a) that Council take note of the final Draft Stellenbosch Municipality Busking Policy was advertised for a period of 30 days, and that copies of the proposed Policy was placed at the venues as indicated in the advertisement, copy attached as **APPENDIX 2** to this report,
- (b) that Council **approves and adopts** the final Draft Stellenbosch Municipality Busking Policy, attached as **APPENDIX 1**; and
- (c) that Council **approves** that the Final Draft Stellenbosch Municipality Busking Policy be promulgated.

6. DISCUSSION / CONTENTS

6.1 Background

Busking is a form of informal entertainment in a public place, typically on the street, for voluntary donation from passers-by. Buskers, also known as street performers, often use their talents to attract crowds and earn money from the tips and contributions. While busking can be a way for artists to make a living, it also adds cultural vibrancy and entertainment value to public spaces.

A number of concerns have been raised by the Local Tourism Organisations and stakeholders in the tourism fraternity regarding the demeanour of buskers on the streets of Stellenbosch and Franschhoek central business districts which has prompted the need for the establishment of a Policy to manage busking activities in the Stellenbosch Municipality. The item served before Mayco on 11 October 2023 as guidelines and was referred back to the department for refinement.

As part of the development of the Stellenbosch Municipality Busking Policy, an internal consultation session was conducted with Community and Protection Services on 26 May 2023, in addition the document was also circulated to the LTO's for comments. The comments and inputs received have been incorporated into the Draft Busking Policy, attached as **APPENDIX 1**.

The envisioned Stellenbosch Municipality Busking Policy will contribute towards creating a harmonious environment that will balance the interests of the performers, local businesses, residents and visitors.

Public Participation Process

On 25 October 2023, Council resolved that the Department advertise the subject Policy for public comment, and during the advertising period the following comment were received from Visit Stellenbosch:

Comment	Response
Visit Stellenbosch opposes the use of any pre-allocated busking sites	The Policy has been amended as follows: "buskers are not permitted to enter the demarcated areas of restaurants to solicit donations" and does not make reference to busking sites.

6.2 Discussion

Busking adds vibrancy and diversity to the local culture of an area by showcasing a variety of artistic talents and expressions. This can enhance the cultural identity of the Stellenbosch Municipality and provide a unique experience for both residents and tourists. Buskers also attract crowds of people, which can lead to increased foot traffic in commercial areas and can benefit local businesses.

A well-regulated busking scene can become a tourist attraction in its own rights, drawing visitors to the area and can potentially increase tourism-related revenue. To maximise the benefits associated with busking it is essential that the Municipality establish and enforce a Busking Policy. The Policy addresses issues such as performance locations, noise levels, time restrictions, permit requirements and dispute resolution mechanisms. Overall, it provides a structured framework for managing

public performances, balancing the interest of performers, residents, businesses, and the municipality.

6.3 **Financial Implications**

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

6.4 **Legal Implications**

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

6.5 **Staff Implications**

This report has no additional staff implications for the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

During the 17th Council Meeting on 25 October 2023, Council resolved that the draft Stellenbosch Municipality Busking Policy, be advertised for public comment for a period of thirty (30) days; and that the item return to Council after the public participation process for consideration.

6.7 **Risk Implications**

The risks are addressed through the content of the report.

APPENDICES

Appendix 1: Draft Final Stellenbosch Municipality Busking Policy, 2024

Appendix 2: Copy of the advertisement

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	<i>29 February 2024</i>

APPENDIX 1

STELLENBOSCH MUNICIPALITY
DRAFT BUSKING POLICY, 20243

STELLENBOSCH MUNICIPALITY

DRAFT BUSKING POLICY, 20243

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1. DEFINITIONS

"Council" means the Municipal Council of Stellenbosch Municipality as referred to in section 157 of the Constitution;

"Official" means an employee in the service of the Municipality;

"Busker" means the person providing entertainment in the streets;

"Busking" means the provision of entertainment in the streets;

Types of busking performances may include, but not limited to:

- Performing with an instrument or multiple instruments, conventional or self constructed;
- Performing a song, dance routine, mime, clowning, juggling, puppetry, comedy, magic, reciting, or living statue act;
- Actively working in an artistic medium (this excludes pre-built static displays and artworks advertising or promoting a company, event or charity);
- Performing a Circle Act.

"Permit" shall mean any permit issued in accordance with the provisions of this policy

"Nuisance" is not defined but can include low-level nuisance affecting people living, trading or carrying on a business locally, as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity and environment of other persons living and working in the area

"the Policy" means the Stellenbosch Municipality Busking Policy which may be amended and approved from time to time

~~**"Busking Sites"** means those sites that are designated sites where busking is permitted by those holding a valid Busking permit~~

"Regulations" means regulation prescribed by the Stellenbosch Municipality under this policy

2. PURPOSE AND OBJECTIVES

- 2.1 The purpose of this Policy is to outline the Council's approach to Busking within the Stellenbosch Municipality.
- 2.2 The policy aims to encourage activities that contribute to the vibrancy and diversity of the Stellenbosch Municipality
- 2.3 The purpose of the policy is to provide a platform for artists and performers to showcase their skills and interact with a diverse audience.

- 2.4 ~~The policy identifies locations in the town centres of the Stellenbosch Municipality as suitable busking sites.~~

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- 2.45 The policy contributes towards creating a harmonious environment that will balance the interests of the performers, local businesses, residents and visitors.

3. APPLICATION REQUIREMENTS AND FEES

- 3.1 All applications must be made on an application form provided by the Stellenbosch Municipality (Economic Development and Tourism Department) and must be accompanied by an ID document size photograph of the performer, accompanied by the correct application fee (tariff to be confirmed)
- 3.2 The following information is required for **all applications**:
- 3.2.1 Name and address (where the application is made by a group, the names and addresses of all members of that group);
 - 3.2.2 Contact details;
 - 3.2.3 Type of entertainment to be performed and description of equipment to be used;
 - 3.2.4 Copy of ID document;
 - 3.2.5 How many people are involved in the performance
- 3.3 If a group is performing, each member of the group needs to register
- 3.4 Prior to obtaining a Busking Permit, Buskers will be required to sign the Busker's Code of Conduct

4. CONDITIONS

- 4.1 The busking permit must be displayed when performing and must be produced immediately upon request to either an Authorised Officer or Law Enforcement Officer;
- 4.2 ~~Busking is only permitted at any of the designated sites in the central business districts of the~~ Stellenbosch Municipality between the hours 08:00 and 21:00. Performances may only last for 45 consecutive minutes at any one location, after 45 minutes the busker must move to a different location at least one full street block away;
- 4.3 Busking will only be permitted by the person(s) named on the permit, and may not be used by, or transferred to, another person;

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- 4.4 The volume levels must be kept to a reasonable level, within the guidance set by the Stellenbosch Municipality: Roads and Streets By-law, 2021;
- 4.5 Busking must only be carried out in a location with sufficient space for the entertainment (and considering the number of buskers and the expected audience size);
- 4.6 The Busking must not be carried out in a way that causes an obstruction to pedestrians or traffic or disturbance, nuisance or undue interference with, or inconvenience to or risk to safety of themselves and of persons using the Street;
- 4.7 Buskers must ensure that the area in which they are working is kept clean;
- 4.8 Buskers under the age of 18 must have an adult accompanying them at all times;
- 4.9 Buskers are not permitted to sell goods and services, or conduct one-one consultations for money, a fee or reward;
- 4.10 Licenced buskers are encouraged to set out a hat or instrument case for voluntary donations. The donations container must not obstruct pedestrian traffic;
- 4.11 Buskers must cooperate with reasonable requests by any member of the South African Police Services and Stellenbosch Municipality Law Enforcement Section, ~~or any other such designated department or official~~. If buskers do not comply with all busking rules and regulation and relevant legislation, the following actions will be taken:
 - 4.11.1 The busker may be told to lower the volume or find a new location;
 - 4.11.2 A performance may be stopped;
 - 4.11.3 A compliance notice may be issued in terms of a relevant by-law;
 - 4.11.4 A fine may be issued in terms of relevant by-laws; and
 - 4.11.5 The permit may be revoked.
- 4.12 No pyrotechnics, fireworks or similar shall be used as part of the entertainment;
- 4.13 Buskers must not busk with pets or other animals unless they have the Council's prior written permission;

- 4.14 Buskers must not commit any acts of harassment against any person. Harassment includes (but is not limited to) violence or threats of violence, abusive or insulting words or behaviour, and damage or threats of damage to property belonging to another person.

5. BUSKING SITES

- 5.1 ~~Busking will be controlled and limited to the following proposed designated sites~~ Busking will be limited to the central business districts of Stellenbosch and Franschhoek;

~~5.1.1 Stellenbosch: Corner of Andringa & Church Street; Corner of Dorp & Andringa Street; Corner of Church & Bird Street; and Die-Braak.~~

~~5.1.2 Franschhoek: R45 – Lambrechts Road to Uitsyck Street~~

~~(Please refer to Appendix 1)~~

- 5.2 Busking anywhere other than the designated sites during outside of the controlled hours is unlawful and will not be permitted;

5.3 Buskers are not to enter the demarcated areas of restaurants to solicit donations.

6. DECISION MAKING

- 6.1 Busking ~~licences~~ permits will normally be granted on the following basis:

- 6.1.1 Six-month or shorter period depending on the circumstances;
- 6.1.2 Subject to compliance with the Standard Conditions, unless expressly removed or varied by Council;
- 6.1.3 To permit busking between the hours of 08:00 and 21:00 on any day of the week.

- 6.2 Council may establish a busking committee to evaluate the applications for busking. The committee should comprise of:

- 6.2.1 Officials from Planning and Economic Development;
- 6.2.3 Manager: Traffic and Law Enforcement Services;
- 6.2.4 Manager: Community Development.

- 6.3 Busking ~~licences~~ permit will be determined according to the procedure prescribed through the Council's regulations, as follows:

- 6.3.1 All applications will be decided on their individual merits and those which provide all the relevant documentation, unless there have been previous enforcement/compliance issues and

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provided the Busking is sought within the approved times and centres of Stellenbosch Municipality.

6.3.2 Preference will be given to buskers who reside in the Stellenbosch Municipality and who are registered on the busking database.

6.4 Decisions regarding applications will be determined by the authorised official or appointed committee who takes over the responsibilities of these applications.

6.5 Refusal of Applications

The Stellenbosch Municipality may refuse an application of any of the grounds listed in Table 1 below:

Table 1 – Refusal of Applications	
Refusal reason	Relevant considerations include
That the applicant could be reasonably regarded as not being fit and proper person to hold a permit	<ul style="list-style-type: none"> ▪ Previous history of non-compliance with licence permit conditions ▪ Previous complaints about conduct that have been substantiated ▪ Advice from SAPS or law enforcement
That the performance may pose risk, hazard or uncertain outcomes for people	<ul style="list-style-type: none"> ▪ Performance includes dangerous materials: flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a threat or harm or damage to members of the public and public property ▪ Performance includes dangerous implements: knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public
That there is not enough space in the street in respect of which the application is made for busking to take place without causing nuisance to occupiers or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street	<ul style="list-style-type: none"> ▪ The type of performance and equipment being used ▪ Number of people in the band or performance ▪ Proximity to road junctions, pedestrian crossings, stations, bus stops etc.

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6.6 Right of Appeal

6.6.1 The applicant may appeal against a decision where their application has been refused as referred to in section 6.5;

6.6.2 An appeal must be lodged to the Municipality, within 21 days of the notification of decision.

6.7 Revocation of permit

6.7.1 Where a Stellenbosch Municipality Law Enforcement Officer requests that a Busking ~~licence~~ **permit** be considered for revocation, the general procedure set out for determining variation applications shall be followed.

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6.7.2 Stellenbosch Municipality may revoke a permit on any of the following grounds:

6.7.2.1 That there has been a breach of the conditions of the permit;

6.7.2.2 That nuisance has been caused to occupier or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking taking place;

6.7.2.3 That nuisance has been caused as a result of the street entertainment to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

7. ENFORCEMENT

7.1 The Stellenbosch Municipality will seek to ensure that any person who is granted a Busking ~~licence~~ **permit** complies with the Standard Conditions attached to the permit, and that appropriate action is taken for non-compliance;

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7.2 Any person who:

7.2.1 busks in any street to which the Policy applies without the authority or a permit; or

7.2.2 is concerned with the organisation or management of busking which is not authorised by a permit; and

7.2.3 contravenes any condition of his/her permit.

Shall be guilty of an offence and will be issued with a written warning, if the offender fails to act after notice to comply their permit will be suspended or revoked.

- 7.3 Where a Busking permit is required, and the Busking is taking place or about to take place without a permit or in breach of the Conditions of a permit, the following options are available to an authorised official or a police officer:

7.3.1 they may require that the Busking either cease or not take place;

7.3.2 where unlicensed Busking is taking place, equipment (including instruments) connected with the Busking may be seized;

7.3.3 proceedings may be initiated to prosecute the person for offences under this policy.

- 7.4 Where the Busking is in breach of the conditions of the permit, a Stellenbosch Municipality Law Enforcement Officer ~~the Authorised Official~~ or South African Police Officer may request that the Council considers revoking the permit.

8. POLICY REVIEW PROCESS

- 8.1 This policy shall come into effect on the date of the council resolution;
- 8.2 This policy may be reviewed annually and when required by way of Council Resolution.

SCHEDULE 1

BUSKER CODE OF CONDUCT

BUSKERS WILL:

Respect the right of business to operate without undue disturbance by entertainers outside their premises.

Exhibit good conduct and character while performing (no nudity, swearing, performing while intoxicated, etc.)

Abide by all municipal By-laws and Provincial statutes and regulations while performing.

Not solicit donation; however unsolicited donations are permitted in a receptable such as a musical instrument case, box or hat.

I have read and understood the Buskers Code of Conduct.

Name: (Please Print) _____

Signature or Signature of Guardian (Buskers under the age of 18)

Date

APPENDIX 2



NOTICE 145/2023

**PUBLIC NOTICE: INTERESTED AND AFFECTED PARTIES
CALL FOR PUBLIC COMMENT ON DRAFT STELLENBOSCH MUNICIPALITY BUSKING POLICY, 2023**

Notice is hereby given that Council intends to adopt the Draft Stellenbosch Municipality Busking Policy, 2023. Interested and affected parties are hereby invited to submit written comments during the 30 days advertising period.

You are hereby invited to submit written comments in connection with the Draft Stellenbosch Municipality Busking Policy, 2023 by electronic mail to the Manager: Economic Development and Tourism at Lesley.vangensen@stellenbosch.gov.za on or before 4 December 2023.

The Draft Stellenbosch Municipality Busking Policy, 2023 will be available on the Stellenbosch Municipality's website (www.stellenbosch.gov.za) and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

Area	Place
Stellenbosch CBD	Library, Plein Street, Stellenbosch PMU Building (Mark Street) Ward 7: Jan Marais Eco Centre Ward 10: Lapland (Municipal Building)
Franschhoek	Ward Office: Ward 1 (Mooiwater Building) Ward Office: Ward 2 (Groendal Community Hall)
Kylemore	Kylemore Ward Office
Pniël	Library, Main Road, Pniël Pniël Ward Office
Wemmershoek	Ward 3: Wemmershoek Ward Office (Community Hall)
Jamestown	Jamestown Library Jamestown Ward Office
Cloetesville	Cloetesville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloetesville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Rd.) Library, Sonnebloem Street, Ida's Valley,
Kayamandi	Kayamandi Ward Offices (Kayamandi Corridor) Library, Masithandane Street, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Ward Office (Vlottenburg Primary School)
Klapmuts	Klapmuts Ward Office (Klapmuts Multi-Purpose Centre)
Ward 19	De Novo Ward Office (Primary School in De Novo)

Enquiries or requests for more information on the process may be directed to Economic Development and Tourism Section: Lesley van Gensen Tel: (021) 808-8197 or E-mail: Sharon.pedro@stellenbosch.gov.za during normal office hours.

Ms Garaldine Mettler
Municipal Manager

KENNISGEWING 145/2023

**PUBLIEKE KENNIS: BELANGHEBENDE PARTYE
OPROEP OM OPENBARE KOMMENTAAR OP KONSEP STELLENBOSCH MUNISIPALITEIT
STRAATOPTREDE BELEID, 2023**

Kennis word hiermee gegee dat die Raad van voorneme is om die Konsep Stellenbosch Munisipale Straatoptrede Beleid, 2023 aan te neem. Belanghebbende partye word hiermee genooi om hul kommentaar op skrif binne die volgende 30 dae periode in te dien.

U word genooi om skriftelike kommentaar in verband met die Konsep Stellenbosch Munisipale Straatoptrede Beleid, 2023 per e-pos aan die Bestuurder: Ekonomiese Ontwikkeling en Toerisme by Lesley.vangensen@stellenbosch.gov.za voor of op 4 Desember 2023 te stuur.

Die Konsep Munisipale Straatoptrede Beleid, 2023 vir die Stellenbosch Munisipaliteit is beskikbaar op die webtuiste vir Stellenbosch Munisipaliteit (www.stellenbosch.gov.za) en afskrifte sal beskikbaar wees by plaaslike biblioteke en satelliet kantore gelys hieronder.

Gebied	Plek
Stellenbosch Sentrale Sakekern	Biblioteek, Plein Straat, Stellenbosch PMU Gebou (Mark Straat) Wyk 7: Jan Marais Ekosentrum Wyk 10: Lapland (Munisipale Gebou)
Franschhoek	Wyk Kantoor: Wyk 1 (Mooiwater Gebou) Wyk Kantoor: Wyk 2 (Groendal Gemeenskap Saal)
Kylemore	Kylemore Wyk Kantoor
Pniël	Biblioteek, Hoofstraat, Pniël Pniël Wyk Kantoor
Wemmershoek	Wyk 3: Wemmershoek Wyk Kantoor (Gemeenskap Saal)
Jamestown	Jamestown Biblioteek Jamestown Wyk Kantoor
Cloetesville	Cloetesville Wyk Kantoor (Wyk 16 en 17) Biblioteek, Vredelust Straat, Cloetesville, Stellenbosch
Idas Vallei	Wyk Kantoor: Wyk 5 (Idas Vallei Sport Grond) Wyk Kantoor: Wyk 6 (Biblioteek, Rustenburg Straat) Biblioteek, Sonnebloem Straat, Idas Vallei,
Kayamandi	Kayamandi Wyk Kantoor (Kayamandi Korridor) Biblioteek, Masithandane Straat, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Wyk Kantoor (Vlottenburg Laerskool)
Klapmuts	Klapmuts Wyk Kantoor (Klapmuts Veeldoeninge Sentrum)
Wyk 19	De Novo Wyk Kantoor (Laerskool in De Novo)

Navrae en versoeke vir meer inligting oor die proses kan gerig word aan die Ekonomiese Ontwikkeling en Toerisme eenheid: Lesley van Gensen Tel: (021) 808-8197 of per Epos: Sharon.pedro@stellenbosch.gov.za tydens normale kantoor ure.

Ms Garaldine Mettler
Munisipale Bestuurder
Stellenbosch Munisipaliteit
KENNISGEWING 145/2023

7.8.3	REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY FILMING BY-LAW, 2024
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Collaborator No:

763999

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

20 March 2024

1. SUBJECT: REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY FILMING BY-LAW, 2024

2. PURPOSE

To provide Council with the pertinent facts to consider the approval and adoption of the final Draft Stellenbosch Municipality Filming By-Law, 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Filming By-Law has been drafted to govern the process of filming within the Stellenbosch Municipality and to provide guidance to prospective film organisers and municipal officials on film permit applications and related matters.

The By-Law is aligned to the constitutional mandate of the Stellenbosch Municipality and designed to provide guidance in terms of the use of public spaces, safety considerations, and the impact of filming activities on the local community.

The purpose of the Stellenbosch Filming By-Law is to provide the necessary municipal structures and systems to facilitate and regulate film permit applications and to assist and guide the municipality in managing and regulating film-related activities in an efficient, effective and sustainable manner whilst contributing towards job creation, investment and social inclusivity. The By-Law also provides legislative certainty and assist in removing red tape and facilitate the ease of doing business.

Through the enforcement of this By-Law, the Municipality can perform its constitutionally role to facilitate and regulate economic development initiatives within its jurisdictional area, which includes filming.

5. RECOMMENDATIONS

- (a) that Council take note that the Final Draft Filming By-Law was advertised for a period of 30 days and that copies of the proposed By-Law were placed at the venues as indicated in the advertisement, copy attached as **APPENDIX 2** to this report;
- (b) that Council **approves and adopts** the Final Draft Filming By-Law, attached as **APPENDIX 1**; and
- (c) that Council **approves** that the Final Draft Filming By-Law be promulgated.

6. DISCUSSION / CONTENTS**6.1 Background**

The Stellenbosch Municipality notes the importance of the film industry as a key driver for economic activity. Filming provides a platform to showcase the unique natural features of the Stellenbosch Municipality to a wider audience, contributing towards raising the global profile of the Municipality as a preferred destination.

The making of films in the Stellenbosch Municipality has grown exponentially due to the picturesque landscapes, vineyards, historic architecture, and proximity to Cape Town. The establishment of a municipal framework is necessary to manage film permitting, whilst simultaneously assisting film organisers to experience the municipal area as a destination of choice for filming.

The Department of Economic Development and Tourism has drafted the Filming By-Law in consultation with the Department of Community Services. The Draft By-Law was circulated to all relevant Internal Directorates for comments and the following inputs were received:

Senior Manager: Community Services
Comment
1. Include "Any disturbance of any animals, including wildlife" under Criteria for Assessing Application
Manager: Land Use Management
Comment
1. Purpose-built film facilities and film suitable facilities must apply for land use rights
2. It is eminent that the property details (erf or farm number as per title deed) are also indicated on the application form
Manager: Traffic and Law Enforcement
Comment
1. Property owners of private properties where Filming activities are to take place must submit proof of consent from abutting and affected properties
2. Timeframe for submission of applications prior to shoots must be extended

The above comments have been incorporated into the Final Draft Stellenbosch Municipality Filming By-Law.

Public Participation Process

On 11 October 2023, Council resolved that the Department advertise the Draft Stellenbosch Municipality Filming By-Law, 2024 for public comment, no public comment was received during the 30-day advertising period.

6.2 Discussion

The Draft Filming By-Law has been developed to govern the process of filming within the jurisdiction of the Stellenbosch Municipality. The By-Law has been designed to ensure that filming activities are conducted in a manner that is safe, minimally disruptive to the community, economically beneficial and compliant with the local laws and regulations of the Municipality.

The proposed By-Law was drafted through obtaining the inputs from a number of stakeholders and covers various aspects of the filming process, including obtaining permits, community consultation, traffic and parking during filming, noise regulations, environmental considerations, and other relevant factors.

The proposed By-Law will play a crucial role in managing the complex interaction between filmmakers, the local community, and municipal services. In addition, it will help to create a balance that allows for the economic benefits of filming while safeguarding public safety, property, and the overall well-being of the community of Stellenbosch.

6.3 Financial Implications

There are no financial implications in respect of the drafting of this report and the By-Law has been compiled using the resources within the Municipality.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

During the 17th Council Meeting on 25 October 2023, Council resolved that the draft Stellenbosch Municipality Filming By-Law be advertised for public comment for a period of thirty (30) days, whereafter the same be resubmitted to Council for final consideration and subsequent approval.

6.7 Risk Implications

This report has no risk implications for the Municipality.

APPENDICES

- Appendix 1: Final Draft Stellenbosch Municipality Filming By-Law, 2024
Appendix 2: Advertisement

APPENDIX 1

**DRAFT STELLENBOSCH
MUNICIPALITY FILMING BY-LAW,
2024**

Final Draft Stellenbosch Municipality Filming By-Law, 2024

To provide for the regulation of filming activities on private and public property, to enable an environment for the development of the filming sector within the jurisdiction of the Stellenbosch Municipality; and to provide for similarly connected matters.

Preamble

WHEREAS Section 156 of the Constitution, read with local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, empowers a municipality with the authority to make by-laws for effective administration and exercise of any power concerning a matter reasonably necessary for, or incidental to the effective performance of its functions;

WHEREAS the Municipality aims to balance economic activities such as filming with other rights contemplated in Chapter 2 of the Constitution and thereby intends to regulate short-term public nuisances linked to filming;

WHEREAS the Municipality recognises the important role that filming plays in the economy of the Stellenbosch Municipality and the promotion of the human right of freedom of expression and is committed to simplifying permission processes in relation to filming within its jurisdiction;

WHEREAS the Municipality intends to provide a one-stop accessible facility for the processing of applications for filming while acting within the parameters of the Constitution and existing applicable legislation;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows:-

STELLENBOSCH MUNICIPALITY
DRAFT FILMING BY-LAW, 2024

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Final Draft Stellenbosch Municipality Filming By-Law, 2024

1. Definitions

In this By-Law, unless inconsistent with the context –

"applicant" means a natural or juristic person who applies for permission to conduct filming activities in the Stellenbosch Municipality;

"abutting or affected properties" means properties that share a common boundary or properties in close proximity that, while not sharing a common boundary, may be impacted by film-related activity;

"authorised official" means an employee of the Municipality responsible for carrying out any duty of function or exercising any power in terms of the By-Law and includes an employee delegated to carry out or exercise such duties, functions or powers;

"filming" means: (i) the preparation of public and private property for the recording of sound and images as well as the recording of sound and images moving or still, whether on film or video tape, electronically, digitally or by other means and includes all activities related to the filming location where there is an impact on public or private property, which may require the services of the Stellenbosch Municipality, or may have any adverse implications for public safety, the environment and local communities;

- (ii) student film projects where there is an impact on public property, which may require the services of the Municipality or may have any adverse implications for public safety, the environment and local communities;
- (iii) the recording of digital media on public property on mobile devices such as smartphones, tablet computers, handheld cameras for the creation or sharing of information for commercial gain via virtual communities and social networks;

but excludes:

- (iv) the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes;
- (v) electronic news gathering or the recording of current affairs or news for immediate broadcast or release;
- (vi) the recording of digital media on mobile devices such as smartphones, tablet computers and handheld cameras for personal use where there is no impact on the public or any public amenity;

Final Draft Stellenbosch Municipality Filming By-Law, 2024

- (vii) purpose-built facilities and other film suitable facilities, including filming facilities at educational institutions, where there is no impact on the public or any public amenity;

"film permit office" means the unit responsible to coordinating film permit applications, the approval and rejection of filming and film-related activities in accordance with this by-law and any other applicable legislation and for issuing of permits with appropriate conditions.

"film shoot" means the process or activity of filming, photographing or recording of sound and image for the production of film material or digital media for commercial productions or documentaries and includes the preparation of property for filming.

"film suitable facility" means a film studio or any other facility or premises, including filming facilities at educational institutions that meets minimum requirements to obtain:

- (a) pre-authorization or certification, and
- (b) registration with the Film Permit Office as a film-suitable facility and to be exempt from repeated film permit applications for a defined period;

"location" means any area or place, used for filming activities other than a sound stage or backlot adjoining a movie studio or purpose-built film facility. This area or place may be erected or demarcated by temporary or permanent structures;

"permit" means a written permission granted for filming by the Stellenbosch Municipality in terms of this By-Law;

"permit holder" means a person, whether natural or juristic, or their representative, that has been granted a permit to conduct filming in terms of this By-Law;

"person" means any natural person or juristic person recognised by law as the subject of rights and duties;

"public place" includes –

- (a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, shopping centre on municipal land, unused or vacant municipal land or cemetery which has –
 - (i) been provided, reserved or set apart for use by the public; or
 - (ii) been dedicated to the public; and
- (b) public transportation operated by service providers for the Stellenbosch Municipality, but does not include public land that has been leased by the Municipality;

Final Draft Stellenbosch Municipality Filming By-Law, 2024

"purpose-built film facility" means a place, studio, facility, or property designed and built or converted for filming activities including any sound stage or backlot adjoining such facility, with all the necessary approvals from the Municipality; and

"shoot type" means a micro, small, medium, large or very large filming activity as described in Schedule 1.

2. Application

This By-Law applies to all filming activities undertaken within the jurisdiction of the Stellenbosch Municipality, ~~whether on private or municipal land.~~

3. Exemptions

- (1) Purpose-built film facilities and film suitable facilities ~~which are zoned for filming and~~ registered in terms of section 5(8), within the jurisdiction of the Municipality, are exempted from having to apply for film permits, except when filming activities spill outside of the erf boundaries of any such facility or onto ~~private and~~ public property, provided that ~~these~~ film suitable facilities ~~must~~ apply for exemption on an annual basis.
- (2) An applicant applying for micro shoot permit is exempt from having to submit proof of no objections to filming to the municipality.
- (3) Owners of properties contained in the list developed in terms of section 5(8) are exempt from having to submit proof of consultation for filming activities on their properties.
- (4) The following types of filming activities do not require a film permit:-
 - (a) The filming of private wedding ceremonies, or other private celebrations or events for the purpose of making a recording thereof for its participants for private purposes.
 - (b) Electronic news gathering and recording of current affairs or news for immediate broadcast or release; and
 - (c) The recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for personal use where there is no impact on the public or public amenity is exempt from having to apply for a film permit.

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4. Application for Filming Permit

- (1) Subject to the exemptions set out in section 3, no person may conduct filming within the jurisdiction of the Stellenbosch Municipality without a permit.

Final Draft Stellenbosch Municipality Filming By-Law, 2024

- (2) An application for a permit to conduct filming must be submitted to the Municipality –
 - (a) after registration in terms of section 6; and
 - (b) in accordance with the application requirements for different shoot types as set out in Schedule 1 prior to the commencement of the intended filming activities.
- (3) The applicant must inform the Stellenbosch Municipality of any changes, new developments or any relevant information pertaining to the shoot or its impact once the use of any location has been confirmed.
- ~~(4) If filming activities are to take place on private land, within the jurisdiction of the municipality, the owner of the property must provide proof of written consent from abutting and affected properties for a film permit application.~~
- ~~(54)~~ The Municipality's authorised official may approve, vary or refuse a permit application for filming in terms of the provisions of this By-Law.
- ~~(65)~~ The Municipality may impose written conditions to be fulfilled by the applicant during the film permit application process.
- ~~(76)~~ A permit issued in terms of the By-Law is not transferable.
- ~~(87)~~ Stellenbosch Municipality reserves the right to, at its own discretion, include additional written conditions, amend any condition on any permit or revoke the permit in its entirety at any time should it come to the attention of the Municipality that the filming activity has the potential to contravene any legislation, cause harm or injury to members of the public, damage municipal property or infrastructure, or negatively impact the natural environment.

5. Community Consultation

- (1) A person who intends to apply for a permit to film must first deliver a written notice of intention for filming to occupiers of the abutting and affected properties, in terms of subsection (2), before submitting an application for filming to the Municipality.
- (2) The written notice of intention for filming must –
 - (a) be in a format approved by the Municipality;
 - (b) communicate the intention of the applicant to submit an application for permission to conduct filming activities at a particular address, location or area;

Final Draft Stellenbosch Municipality Filming By-Law, 2024

- (c) provide the occupiers of abutting and affected properties an opportunity to declare on the prescribed form that they have no objection to the intended filming;
 - (d) advise the occupiers of the abutting and affected properties of their right to submit any objections to the Municipality;
 - (e) contain the name and contact details of the film company; and
 - (f) contain the dates and times of intended filming activities.
- (3) Where the occupiers of abutting and affected properties cannot be reached a person who intends to apply for a permit to film must demonstrate to the authorised official that reasonable steps have been taken to contact such occupiers.
- (4) The proof of notification or consultation with occupiers of abutting and affected properties that has been obtained in accordance with Schedule 1 must be submitted to the Stellenbosch Municipality's Events Permit Office at the time of submission of the application for filming.
- (5) A person impacted by intended filming activity may submit an objection to the intended filming directly to the Film Permit Office for consideration during the permit application decision-making process.
- (6) The Film Permit office will inform an objector in writing of the outcome of the objection.
- (7) The Municipality may require further consultation between the film company, abutting and affected properties, prior to the permit being issued should there be any changes, new developments or information pertaining to the shoot or its impact once an applicant has confirmed the use of any location.
- (8) Subject to subsection (9), the Municipality may annually consult on and publish a list of properties which may be used for filming activities without the need for further consultation with occupiers of abutting and affected properties for the period set out on the published list.
- (9) The Municipality may determine conditions in publishing the list of properties referred to in subsection (8).

6. Requirements for Processing of Applications

- (1) Any person or production company who intends to conduct filming must –
- (a) register with the Municipality in terms of its Standard Operating Procedures; and

Final Draft Stellenbosch Municipality Filming By-Law, 2024

- (b) apply to the Municipality for a permit to conduct filming, in terms of Section 4.
- (2) The submitted application must include –
- (a) the name, address, electronic mail address, telephone and cellular phone contact numbers and occupation of the applicant;
 - (b) the name of the production company to which the application relates;
 - (c) particulars and contact details of the person who will be in charge of the actual filming, if such person is not the applicant, as contemplated in Section 6 (2)(a);
 - (d) an alternative forwarding address for the receipt of any notices, accounts or correspondence;
 - (e) details of locations of intended filming activities including the property details (erf or farm number as per title deed), the proposed dates and times, the number of people intended to be part of the filming project and general details of the purpose of the intended filming; and
 - (f) a detailed description of the filming activities and the apparatus to be used, which may include:
 - (i) devices or equipment that may cause light, noise or air pollution;
 - (ii) generators, energy transformers or converters;
 - (iii) vehicles, cranes, any other apparatus or devices, unmanned aerial vehicles, drones or similar devices requiring special permission;
 - (iv) temporary structures, tripods or dollies, specialised rigs or equipment; or
 - (v) special effects, stunts, explosives or simulated gunfire.
- (3) The Municipality ~~may require~~ requires payment of a fee before considering an application to conduct filming.
- (4) The applicant must provide proof to the satisfaction of the Film Permit Office of:
- (a) appropriate indemnity cover; and

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- (b) appropriate specialised risk insurance and blanket liability or cover where the filming activity would involve stunts, special effects, explosives of similar activities, cranes, drones or unmanned aerial vehicles or any other apparatus or equipment requiring special permission.

7. Criteria for Assessing Applications

- (1) The Events Permit Office, when considering an application and determining conditions as contemplated in section 4(5), must assess –

- (a) the duration and location of the filming activity;
- (b) whether the filming activity has the potential to cause unreasonable disturbance or harm to any person in the form of noise, light or air pollution;
- (c) whether the filming activity would unreasonably interfere with or disrupt normal activities in a public place or have a negative impact on -
 - (i) general traffic in public places;
 - (ii) pedestrian traffic in public places;
 - (iii) public parking;
 - (iv) access to any private property;
 - (v) municipal property or infrastructure;
 - (vi) the natural environment; or
 - (vii) safety of members of the public;
 - (viii) any animals including wild animals

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- (d) the potential impact of the filming activity on the surrounding community;
- (e) whether the occupiers of abutting and affected properties have been given notice of the intended filming; and
- (f) any objections from occupiers of abutting and affected properties.

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8. Decision on Film Permits

- (1) The Events Permit Office must approve or decline an application for a film permit in terms of this By-Law, within the time-period as set out in Schedule 1.
- (2) Once a decision has been taken in terms of subsection (1) the applicant must be informed thereof in writing.
- (3) Where an application for a film permit has been approved, the Stellenbosch Municipality must issue a permit with conditions.
- (4) If an application for a filming permit has been declined the Events Permit Office must provide a notice to the applicant that contains –
 - (a) written reasons for declining the application;
 - (b) notification of their right, in terms of section 10, to appeal the decision to decline the application; and
 - (c) information relating to the procedures and timeframes within which to lodge an appeal against the decision to decline their application for filming.

9. Compliance Notices

- (1) An authorised official may issue and serve a compliance notice to the permit holder when a provision of this By-law is contravened or when a condition imposed in terms of this By-law has not been fulfilled by the permit holder.
- (2) A compliance notice issued and served in terms of subsection (1) must state –
 - (a) the provision of the By-law that is being contravened or which will be contravened if the filming activity continues;
 - (b) the condition that must be complied with;
 - (c) the measures that must be taken to rectify the contravention or non-compliance with any conditions which may have been imposed;
 - (d) the time period within which the notice must be complied with, and
 - (e) the consequences of non-compliance.
- (3) The Municipality may take any steps necessary to ensure compliance, which may include –
 - (a) entry into the relevant property in order to investigate matters related to this By-law;

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- (b) cancellation and withdrawal of the permit;
- (c) stopping any filming activities;
- (d) seizure and impoundment of vehicles and equipment without a warrant by an authorised official on ground of a contravention of this By-law or any applicable law or by-law; and
- (e) the authorised official, at the time of the impoundment, must give the holder of the seized and impounded vehicles and equipment a copy of a notice setting out –
 - (i) the reason for the impoundment;
 - (ii) the description of the vehicles and equipment being impounded;
 - (iii) the address and contact details of the designated pound;
 - (iv) the conditions for the release of the impounded goods and the payment of any costs related to impoundment;
 - (v) the possibility of the impounded vehicles or equipment being forfeited to the Municipality and sold to recover costs, and
 - (vi) the name and office number of a council official to whom any representation regarding the impoundment may be made.
- (4) A compliance notice is sufficiently and effectively served on the permit holder –
 - (a) when it has been delivered or collected personally;
 - (b) when it has been left at his or her place of residence or business in the jurisdiction of the Municipality;
 - (c) when it has been delivered to the forwarding address or email address of the permit holder provided to the Municipality in terms of section 8 (2) of this By-law.

10. Right of Appeal

- (1) The applicant may appeal against a decision where their application has been declined as referred to in section 5(6).

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- (2) An appeal must be lodged in writing in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), within 21 days of the notification of decision.

11. Offences and Penalties

- (1) A person is guilty of an offence if the person –
- (a) contravenes any provision of this By-law;
 - (b) fails to comply with a condition imposed in terms of this By-law; or
 - (c) fails to comply with a compliance notice issued in terms of this By-law.
- (2) A person found guilty of an offence in terms of this By-Law is liable to a fine aligned to the Stellenbosch Municipality Events By-Law, and upon conviction to a period of imprisonment not exceeding two years, or to both such fine and imprisonment.
- (3) The Municipality may decline to consider application for filming activity –
- (a) for a period of up to 3 months where a person has reneged on the conditions of a film permit; and
 - (b) for a period of up to 6 months where a person has been convicted of an offence in terms of this By-law.
- (4) Notwithstanding any other provisions of this By-law, the Municipality may –
- (a) take measures it considers appropriate to remedy the situation where a person or permit holder on whom a compliance notice was issued under section 9 fails to comply, or has complied inadequately to the compliance notice;
 - (b) recover costs, in terms of its Credit Control and Debt Collection Policy and its Credit Control and Debt Collection By-law, for the measures to be undertaken under subsection (a) and for all costs incurred as a result of acting under subsection (a) from all persons on whom the compliance notice was issued.
- (5) Any person who fails to comply with a notice in terms of subsection 9(1) may be fined in terms of this by-law, and the Municipality may act against the offender and take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

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12. Indemnity

The Stellenbosch Municipality or any authorised official is not liable to a third party for any damage caused by anything unlawfully done or omitted by the Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

13. SCHEDULE 1

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/ Notification Requirements (Prior to submission of permit application)
Micro Shoot	1-3 vehicles and/ or 8 or less cast & crew and duration of 1 day	<ul style="list-style-type: none"> • Small, mobile shoots • No generators, lights, structures • No road closures 	52 working days prior to shoot day	*No requirement for the delivery of Notice of intention for filming to adjacent properties
Small Shoot	4 -6 vehicles and/or 9-15 cast & crew	<ul style="list-style-type: none"> • Small stills shoots/ commercials • Small pick-up shots • Minimal generators, lights, structures • No special effects and/or stunts • No road closures 	72 working days prior to shoot day	*subject to nature and impact of shoot **Community notification/ consultation may be required, and if required, the type and extent of notification/ consultation is to be determined by the Municipality.
Medium Shoot	7-15 vehicles And/or 16-30 cast & crew	<ul style="list-style-type: none"> • Big stills shoots, small commercials & features • Minor/ moderate generators, lights, sets, structures • Minor special effects and/ or stunts • Traffic assistance required • Minor lane/road closures • Minimal noise impact, early morning or night shoots <p><i>NB – with major lane/ road closures, diversions, Civil Aviation Authority (CAA) or other approvals, etc. Large shoots timeframes become applicable</i></p>	75 working days prior to the shoot day *subject to nature and impact of shoot *Remote Base camp may be required – especially if shoot is in a residential area	* subject to nature and impact of shoot **Community notification/ consultation may be required, and if required, the type and extent of notification/ consultation is to be determined by the Municipality. *Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Office.

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Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/ Notification Requirements (Prior to submission of permit application)
Large Shoot	16 – 30 vehicles and/or 30-60 cast & crew	<ul style="list-style-type: none"> Large stills shoots, commercials, features Moderate/substantial generators, lights, sets, structures Special effects and/or stunts Traffic assistance required Major lane/road closures, diversions, etc. Moderate noise impact, early morning or night shoots <p><i>NB – with major lane/road closures, diversions, CAA or other approvals, etc. Very Large Shoots timeframes will become applicable</i></p>	<p>105+ working days prior to shoot day</p> <p>*subject to nature and impact of shoot</p> <ul style="list-style-type: none"> A shoot schedule may be required Traffic diversion plan/s may be required Remote Base camp may be required – especially if shoot is in a residential area 	<p>*Community notification/ consultation may be required by the Municipality and if required, the type and extent of consultation is to be determined by the Municipality.</p> <ul style="list-style-type: none"> Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Office
Very Large Shoot	31 or more vehicles and/or 61 or more cast & crew	<ul style="list-style-type: none"> Very large, high-impact shoots, commercials & features Extensive generators, lights, sets, structures Large special effects and/ or stunts Traffic assistance required Major lane/road closures Considerable noise impact, early morning or night shoots <p><i>NB – with major lane/ road closures, diversions, CAA or other approvals, etc. additional planning time may be required.</i></p>	<p>10+ working days prior to shoot day</p> <p>*subject to nature and impact of shoot</p> <p>*A shoot schedule may be required - Traffic diversion plan/s required</p> <ul style="list-style-type: none"> Remote Base camp may be required – especially if shoot is in a residential area 	<p>*Community consultation may be required by the Municipality and if so required, the extent of consultation is to be determined by the Municipality.</p> <ul style="list-style-type: none"> Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to the Film Office.

APPENDIX 2



STELLENBOSCH

STELLENBOSCH • PNIËL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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NOTICE NO. 146/2023

PUBLIC NOTICE: INTERESTED AND AFFECTED PARTIES CALL FOR PUBLIC COMMENT ON DRAFT STELLENBOSCH MUNICIPALITY FILMING BY-LAW, 2023

Notice is hereby given that Council intends to adopt the Draft Stellenbosch Municipality Filming By-Law, 2023. Interested and affected parties are hereby invited to submit written comments during the 30 days advertising period.

You are hereby invited to submit written comments in connection with the Draft Stellenbosch Municipality Filming By-Law, 2023 by electronic mail to the Manager: Economic Development and Tourism at Lesley.vangensen@stellenbosch.gov.za on or before 4 December 2023.

The Draft Stellenbosch Municipality Filming By-Law, 2023 will be available on the Stellenbosch Municipality's website (www.stellenbosch.gov.za) and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

Area	Place
Stellenbosch CBD	Library, Plein Street, Stellenbosch PMU Building (Mark Street) Ward 7: Jan Marais Eco Centre Ward 10: Lapland (Municipal Building)
Franschhoek	Ward Office: Ward 1 (Mooiwater Building) Ward Office: Ward 2 (Groendal Community Hall)
Kylemore	Kylemore Ward Office
Pniël	Library, Main Road, Pniël Pniël Ward Office
Wemmershoek	Ward 3: Wemmershoek Ward Office (Community Hall)
Jamestown	Jamestown Library Jamestown Ward Office
Cloeteville	Cloeteville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Rd.) Library, Sonnebloem Street, Ida's Valley,
Kayamandi	Kayamandi Ward Offices (Kayamandi Corridor) Library, Masithandane Street, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Ward Office (Vlottenburg Primary School)
Klapmuts	Klapmuts Ward Office (Klapmuts Multi-Purpose Centre)
Ward 19	De Novo Ward Office (Primary School in De Novo)

Enquiries or requests for more information on the process may be directed to Economic Development and Tourism Section: Lesley van Gensen Tel: (021) 808-8197 or E-mail: Sharon.pedro@stellenbosch.gov.za during normal office hours.

Ms Geraldine Mettler
Municipal Manager
Stellenbosch Municipality

NOTICE NO. 146/2023

KENNISGEWING NO. 146/2023

PUBLIEKE KENNIS: BELANGHEBENDE PARTYE OPROEP OM OPENBARE KOMMENTAAR OP KONSEP STELLENBOSCH MUNISIPALITEIT VERFILMING VERORDENING, 2023

Kennis word hiermee gegee dat die Raad van voorneme is om die Konsep Stellenbosch Munisipale Verfilming Verordening, 2023 aan te neem. Belanghebbende partye word hiermee genooi om hul kommentaar op skrif binne die volgende 30 dae periode in te dien.

U word genooi om skriftelike kommentaar in verband met die Konsep Stellenbosch Munisipale Verfilming Verordening, 2023 per e-pos aan die Bestuurder: Ekonomiese Ontwikkeling en Toerisme by Lesley.vangensen@stellenbosch.gov.za voor of op 4 Desember 2023 te stuur.

Die Konsep Munisipale Verfilming Verordening, 2023 vir die Stellenbosch Munisipaliteit is beskikbaar op die webtuiste vir Stellenbosch Munisipaliteit (www.stellenbosch.gov.za) en afskrifte sal beskikbaar wees by plaaslike biblioteke en satelliet kantore gelys hieronder.

Gebied	Plek
Stellenbosch Sentrale Sakekern	Biblioteek, Plein Straat, Stellenbosch PMU Gebou (Mark Straat) Wyk 7: Jan Marais Ekosentrum Wyk 10: Lapland (Munisipale Gebou)
Franschhoek	Wyk Kantoor: Wyk 1 (Mooiwater Gebou) Wyk Kantoor: Wyk 2 (Groendal Gemeenskap Saal)
Kylemore	Kylemore Wyk Kantoor
Pniël	Biblioteek, Hoofstraat, Pniël Pniël Wyk Kantoor
Wemmershoek	Wyk 3: Wemmershoek Wyk Kantoor (Gemeenskap Saal)
Jamestown	Jamestown Biblioteek Jamestown Wyk Kantoor
Cloeteville	Cloeteville Wyk Kantoor (Wyk 16 en 17) Biblioteek, Vredelust Straat, Cloeteville, Stellenbosch
Idas Vallei	Wyk Kantoor: Wyk 5 (Idas Vallei Sport Grond) Wyk Kantoor: Wyk 6 (Biblioteek, Rustenburg Straat) Biblioteek, Sonnebloem Straat, Idas Vallei,
Kayamandi	Kayamandi Wyk Kantoor (Kayamandi Korridor) Biblioteek, Masithandane Straat, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Wyk Kantoor (Vlottenburg Laerskool)
Klapmuts	Klapmuts Wyk Kantoor (Klapmuts Veeldoening Sentrum)
Wyk 19	De Novo Wyk Kantoor (Laerskool in De Novo)

Navrae en versoeke vir meer inligting oor die proses kan gerig word aan die Ekonomiese Ontwikkeling en Toerisme eenheid: Lesley van Gensen Tel: (021) 808-8197 of per Epos: Sharon.pedro@stellenbosch.gov.za tydens normale kantoor ure.

Ms Geraldine Mettler
Munisipale Bestuurder
Stellenbosch Munisipaliteit

KENNISGEWING NO. 146/2023

7.8.4	TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROGRESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER / CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT / USE OF ERF 2235 SITUATED IN GROENDAL, FRANSCHHOEK
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Collaborator No: 764265
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 March 2024

1. **SUBJECT: TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROGRESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER / CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT / USE OF ERF 2235 SITUATED IN GROENDAL, FRANSCHHOEK**

2. **PURPOSE**

To obtain Council's authorisation for the Municipal Manager to start the prescribed public participation process as per Chapter 4 of the Municipal Asset Transfer Regulations, with the view of outsourcing the management of Erf 2235 Franschhoek situated in Groendal.

3. **DELEGATED AUTHORITY**

For decision by Municipal Council.

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality is the registered owner Erf 2235 Franschhoek situated in Beacoup de L'eau Street, Groendal. This property was used for a Youth Hub in the past, however in the subsequent years the property has been vacant and more recently the property is illegally occupied and illegal activities are taking place on the property.

In the interim the property which is supposed to be vacant has now been causing severe issues for the broader community due to the illegal activities on the premises. The department therefore recommends that the property be put out for a call for proposal for the management / use of the facility.

5. **RECOMMENDATIONS**

- (a) that Council authorises the Municipal Manager to start the Public Participation Process as per Chapter of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing of the management / use of Erf 2235, Franschhoek; and
- (b) that the Municipal Manager be authorised to conclude the contract agreement after (a) above is finalised in terms of the applicable Act / Regulation.

6. DISCUSSION / CONTENT**6.1 Background**

Stellenbosch Municipality is the registered owner Erf 2235 Franschhoek situated in Beacoup de L'eau Street, Groendal. Attached as **APPENDIX 1** is a WinDeed report as proof of ownership. The municipal valuation for the entire Erf 2235 is R1 215 000.00, of which this is only a portion.

It should be noted that the property has three sections (See Fig 1):

- The Groendal Taxi Rank (a)
- The Youth House (b)
- And the back of the property with informal structures (c)

This property was used for a Youth Hub in the past however in the subsequent years the property has been vacant and more recently the property is illegally occupied and illegal activities are taking place on the property. Several places of worship have indicated their interest in utilising the property.

6.2. DISCUSSION**6.2.1 Location and context**

The property is located in Beacoup de L'eau Street in Groendal (Franschhoek). Stellenbosch Municipality owns the property. The property currently has no legal occupant. It has been vandalised and a lot of complaints have been received due to illegal activities taking place on the property.



Fig 1. View of portion of Erf 2235

6.2.3 Ownership

The ownership of the property vests with Stellenbosch Municipality by virtue of Title Deed T39839/2001. See copy of Windeed record attached as **APPENDIX 1**.

6.2.4 Legal Framework

6.2.4.1 Municipal Finance Management Act (No 65/2003) (MFMA)

- 1) In terms of Section 14 of the MFMA: (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.
- 2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public –
 - a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
 - b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.
- 3) Any transfer of ownership of a capital asset in terms of subsection (2) or

(4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.

6.2.4.2 Asset Transfer Regulations (ATR)

Chapter 2 of ATR (Transfer and Permanent Disposal of non – exempted Capital Assets)

In terms of Regulation 5(1)(b) of the ATR a municipal Council may transfer or dispose of a non-exempted capital asset only after

- a) the municipal council –
 - i. has made the determination required by Section 14(2)(a) and (b) of the MFMA; and
 - ii. has, as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

In terms of Regulation 11, an approval in principle may be given subject to any condition, including conditions specifying a floor price or minimum compensation for the capital asset.

6.2.4.3 Chapter 4 of ATR (Granting of rights to use, control or manage municipal capital assets)

In terms of Regulation 34(2) of the ATR a municipality may grant a right to use, control or manage a capital asset, but only after:

- c) The accounting offices has in terms of regulation 35 conducted a public participation process regarding the proposed granting of the right; and
- d) The municipal council has approved in principle that the right may be granted.

Sub regulation (1)(a) (public participation process) 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 R10 million; and
- b) a long term right is proposed to be granted in respect of the capital asset.

The municipal council must, when considering the in principle approval take into account –

- a) whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted;
- b) the extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to the capital asset that the private sector party or organ of state to whom the right is

granted will be required to make, will result in a significant economic or financial benefit to the municipality;

- c) the risks and rewards associated with the use, control or management of the capital asset in relation to the municipality's interests;
- d) any comments or representations on the proposed granting of the right received from the local community and other interested persons (not applicable);
- e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury (not applicable);
- f) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
- g) compliance with the legislative regime applicable to the proposed granting of the right.

6.2.4.3 Supply Chain Management Regulations

In terms of the **Regulation 40** an approval in principle in terms of regulation 34(1)(b) or 37(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 granting of the right is subject to direct negotiations.

Further, in terms of **Regulation 41**, If approval in principle has been given in terms of regulation 34(1)(b) that a right to use, control or manage a capital asset may be granted, the relevant municipality may grant the right only in accordance with the disposal management system of the municipality, irrespective of –

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

6.3 Financial Implications

It is intended that the appointment of a suitable service provider will lead to significant operational – cost savings for the Municipality.

6.4 Legal Implications

All legal implications have been addressed in the item.

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions**7TH COUNCIL: 2017-03-29: ITEM 7.3.2****RESOLVED** (majority vote)

(a) that approval be granted for the establishment of Local Economic Development hubs / incubators on the following properties as identified in

APPENDIX 1:

RANK	PROPERTY	LOCATION	PURPOSE	MANAGEMENT	PROCESS
1	Erf 2235	Groendal (Mooiwater homestead / old youth house)	Business support Services incubator	Preferred service provider	Building/site maintenance; lease agreements; contractor relocation.
2	Public Place / POS north of Groendal Community Hall	Vacant office on play park land	Business Sector Offices	Preferred service provider	Lease agreement.
3	Erven 2751 and 6314 (Old Agricultural Hall)	Stellenbosch	Incubator and affordable rentals for Arts, crafts and tourism sector, including parking area	Preferred service provider	Building / site maintenance; lease agreements; illegal occupants' relocation; rezoning.
4	Erven 228, 229 and 230	Franschhoek (Triangle site)	Affordable rental space for shops and tourism activities	Preferred service provider	Building / site maintenance; lease agreements; staff relocation (Erven 228 and 229); site improvement; further lease agreements.
5	Re Erf 342	Klapmuts	Trading hub	Preferred service provider	Rezoning; services connections; lease agreements; container acquisition.
6	Erf 1538	Franschhoek (old tennis courts)	Parking/ business opportunity for a co-operative	Preferred service provider	Site improvement; lease/ management agreement.

7	Erven 1956, 1957, 6487, 6488 and 6490	Stellenbosch (Old clinic site and LED office)	Business Development Incubator and rental space (Arts, crafts, shops, offices, tourism activities)	Preferred service provider	Building / site maintenance; lease agreements; occupants' relocation.
8	Die Boord POS	Intersection Van Rhee de Rd and R44	Community market	Preferred service provider	Site improvement; lease/ management agreement.
9	Erf 721	Pniel (municipal office site)	Affordable rental space (Shops and tourism activities)	Preferred service provider	Rezoning; services connections; lease agreements; container acquisition.

- (b) that Council agrees to the approved tariff structure for the local economic development incubator hubs as applies to the Kayamandi Economic and Tourism Corridor (KETC);
- (c) that Council confirms that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and
- (d) that the Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Tariff Structure as amended, through requesting proposals in line with the objectives of Local Economic Development.

6.6.1 Risk Implications

Addressed in the item.

6.7 Comments from Senior Management

6.7.1 Municipal Manager:

Supports the content of the item.

6.7.2 Infrastructure Services Directorate:**Comment from the Senior Manager: Waste Management**

The Waste Management Department would like to use a portion of Erf No. 2235 for a public waste drop off.

Illegal dumping is a huge problem in the area and the Department is proposing constructing a public waste drop off, where the community can bring waste instead of dumping the waste in rivers or on open fields. The public drop off will be fenced and have staff to manage the facility to ensure that the site is kept clean and free of any nuisance conditions.

APPENDICES:

Appendix 1: Windeed erf 2235

FOR FURTHER DETAILS CONTACT:

NAME	Lesley van Gensen
POSITION	Manager: Economic Development and Tourism
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021-8088159
E-MAIL ADDRESS	Lesley.vangensen@ Stellenbosch.gov.za
REPORT DATE	07.03.2024

APPENDIX 1

7.8.5	TO PROVIDE FEEDBACK ON THE PUBLIC PARTICIPATION PROCESS FOR THE OUTSOURCING AND MANAGEMENT OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR AND INFORMAL TRADING HUBS (CLOETESVILLE, IDA'S VALLEY AND KLAPMUTS)
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Collaborator No: 764265
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 March 2024

1. SUBJECT: TO PROVIDE FEEDBACK ON THE PUBLIC PARTICIPATION PROCESS FOR THE OUTSOURCING AND MANAGEMENT OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR AND INFORMAL TRADING HUBS (CLOETESVILLE, IDA'S VALLEY AND KLAPMUTS)

2. PURPOSE

To provide feedback on the proposals received for the outsourcing and management of the Kayamandi Economic and Tourism Corridor and the Informal Trading Business Hubs (Cloetesville, Ida's Valley and Klapmuts).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The item deals with the outcomes of two (2) Call for Proposals processes that were followed in terms of Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing of the management and operations of the following Informal Trading Hubs:

a) Kayamandi Economic and Tourism Corridor:

- Three (3) proposals were received, however, none of the proposals met the qualifying criteria as advertised.

b) Cloetesville, Ida's Valley and Klapmuts Informal Trading Hubs:

Ida's Valley:

- Two (2) proposals were received for Ida's Valley, of which one met the qualifying criteria and the other not;

Cloetesville:

- one (1) proposal was received for Cloetesville, which did not meet the qualifying criteria.

Klapmuts:

- no proposals were received

The Kayamandi Economic and Tourism Corridor and the three Informal Trading Hubs listed above continues to be underutilised. It is of critical importance that the Municipality adopts the correct strategy and operational model for the Informal Trading Hubs in order to bring benefit to the community.

5. RECOMMENDATIONS**5.1 Kayamandi Economic and Tourism Corridor**

- a) that Council be informed that the recommendations dated 27 May 2023, to go out on Public Participation and solicit proposals, to best ensure the correct operational outcome for the Kayamandi Economic and Tourism Corridor, was indeed implemented whereafter no feasible proposals were received and compliant;
- b) As a result of (a) above, that Council agrees that the Municipality will continue to sign lease agreements and manage the facility with prospective tenants whilst also considering alternative uses of vacant office spaces for purposes such as Early Childhood Development uses;
- c) That Council mandate the Municipal Manager to conclude the contracts or agreements on any alternative proposals such as Early Childhood Development uses should such proposals be submitted and be found to be feasible.

5.2 Cloetesville, Ida's Valley and Klapmuts Informal Trading Hubs

With reference to recommendations dated 23 August 2023:

- a) that Council approve the Ida's Valley Community Trails NPC proposal for the use of the Idas Valley Informal Trading Hub;
- b) that the Municipality continues to issue trading permits for the Klapmuts and Cloetesville Informal Trading Hubs and manage the facility with prospective vendors whilst also considering alternative uses of vacant trading spaces for purposes such as Early Childhood Development (ECD) uses;
- c) That Council mandate the Municipal Manager to conclude the contracts or agreements on any alternative proposals such as ECD uses should such proposals be submitted and be found to be feasible.

6. DISCUSSION / CONTENTS**6.1 Background**

The Kayamandi Economic and Tourism Corridor, was built with the intention to be a civic and economic hub that would serve not only the needs of the local community, but also, with the correct mix of tenants be an attraction for tourists. Despite having good potential, this facility has never fully delivered on its original intention and promise.

The facility has never attracted a critical mass of tenants. It hosts various administrative functions, but the varied and attractive trading and community space remains under-utilised. Whilst still functional, if not in use the building is to vandalism, which in turn

would require constant repairs, and as a consequence becomes steadily less attractive as a civic space.

6.2 **Discussion**

The Kayamandi Economic and Tourism Corridor and the Informal Trading Hubs need to be managed as economic assets to ensure their attraction as business spaces / economic platforms. This will create additional opportunities for economic transformation.

To ensure optimal transformation of these facilities and the sustainable growth ensuring economic stability within local communities.

6.3 **Financial Implications**

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

6.4 **Legal Implications**

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

6.5 **Staff Implications**

This report has no staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

25TH	COUNCIL	MEETING:	2019-03-27:	ITEM	7.7.2
RESOLVED(majority					vote)

a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor;

(b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor;

(c) that the local community be invited to submit representations; and

(d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation.

16TH COUNCIL MEETING: 2023-08-23: ITEM 11.8.1**RESOLVED (majority vote)**

(a) that Council authorises the Municipal Manager to start the Public Participation Process as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Cloetesville, Ida's Valley and Klapmuts Informal Trading Hubs;

(b) that the item will return to Council after the public participation process for a final decision; and

(c) that the Municipal Manager be authorised to conclude the contract or agreement after (b) above is finalised in terms of the applicable Act / Regulation.

The following Councillors requested that their votes of dissent be minuted:

Cllrs M Danana; N Mananga-Gugushe; E Masimini; RS Nalumango; M Nkopane; N Ntsunguzi; M Rataza and A Tomose.

6.7 Risk Implications

This report has no risk implications for the Municipality.

APPENDICES

- Appendix 1: EikestadNuus – Call for Proposal Advertisement – Kayamandi Corridor
- Appendix 2: Applications Collection/ Submission Register – Kayamandi Corridor
- Appendix 3: EikestadNuus – Call for Proposal Advertisement – Informal Trading Hub
- Appendix 4: Applications Collection/ Submission Register – Informal Trading Hubs

FOR FURTHER DETAILS CONTACT:

NAME	Carmen Saville
POSITION	Local Economic Development Officer
DIRECTORATE	Planning and Economic Division
CONTACT NUMBERS	021 808 8151
E-MAIL ADDRESS	Carmen Saville
REPORT DATE	12 March 2024

APPENDIX 1



Paul Roos Gimnasium (PRG) se Afrikaanse debat- en redenasiespanne het die afgelope maand by die ATKV-debat- en redenasieskompetisie uitstekend gevaar.

PRG wys gladdebekke

Paul Roos Gimnasium (PRG) se Afrikaanse debat- en redenasiespanne het die afgelope maand by die ATKV-debat- en redenasieskompetisie uitstekend gevaar.

Dié skool het die Dink of Sink-debatkompetisie, die Oppie Tong-Afrikaansekompetisie, die Paul Roos Interskoledebatliga en die Radikale Redenasieskompetisie.

Slegs vier Wes-Kaapse debatspanne het tot die eindronde van die ATKV-debat deurgedring, waarvan PRG drie van die vier spanne uitmaak. PRG se senior spanne bestaans uit Dirk Guelma en Steffen Thielens, Christian van der Merwe en Rossouw van Niekerk, en Dirkie Aldrich en Allus du Plessis.

PRG se debatspanne slyp gereeld hul tande by PRG se eie Interskoledebatliga. By die mees onlangse liga vir onvoorbereide debat het PRG vyf uit die ses debatte teen hul hunskoole gewen. Vyf PRG-spanne het ook aan die Dink of Sink- onvoorbereide debatafdeling deelgeneem, waar 'n senior span bestaande uit Dirk Guelma,

Steffen Thielens en Allus du Plessis tot die halfeindronde deurgedring het.

Veertien redenaars het vanjaar aan die eerste streekronde van die ATKV-redenaarskompetisie deelgeneem. Stef de Villiers (graad 9), Christian Fouche (graad 8), Julian Pratt (graad 8), Allus du Plessis (graad 11), Ian Lubbe (graad 10), Steffen Thielens (graad 11) en Walden van Zyl (graad 11) het almal tot die halfeindronde deurgedring.

Buiten die ATKV het sewe redenaars aan die jaarlikse Radikale Redenasieskompetisie se eerste ronde deelgeneem. Al sewe het 'n Agemiddelde behaal, terwyl Jacobus Steenkamp (graad 10), Ian Lubbe en Allus Matthew Bagemeier (graad 12) na die streekfinale deurgedring het. PRG se redenaars het ook aan die nasionale Oppie Tong Afkompetisie deelgeneem, waar al veertien 'n Agemiddelde behaal het. Vier van hulle het 90% of hoër behaal. Matthew Ker-Fox (graad 8) en Steffen Thielens het na die nasionale eindronde in Oktober in Gauteng deurgedring.

Bloemhof dink flink

Leerders van die Hoër Meisieskool Bloemhof het verlede week by die suidelike streekuitdunne van AfriForum se Dink of Sink- onvoorbereide debatkompetisie uitblink en as naasweners van hul afdeling wegstap.

Die debatkompetisie, wat op 12 Mei by die Hoërskool DF Malan aangebied is, het uitnemende debatte opgelewer en tot naelhyteindstryde in die junior sowel as die senior afdelings gelei.

Hierdie was die eerste uitdunne in die jaarlikse kompetisie, waarna vier verdere uitdunnes sal volg. Die eindronde om die nasionale wenspanne te kroon sal op 7 Oktober in Centurion plaasvind.

Volgens Gert Visser, die hooforganiseerder van die Hoërskool DF Malan, groei die suidelike streekuitdunne jaarliks in gewildheid – Vrydag het 174 leerders van 17 Wes-Kaapse skole deelgeneem. Dié skole is DF Malan, Stellenberg, Langenhoven, Hugenote, Durbanville, Parow, Bellville, Jan van Riebeeck, Parel Vallei, Stellenbosch, Tygerberg, Swartland asook die Hoër Meisieskool Bloemhof, Paul Roos Gimnasium, Worcester Gimnasium, Parel Gimnasium en die Hoër Meisieskool La Rochelle.

In die afdeling vir junior hoërskoolleerders het twee



Die Suidsteek se senior span, Bloemhof, was die naasweners. Van links is Gert Visser, Milla Kotzé, Miné Malan, Christen Wagenstroom, Nicolene Muller en Alana Bailey.

spanne van die Hoërskool Durbanville in die eindronde teen mekaar te staan gekom. Die tweeling Angelique en Genevieve Myburgh en hul spanmaat, Lenné le Roux, het as weners uit die stryd getree met Elzette Bester, Alberto Cloete en Kian Lombard in die tweede plek.

In die senior afdeling was die weners André Venter, Leah Coetsee en Alexander Volschenk van die tuispan van DF Malan met Christen Wagenstroom, Miné Malan en Milla Kotzé van die Hoër Meisieskool Bloemhof die naasweners.

Die finale debatte het by 'n gala-geleentheid plaasgevind. Die beoordelaars was Dannie van der Merwe, Anita Voges, Erna Steenkamp, Marita Nel en Elbie Adendorff, wat die moeilike taak gehad het om die weners uit die spitsvondige, welsprekende deelnemers aan

te wys.

DF Malan se kamerkoor het die gehoor tussen die debatte vermaak.

AfriForum, as borg van die kompetisie en aanbieder van die nasionale eindronde, is deur Alana Bailey, die hoof van kultuursake by AfriForum, en Nicolene Muller, die projekkoördineerder van die kompetisie, verteenwoordig. Hulle het hul dank teenoor al die deelnemers, die Hoërskool DF Malan en in die besonder aan Visser oorgedra vir die insette wat verseker dat die kompetisie jaarliks nuwe hoogtes bereik.

"Vanjaar se spanne se kennis van aktuele sake en hul debatvermoë het ons opnuut beïndruk. Debatteer is 'n voordeligheid waarby elke leerder laat vind. Ons is bly dat die aantal deelnemers toeneem en sien uit na die res van die jaar se kompetisies," se Bailey.



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NOTICE 69/2023

CALL FOR PROPOSAL: KAYAMANDI CORRIDOR

ISAZISO ESISIKHWEINI

BIZELA ISIPHAKAMISO: IKHORIDO YAKAYAMNDI

1. PURPOSE

The purpose of this advertisement is to solicit submissions / proposals from interested Parties, such as accredited NGOs or individuals to conclude a Lease Agreement with the Stellenbosch Municipality for the management of Kayamandi Corridor with its improvements. The Lessee will have to agree to continue to run the Corridor and will pay a monthly rental.

2. BACKGROUND

The Kayamandi Economic Tourism Corridor was established in 2008, the corridor hosts various administrative functions and NGOs.

The facility recently underwent renovations which was concluded in October 2022. There are currently tenants occupying office space on short term leases.

3. SUBMISSION OF PROPOSALS

Interested parties / individuals who wishes to submit proposals, must do so in writing and their proposals must include, the following information:

- Name of applicant;
- Legal status of Applicant, i.e. individual, company, NGO, etc;
- Written proof of registration (where applicable);
- Competent in running a facility of similar nature and size with contact details of references;
- Competence of the Team that is going to run the facility (attach CV's)
- Proof of current Business - or Residential address, accompanied by their latest municipal account;
- Full detail of the proposal including monthly rental offered (Please note that the successful bidder will be responsible for all services consumed, over and above the rental payable), proposed rental period (not longer than 5 years and 11 months), and improvements planned plus a business plan*. The municipality may consider a below market value rental.

*For the purpose hereof, the Applicant must submit a proposed budget, showing the anticipated income and expenditure, including an indication of the income streams that will fund the business plan. All applications that is received will be assessed and Council will resolve or who to lease the property to, the period involved and the rental based on the business plan and proposal.

4. PROPERTY DESCRIPTION

4.1 LOCATION AND CONTEXT

The Kayamandi Economic Tourism Centre is a tourism related business centre centrally located at the main entrance to Kayamandi and is visible to the R304, which is the road linking Stellenbosch with the surrounding rural areas and the N1. It consists of a conference room, municipal treasury office, 29 rental formal spaces and 13 informal market stalls, a restaurant and an amphitheatre.

4.2 OWNERSHIP

Ownership of the property vest with the Stellenbosch Municipality

4.3 SIZE OF PROPERTY

The erf is approximately 5442m² in extent, whilst the building structures are approximately 1457m² in extent.

5. CLOSING DATE

The closing date for submission of proposals is 29 June 2023 at 12:00.

Written submissions / proposals must be sent or delivered to the Economic Development Officer for Tourism to the 2nd floor of the NPK Building (corner of Plain and Ryneveld streets, Stellenbosch), or can be emailed to carmen.surita@stellenbosch.gov.za before the closing date and time.

1. ININGO

Izingo yazi sibhengeza kubeka iziphakamiso/indululo kumaDela amandla, afane ne-NGO's ne-nyunyanyo okanye abantu ngabanye ukuba bagabazele iSikwinqwelo sokuQasha kunye noMasipala weStellenbosch solawulo lweKayamandi Corridor, kunye nophulo lwayo. Umqashwa kuya kufuneka aume ukugqibeka egnobu iKhorido kwaziyo ukuhlawula irenti yeminyaka.

2. IMVELAPHI

Kayamandi Economic Tourism Corridor yasekwa ngonyaka ka 2008, ikhondo yamkela ulawulo lwemisebenzi eyahlukeneyo kwakunye nomibutho engakwaziyo.

Ikhondo landula ukungqibiswa yize yagqibiswa kwinyanga yedwarha kunyaka 2022. Okwangoku kukho abaqashi abahlala kwindawo yeOfisi kangange keshi elihlathane.

3. UKUNGENISWA KWEZIPHAKAMISO

Amaqela amandla / abantu abangqibela ukungenisa indululo, kufuneka bakwenze oko ngokubhalelweyo kwaye indululo zaba mazibazakanywe, elulwazi lizandelayo:

- Iqamalembi-licelo;
- Ubume bomthetho beMfaki-licelo, oko kukuthi umntu, inkampani, I-NGO, njl.njl
- Ubungqibela obuthileyo babhalisa (obufanelekileyo);
- Ubawo ukusabela ibhaliso elibume bulanayo nobokhulu kunye nasekukakha zuzagqibela kwaye zecerferensi;
- Ubuchule beGqirha kuzibwa (okhonzela) (qoboshela I-CV's)
- Iibungqibela bebhali-lingathi - okanye idlali yeminyaka yokuhlala, ebanisa noakhawunti yabo yama njl kamapala;
- Iinkokotha ezigxileyo zeshululo kubandakanywa irenti yeminyaka nenyanga (Nceda upapalelele ukuba umntu-mazibha ophumeleleyo uya kuba noandululo lwawo anke inkampani ezibizanyisiweyo, ngaphandle kwentlalo yentlozi elawulwayo), beshi elicetywayo lokurenta (ingekho ngaphazulu kwentlalo yeminyaka esi-5 kunye nenyanga esi-11); kunophulo olungqibisiweyo kunye nesicwangciso soshishino. UMasipala unokuthathela ingqalelo irenti engaphantsi kweabisolemanke.

*Ngenjongo yoku, iMfaki-licelo kufuneka angenisi uhlahlo lwelwazi mali elicetywayo, elabonisa ingqibo kunye nenkqubo elandelayo, kubandakanywa iulathisi ingqibo yazi kushisa ngamali lizungqibela soshishino. Zama licelo ezifunyenweyo, ziza kuzivanywa kwaye iBhunga lya kwenzisa isigqibo malunga nokuba liza kugqibela kubani propati, beshi elibandakanyekayo kunye nentlozi ngokubizakanywa kwisicwangciso somsebenzi kunye nesiphakamiso.

4. INKCAZelo YESAKHIWO

4.1 INDAWO KUNYE NOMKHOLLO

I-Kayamandi Economic Tourism Centre, yindawo yasekhenketho ezalulomene nezentlango, ekwindawo esekugqeni xa ungena eKayamandi kwicala lase kholo, iceka gca xa ukungqo u-R304, ngumgqo odibanisa iStellenbosch kwinkqubo nendawo eyilungqibela ehamaphandleni nomgqo u-N1. Iqulathela indlu yeminyaka, ubutyebi be-ofisi zikaMasipala, iqulathela ngaphandle ezil-29 ngokubizakanywa, kwakunye nentlozi esi-13 ngokubizakanywa, indawo yokutya kwakunye neqonga lemidalo.

4.2 UMUNINI

Umunini besigqibo besakhawo noMasipala waseStellenbosch

4.3 UBUKHULU BESAKHIWO

I-erf sinomlinga 5442m² ngokomlinganiselo, ngelixa tokhiwo zesakhawo zimalunga 1457m² ngokubizakanywa.

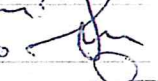
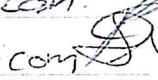
5. UMHLA WOKUHLALA

Iziphakamiso okanye izindululo ezibhalwayo mazibhalelwe okanye zizive kuMphathi Wophuhliso wezopolitsho kwezoKhenketho kumgangatho we-2 wesakhawo seNPK (kwicala yestatalo iPlain neRyneveld, iStellenbosch), okanye unokuthayelwa nge-imeyile ku-carmen.surita@stellenbosch.gov.za phambi komhla nentlozi lokutala 29 lulimela 2023 ngo 12:00.

APPENDIX 2

CALL FOR PROPOSAL - KAYAMANDI CORRIDOR

ORGANISATION	TIME	CLOSING DATE	LOCATION
STELLENBOSCH MUNICIPALITY (DPT LED)	12h00	29 JUNE 2023	KAYAMANDI CORRIDOR

NO	DATE	NAME AND SURNAME & COMPANY/ORGANISATION	CONTACT NUMBER	EMAIL	SIGNATURE
1	2/6/23	Glorie MPIO	0837515853	mangampio@gmail.com	
2	6/6/23	D Wagon	068 162 0881	2ukimw.wagon@gmail.com	
3		Zakule Myataza	073778 7945	zumyataza@gmail.com	
4		R. Dlanga mandla	083725377	dellangamandla@yahoo.com	
5		S. Ngcobo	0737774366	SABELWOSIHLE@GMAIL.COM	
6		P. Mkhukwana	0759304674	phibankukwana@gmail.com	
7	22/06/23	C Sephula - K.BDF	076 497 4265	sephulamankie@gmail.com	
8					
9					
10					
11					
12					
13					

APPENDIX 3



Notice Number 133/2023
CALL FOR PROPOSAL: INFORMAL ECONOMIC TRADING HUBS

1. PURPOSE

The purpose of this advertisement is to solicit submissions / proposals from interested Parties, such as accredited NGO's or individuals to conclude a Lease Agreement with the Stellenbosch Municipality for the management and improvement of the activity levels at the Informal Economic Trading Hubs in Stellenbosch. The Informal Economic Hubs were established with the intention to be an open production space which would serve as a trading space for local entrepreneurs as well as to encourage and promote local activities.

The hubs areas as follows:

	Name of Informal Trading Hub	Erf Number	Size (m²)
1	Ida's Valley	11202	970
2	Cloeteville	7269	600
3	Klapmuts	342	400

1. SUBMISSION OF PROPOSALS

Interested parties / individuals who wishes to submit proposals, must do so in writing and their proposals must include, the following information:

- Name of applicant;
- Legal status of Applicant, i.e. individual, company, NGO, etc;
- Written proof of registration (where applicable);
- Competent in running a facility of similar nature and size with contact details of references.
- Competence of the Team that is going to run the facility (attach CV's)
- Proof of current Business – or Residential address, accompanied by their latest municipal account;
- Full detail of the proposal including monthly rental offered (Please note that the successful bidder will be responsible for all services consumed, over and above the rental payable), proposed rental period (not longer than 9 years and 11 months); and improvements planned plus a business plan*. The municipality may consider a below market value rental.

*For the purpose hereof, the Applicant must submit a proposed budget, showing the anticipated income and expenditure, including an indication of the income streams that will fund the business plan. All applications that is received will be assessed and Council will resolve on who to lease the property to, the period involved and the rental based on the business plan and proposal.

2. CLOSING DATE

The closing date for submission of proposals in 13 October 2023 at 12:00.

Written submissions / proposals must be sent or delivered to the Economic Development Officer for Tourism to 2nd floor of the NPK Building (corner of Plein and Ryneveld streets, Stellenbosch, or can be emailed to carmen.saville@stellenbosch.gov.za before the closing date and time.

Kennisgewing Nommer 133/2023
AANSOEK OM VOORSTEL: INFORMELE EKONOMIESE HANDELSENTRUMS

1. DOEL

Die doel van hierdie advertensie is om voorleggings/voorstelle van belanghebbende partye, soos geakkrediteerde NRO's of individue, aan te vra om 'n Huurooreenkoms met die Stellenbosch Munisipaliteit te sluit vir die bestuur en verbetering van die aktiwiteitsvlakke by die Informele Ekonomiese Handelsentrums in Stellenbosch. Die Informele Ekonomiese Handelsentrum is gestig met die bedoeling om 'n oop produksieruimte te wees wat sal dien as 'n handelsruimte vir plaaslike entrepreneurs asook om plaaslike aktiwiteite aan te moedig en te bevorder.

Die hubs is soos volg:

	Naam van informele handelsentrum	Erfnommer	Grootte (m²)
1	Idas Vallei	11202	970
2	Cloeteville	7269	600
3	Klapmuts	342	400

2. INDIENING VAN VOORSTELLE

Belangstellendes/individue wat voorstelle wil indien, moet dit skriftelik doen en hul voorstelle moet die volgende inligting insluit:

- Naam van aansoeker;
- Regstatus van Aansoeker, dit wilsê individu, maatskappy, NRO, ens;
- Skriftelike bewys van registrasie (waar van toepassing);
- Bevoeg in die bestuur van 'n fasiliteit van soortgelyke aard en grootte met kontakbesonderhede van verwysings.
- Bevoegdheid van die span wat die fasiliteit gaan bestuur (heg CV's aan)
- Bewys van huidige besigheid – of woonadres, vergesel van hul jongste munisipale rekening;
- Volledige besonderhede van die voorstel insluitend maandelikse huur aangebied (Neem asseblief kennis dat die suksesvolle bieder verantwoordelik sal wees vir alle dienste wat gebruik word, bo en behalwe die huur betaalbaar), voorgestelde huurperiode (nie langer as 9 jaar en 11 maande nie); en verbeterings beplan plus 'n sakeplan*. Die munisipaliteit kan 'n huur onder markwaarde oorweeg.

*Vir die doel hiervan moet die Aansoeker 'n voorgestelde begroting indien, wat die verwagte inkomste en uitgawes toon, insluitend 'n aanduiding van die inkomstestrome wat die besigheidsplan sal finansier. Alle aansoeke wat ontvang word, sal beoordeel word en die Raad sal op grond van die sakeplan en voorstel besluit aan wie die eiendom verhuur moet word, die betrokke tydperk en die huur.

3. SLUITINGS DATUM

Die sluitingsdatum vir indiening van voorstelle is 13 Oktober 2023 om 12:00.

Skriftelike voorleggings/voorstelle moet gestuur of afgelewer word by die Ekonomiese Ontwikkelingsbeambte vir Toerisme tot op die 2de vloer van die NPK-gebou (hoek van Plein en Ryneveldstraat, Stellenbosch, of kan voor die sluiting per e-pos aan carmen.saville@stellenbosch.gov.za gestuur word) datum en tyd.

Eikestadhuus
2nd floor 1/14/9/2023

APPENDIX 4



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

CALL FOR PROPOSAL REGISTER – INFORMAL TRADING HUBS

CLOSING DATE: 13 OCTOBER 2024 @12H00

	NAME & SURNAME	SUBMISSION DATE AND TIME	NATURE OF SUBMISSION
1	TCT – TRANSFORM CLOETESVILLE TOGETHER	13 OCTOBER 2023 @10H45	DELIVERED BY HAND
3	IDAS VALLEY COMMUNITY TRAILS NPC	13 OCTOBER 2024 @11H17	SUBMITTED VIA EMAIL
4	LEGAL STING	13 OCTOBER 2024 @11H35	SUBMITTED VIA EMAIL
5			
6			
7			
8			
9			
10			

7.8.6	REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2024
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Collaborator No:

764277

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

20 March 2024

1. SUBJECT: REQUEST FOR THE APPROVAL AND ADOPTION OF THE FINAL DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2024

2. PURPOSE

To provide Council with the pertinent facts to consider the approval and adoption of the final Draft Stellenbosch Municipality Events By-Law, 2024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The final Draft Events By-Law aims to replace and update the current Stellenbosch Municipality Events By-Law, which was promulgated in 2016.

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

An updated Events By-Law will contribute in a sustainable manner toward growth in job creation, investments, and social inclusivity.

5. RECOMMENDATIONS

- (a) that Council take note of the final Draft Stellenbosch Municipality Events By-Law which was advertised for a period of thirty (30) days and that copies of the proposed By-Law were placed at the venues as indicated in the advertisement, copy attached as **APPENDIX 2** to this report,
- (b) that Council **approve and adopts** the final Draft Events By-Law, attached as **APPENDIX 1**, and
- (c) that Council **approves** that the final Draft Events By-Law be promulgated.

6. DISCUSSION / CONTENTS

6.1 Background

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

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

The Events By-Law was drafted in consultation with the Directorate: Community Services and circulated to all relevant internal Directorates for comment. The following internal comments were received:

Manager: Land Use Management
Comment
Amend the definition of public place as per legislation
Include that the event organiser may not market and <u>sell tickets</u> for the planned event before an application has been approved;
Amend relevant land use zoning regulations to <u>relevant zoning scheme</u> under requirements and conditions.
Schedule 2
Include: in terms of the <u>Land Use Planning Bylaw</u> Under Note
Remove no.3: Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeals process as outlined in the Land Use Planning Ordinance, 1985 (Ordinance No.15 of 1985)
Reason: This ordinance was replaced with new planning legislation in 2015.
Schedule 3
Indicate the property where the event will take place under description of event.
Amend approval where necessary to zoning certificate or land use decision letter under zoning confirmation of the permitted land use or land use planning
Senior Manager: Community Services
Comment
Include previous offences under evaluation criteria

The above comments have been incorporated into the final Draft Stellenbosch Municipality Events By-Law.

Public Participation Process

On 29 November 2023, Council resolved that the user Department advertise the Draft Stellenbosch Municipality Events By-Law for public comment. The following public comments were received:

<u>Comment 1</u>	<u>Response</u>
Increase the number of attendants for small events from 50-2000 to 200-2000.	This amendment has been incorporated.
<u>Comment 2</u>	<u>Response</u>
Schedule 2 Amend the minimum time for submission of applications to 15 days for small events.	Well noted. The current proposed timeframes make provision for the implementation of various

	processes associated with events applications.
<u>Comment 3</u> Consider the inclusion of a micro event category.	<u>Response</u> Well noted.
<u>Comment 4</u> The cost of permitting is not addressed.	<u>Response</u> The cost for events permits and related Municipal Services is advertised as part of the Stellenbosch Municipality Approved Tariffs 2023/2024, these tariffs are reviewed annually.

6.2 **Discussion**

Events are established occurrences within the Cape Winelands and contributes significantly to the appeal of the Municipal Area as a tourist destination. Hosting of events in the Stellenbosch Municipality boosts the local economy by attracting visitors who spend money on accommodation, dining, transportation, shopping and entertainment. This influx of spending benefits local businesses and contribute to the overall economic growth of the host community.

The reviewed Events By-Law creates a framework that facilitates the organisation of events while safeguarding public welfare, private and public property, and the environment. The By-Law aims to strike a balance between promoting community engagement and protecting the interests of residents and local businesses.

The reviewed By-Law was approved for public participation during the Council Meeting on 29 November 2023, the call for public comment was advertised in local newspapers on 07 December 2023 and closed on 08 January 2024. Concerns were raised by interest groups and internal Directorates regarding the timeline during which the document was advertised, as most community organisations and local businesses were closed during the festive season. Subsequently, a request for the extension of the public participation process was granted by the Municipal Manager for an additional twenty-one (21) days.

6.3 **Financial Implications**

None. The bylaw has been drafted using the resources within the Municipality.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:**18TH COUNCIL MEETING: 2023-11-29: ITEM 11.8.2****RESOLVED** (majority vote)

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

6.7 Risk Implications

The risks are addressed through the content of the report.

APPENDICES

Appendix 1: Final Draft Stellenbosch Municipality Events By-Law,2024.

Appendix 2: Advertisements

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	<i>12 March 2024</i>

APPENDIX 1

DRAFT STELLENBOSCH
MUNICIPALITY

EVENTS BY-LAW, 2024

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STELLENBOSCH MUNICIPALITY: EVENTS BY-LAW

PURPOSE AND OBJECTIVES

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

PREAMBLE

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

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

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

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

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

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

CHAPTER 1

DEFINITIONS AND APPLICATIONS

1. Definitions

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

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

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

“event” means-

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

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

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

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

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

"Law Enforcement Officers" officials of the Municipality involved in law enforcement;

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

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

"public place" means -

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

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"public land" means all property owned by government;

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

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

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

"this By-Law" includes the Schedules hereto;

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

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, for the purposes of any categorization, designation and certification of an event may consist of —

- (i) seating for spectators, attendees or an audience; or
- (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;
- (iii) purpose built venue correctly zoned, built and suitable for the holding of specific events;

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

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

2. Application of this By-Law

- (a) This By-Law applies to any event held within the area of jurisdiction of Stellenbosch Municipality, including events held on both private land and public land, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the Municipality and the surrounding community.
- (b) This By-Law does not apply to –
 - (i) events of fewer than ~~20050~~ persons where there is no amplified sound or no temporary structures to be used;
 - (ii) actions falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place;
 - (iii) public participation or meetings held by ward councillor;
 - (iv) small events such as family and community events held on private property or purpose-built venues, subject to any other legislation;
 - (v) funeral and funeral processions, events held at a purpose-built venue or the grounds of any school, playground, place of worship, hotel and/or any other conference facility, athletic field, arena, auditorium or similar;
 - (vi) permanent place of assembly when used for events normally held in or at such venues; provided that this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
 - (vii) sport fixtures and events regulated by the Safety at Sports and Recreational Events Act No.2 of 2010;
 - (viii) Weddings held at wedding venues established for purposes of weddings or at a community hall or similar entertainment facility, and wedding processions, which fall outside the boundaries of an environmentally protected area;
 - (ix) Cultural rituals held by cultural groups and families in the community.

- (c) Notwithstanding subsection (2), the Events Permit Officer or a Law Enforcement Officer may —
 - (i) when the Events Permit Officer or a Law Enforcement Officer finds that this By-Law is, or likely to be, contravened by an event organizer; or
 - (ii) when a stakeholder affected by the impact and risk attached to an event files a complaint with the Event Permit Officer or a Law Enforcement Officer, issue a compliance notice to the Event Organiser in terms of section 8 and act in terms of this By-Law.
- (d) Purpose-built venues are excluded from this By-Law in respect of events normally held in such venue, provided that —
 - (i) this exclusion does not apply to events or parts of events held outside the venue or building or which by their nature, size or impact are considered outside the normal use parameters for the venue;
 - (ii) owners or managers of purpose-built venues must submit an application to the Events Permit Office for approval of their events programmes which shall be valid for one year;
 - (iii) the Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6;
 - (iv) in the event of a conflict between this By-Law and any other By-Law of the Municipality this By-Law shall prevail regarding the management and holding of events;
 - (v) this By-Law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

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

- (a) A formal application to stage an event must be made by the event organizer to the Events Permit Officer and submitted —
 - (i) by a person who is at least 18 years old;
 - (ii) in a form and or manner as prescribed by the Events Permit Officer;
 - (iii) within the time frames as prescribed in Schedule 2 of this By-Law;
 - (iv) by a person or on behalf of a person who possesses the necessary capacity and resources.

- (b) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.
- (c) All applications must be accompanied by proof of payment of the applicable fees and deposit payable for the event.
- (d) In the event of failure to submit the information referred to in subsection 3(b) and proof of payment in terms of subsection 3(c) an application will not be considered in terms of this By-Law.

4. Requirements and conditions

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c).
- (b) An application for an event must comply with the provisions of this By-Law and contain such information as indicated in the prescribed application form as set out in the Schedule 3.
- (c) The Event Organiser may not advertise/market or sell tickets for the planned event before an application is submitted to the Municipality and the Event Permit Officer has informed the Event Organiser in writing that the application has been approved in terms of section 5(a).
- (d) The Event Organiser is required to apply separately and within the required timeframe to the National Commissioner of the South Africa Police Services for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010).
- (e) Payment of an administration fee and or applicable tariffs determined by the Municipality must be required from the Event Organiser ahead of approval of an application for an event.
- (f) The Events Permit Officer must ensure that consultation with relevant stakeholders identified by the Municipality is undertaken by the event organizer.
- (g) The Event Permit Officer must, in terms of the Event Policy and depending on the nature of the event, ensure that consultation takes place with the Events Committee, which will include an official from the municipality's environmental services department; and with any other relevant stakeholder, including the relevant ward councillor.
- (h) The Events Permit Officer must satisfy him /or herself by written documentation that the relevant land-use zoning scheme regulations, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover, and that appropriate indemnity cover is obtained for an event by the Event Organiser. Similarly, where an activity which may put the public at risk will be triggered,

proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Permit Officer by the Event Organiser.

- (i) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposits payable for events.
- (j) The Municipality shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-Law, be held liable for any-
 - (i) damage to or loss of any property of the Event Organizer; or
 - (ii) costs incurred by an Event Organizer or any third party;
- (k) The event organizer, or the venue owner shall be liable for the cost of any service provided by the municipality for or in respect of an event.

Safety Officer

The Event Organiser must appoint a safety officer for the event.

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

5. Decisions on events

- (a) The Events Permit Officer must approve or decline an application for an event within a reasonable time in terms of this By-Law.
- (b) Once a decision has been taken in terms of subsection 5(a) the applicant must be informed thereof in writing.
- (c) Where an application for an event has been approved, the Events Permit Officer must issue a permit specifying the conditions applicable to the event.
- (d) The Event Organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event, and that any additional licences, including liquor licences can be clearly displayed in public.
- (e) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant must be informed of his/her right to appeal the decision in terms of section 62 of the Municipal Systems Act.
- (f) The Event Permit Officer may decline an application for an event permit where—
 - (i) an event application is received outside of the prescribed timeframes;
 - (ii) the event clashes with another event;
 - (iii) the event safety and security plan is deemed insufficient by the Municipality's services;
 - (iv) the event is not approved by the South African Police Services;
 - (v) the event is non-compliant with applicable legislation; or
 - (vi) any other factor which, in the opinion of the Event Permit Officer, may negatively impact on the –
 - safe conclusion of an event; or
 - human or other resources of Stellenbosch Municipality.
- (g) Notwithstanding the timeframes set out in Schedule 2 the Event Permit Officer may, after consultation with the Municipal Manager, approve a late application for an event, where the holding of the event will be beneficial to the municipality.

6. Evaluation Criteria

- (a) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:
 - (i) the type and size of an event;
 - (ii) the impact of the event in terms of the strategic fit to the Events Policy;

- (iii) the impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event logistical aspects, as well as marketing, economic, social and environmental objectives;
 - (iv) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
 - (v) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event. The risk assessment will include, but not limited to, obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open space;
 - (vi) that the event complies with all applicable legislation;
 - (vii) the impact of the event on the environment;
 - (viii) Previous offences
- (b) The criteria referred to in subsection 6(a) must be considered in respect of-
- (i) the review and assessment of events;
 - (ii) the decision processes for event applications;
 - (iii) prioritisation of events;
 - (iv) the type and level of support to be provided by the Municipality for events; and
 - (v) the services to be provided by the Municipality to events.
- (c) The Events Permit Officer may impose reasonable conditions to the permit to protect the environment and the health, safety and welfare of the public pertaining to:
- (i) Location and hours during which the event may be held;
 - (ii) Sanitation, ablution facilities and availability of water;
 - (iii) Security and crowd management;
 - (iv) Parking and traffic issues;
 - (v) Emergency and medical services;
 - (vi) Clean-up of premises and surrounding area and waste disposal;
 - (vii) Insurance;
 - (viii) Lighting;
 - (ix) Fire services and safety;
 - (x) Temporary construction, barricades and fencing;
 - (xi) Removal of advertising and promotional materials after the event;
 - (xii) Noise levels.
 - (xiii) Any other conditions pertaining to the Event
 - (xv) The environmental impact.

7. Holding of an event

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

8. Compliance notice

- (a) When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-Law is being or has been contravened by an Event Organizer or that a condition has arisen that has the potential to lead to a contravention of this By-Law or any other law, he or she —
 - (i) may issue a compliance notice to the Event Organizer; or
 - (ii) may, on receipt of information from an authorized official relating to the contravention of this By-Law or any other law in respect of the holding or staging of an event, issue a compliance notice to the Event Organizer.
- (b) A notice issued in terms of subsection 8(a) must state —
 - (i) the provision of the By-Law; ~~and/or the provisions of any other legislation and/or the condition of the permit that is being contravened or will be contravened if the condition is allowed to continue;~~
 - (ii) the measures that must be taken to rectify the condition; and
 - (iii) the time period in which the notice must be complied with.
- (c) If an Events Organiser on whom notice was served in terms of subsection 8(a), fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-Law, take such steps as may be necessary to rectify the condition at the cost of the Event Organizer.
- (d) A person who fails to comply with a compliance notice issued in terms of subsection 8(a) commits an offence.
- (e) The municipality shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events —

- (i) keep a record of non-compliance and consider any appropriate action as may be required;
- (ii) require an increased deposit from the person for future events to be held or staged by such person; and
- (iii) require proof of measures in place to ensure compliance of this By-Law where the party defaulted at a former event.

9. Inspections and right of access

- (a) The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application as well as during and after the staging or holding of an event to determine compliance with this Bylaw and the conditions made;
- (b) The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of —
 - (i) performing all necessary acts or required to be done by the municipality under this By-Law,
 - (ii) ascertaining whether there is or has been a contravention of the provisions of this By-Law; and the conditions made subject to the approval of the event application
 - (iii) enforcing compliance with the provisions of this By-Law.
- (c) An Events Permit Officer, an authorized official, or a law enforcement officer may require such owner or occupier to provide, at any reasonable date and time access to such property to a person and for a purpose referred to in subsection 9(b).

10. Suspension and revocation of permit

- (a) The Event Permit Officer, may, where the Event organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the Event Organiser —
 - (i) suspend the permit immediately until the Event Organiser has complied with the compliance notice;
 - (ii) revoke the permit and take such steps as may be necessary in terms of this By-Law, for which costs incurred by the Municipality the Event Organiser shall be liable; or
 - (iii) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an Event Organizer.
- (b) The Municipality may, where the Events Permit Officer has acted in terms of subsection 10(a), withhold the deposit paid by the Event Organizer for an event as security for the payment of such costs.

CHAPTER 3

GENERAL PROVISIONS

11. Agreements and Partnerships

- (a) The Municipality may enter into such agreements and partnerships with Event Organizers as may be necessary for the holding and management of events in terms of this By-Law.
- (b) The Municipality may, under an agreement or partnership contemplated in subsection 11(a), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the Municipality.
- (c) The agreements and partnerships contemplated in subsection 11(a) must provide for service levels which must be met by the parties in order to ensure compliance with this By-Law and the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (d) Notwithstanding the provisions of this By-Law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an Event Organizer shall be liable in the event of non-compliance therewith.

12. Delegations

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

13. Right of Appeal

- (a) Parties to a dispute arising from a conflict in terms of this By-Law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (b) through consultation with each other.
- (b) The Events Permit Officer have the right to decline an application, if the application is incomplete and does not meet the timeframes as set out in Schedule 3.
- (c) The Event Organizer may appeal against a decision where his or her application to hold an event has been declined.
- (d) The Appeal Committee will attend to appeals prior to the submission of such appeals in writing to the Municipal Manager within a period as indicated in Schedule 2 in relation to the type of event concerned.

- (ed) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable timeframes set out in Schedule 2.
- (fe) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 2 in relation to the type of event concerned.
- (gf) The Municipal Manager may delegate any official of the Municipality to consider and decide on appeals referred to in subsection 13(b).

14. Indemnity

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

15. Offences and Penalties

- (a) Any person who-
 - (i) holds an event without a permit in contravention of section 4(a);
 - (ii) is an Event Organiser and whose application to hold an event has been approved, fails to comply with any provision of this By-Law, any condition made subject to the approval of the event application; or contravenes a provision of any other law for which the municipality is responsible for implementation and enforcement, in contravention of section 7(a)(i);
 - (iii) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community, residents, or the environment in contravention of section 7(a)(i);
 - (iv) fails to comply with the compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of section 8(a)(i) or (ii), in contravention of section 7(a)(iii), shall be guilty of an offence.

(b) A person who commits an offence in terms of this By-Law shall, on conviction, be liable

- (i) in the case of an offence referred to in subsection 15(a)(i) or (ii). To a fine as the court may deem fit to impose or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
- (ii) in the case of an offence referred to in subsection 15(a)(iii), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
- (iii) in the case of an offence referred to in subsection 15(a)(iv), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

16. Short title

This By-Law is called Stellenbosch Municipality: Events By-Law, 2024³.

SCHEDULE 1
AMENDMENT OF LAW
(Section 45)

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

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

Size	Crowd Size/ No of Participants	Minimum time for submission of an application to the Municipality by the event organiser before the date of an event [all required information relating to the application must be submitted in terms of section 3 (2)]	Minimum time for the Municipality to respond to an application for staging an event	Appeals to be lodged by applicant with the Municipality within	Appeal to be decided by Municipality within
Small	200 to 2000	20 working days (4 weeks)	10 working days(2 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	48 hours of receipt of written notice of appeal
Medium	2001 to 5000	25 working days (5 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 48 hours of receipt of written notice
Large	5001 to 10 000	30 working days (6 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 3 working days
Very Large	10 001 and above	90 working days (minimum 4 months , 6 months ideal)	40 working days (2 months)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 5 working days

Note:

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

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CHAPTER 29: EVENTS AND OUTDOOR DINING OVERLAY ZONE

273. Zone name and designation on map

- (1) The Events and Outdoor Dining Overlay zone may be referred to by the code (EODO) and shall cover the entire area of the Stellenbosch Municipality's zoning map.

274. Purpose of the zone

- (1) The purpose of the Events and Outdoor Dining Overlay zone is to facilitate the hosting of events and outdoor dining on public streets in certain circumstances, with the aim of promoting the tourism and leisure sector as a key driver of local economic development, as well as to enhance the cultural and social cohesion of communities, while protecting the amenity on which these activities rely.
- (2) A person may only organize an event with a valid permit issued by the Municipality as regulated in the Stellenbosch Municipality Events Permitting By-Law. "Event" has the same meaning as contemplated in subject By-Law.
- (3) Provide for a clear distinction between "events" and "occasional use" events, as contemplated in section 30.
- (4) Notwithstanding the intention for the overlay zone to be less restrictive with regards to the hosting of events and promoting outdoor dining on public streets, the overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed which can assist to avoid potential adverse impact of events and outdoor dining on the receiving environment and mitigate such impacts where they cannot be avoided.

275. General provisions

- (1) The primary, additional and consent uses, and development parameters set out in the applicable base zone remain applicable to any land unit subject to this overlay zone, unless varied in the provisions provided in this chapter.
- (2) Purpose-built tracks, buildings, and infrastructure to be used for events requires land use approval for the facility or amenity as contemplated in subsection (1).
- (3) Events contemplated in this chapter are exempt from the provisions of section 30(1).
- (4) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event as contemplated in this chapter, unless otherwise stipulated in this chapter. A calendar year means a period of twelve months from January 1 to December 31.
- (5) Any event occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality.
- (6) Any event contemplated in this chapter may involve the construction of temporary structures to facilitate the hosting of such event. Temporary structures or non-permanent structures constructed purely on a temporary basis for a specific period, shall require building plan approval and shall be demolished on completion of the event for which it was erected.
- (7) Commercial services at the same venue that are not directly associated with the event, and which is not an event related activity shall require prior land use approval for such activity.
- (8) No event can be both a "linear event" and a "place-bound event", and the Municipality's Development Management Department has the sole discretion to determine the specific type of an event as contemplated in this chapter.

276. Linear events

- (1) A linear event means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles.
- (2) An unlimited number of linear events shall be permitted in the following zones:
 - (a) Community zone.
 - (b) Transport Facilities zone.
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:
 - (a) Education zone.
 - (b) Private Open Space zone.
 - (c) Agriculture and Rural zone; and
 - (d) Natural Environment zone.
- (4) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (2).
- (5) A linear event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
 - (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (6) A linear event occurring on a property with a zoning stipulated in subsections (2)(c) and 2(d):
 - (a) must make use of existing routes, farm tracks and infrastructure.
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and
 - (c) may not involve any motorized vehicles.
- (7) A linear event occurring on a property with a zoning stipulated in subsection 2(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

277. Place-bound events

- (1) A Place-bound event means an event that takes place at a specific venue, or on a specific property.
- (2) An unlimited number of place-bound events shall be permitted in the following zones:
 - (a) Community zone.
 - (b) Transport Facilities zone.
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:
 - (a) Education zone.
 - (b) Private Open Space zone; and
 - (c) Agriculture and Rural zone.

- (4) A place-bound event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
 - (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (5) Notwithstanding subsection (2), a place-bound event occurring on a property with a zoning stipulated in subsection (2)(c) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.
- (6) A place-bound event occurring on a property with a zoning stipulated in subsections (2)(b) and 2(c):
 - (a) must make use of existing facilities, amenities, and infrastructure; and
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.
- (7) A place-bound event occurring on a property with a zoning stipulated in subsection (2)(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.
- (8) All place bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the event permit.

278. Specific provisions: outdoor dining

- (1) Outdoor dining means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside the confines of a property with land use rights for a business premises (or equivalent)
- (2) Outdoor dining shall be permitted as a primary use right on a property zoned Public Road and Parking zone, subject to the following conditions:
 - (a) The location of the outdoor dining area must be directly abutting the confines of a property with land use rights in place for a business premises or equivalent.
 - (b) The outdoor dining area must be compliant with the technical specifications and guidelines provided in the Policy on Outdoor Dining, Trading and the use of Public Places for Commercial Ventures and Display, or any such subsequent policy or directive as the Municipality may adopt.
 - (c) The owner of a property incorporating an outdoor dining area as contemplated in this chapter must enter into a written agreement with the Municipality.
 - (d) Only temporary structures specified in the written agreement contemplated in paragraph (c) shall be permitted and shall be subject to building plan approval where applicable.
 - (e) Should a written agreement as contemplated in paragraph (c) not be concluded between the relevant parties, the Municipality may institute enforcement proceedings, either –
 - (i) as contemplated in section 273 of this By-law; or
 - (ii) in accordance with the Municipality's Roads and Streets By-law.

SCHEDULE 4

EVENTS APPLICATION REQUIREMENTS GUIDELINE

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

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

SIZE	CATEGORY ATTENDEE / PARTICIPATION SIZE	MINIMUM TIME BEFORE AN EVENT TO SUBMIT A COMPLETE APPLICATION TO THE MUNICIPALITY
Small	<u>200</u> 50 – 2000	A minimum 20 working days (4 weeks)
Medium	2001 – 5000	A minimum of 25 working days (5 weeks)
Large	5001 – 10 000	A minimum of 30 working days (6 weeks)
Very large	10 001 above	90 working days (4 months minimum – preferably 6 months)

NOTE:

- Events of fewer than 20050 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the Municipality may determine whether the impact and risk attached to an event of fewer than 20050 persons would require the submission of an application.
- Note this excludes any specific or special application directives which the Municipality may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other Municipality activity.
- These timeframes do not include events applications where a land use application approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply.

REQUIREMENTS:

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

1. Description of Event:

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

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

- Ablution Facilities and/or Mobile Toilets
- Details of Vendors / Caterers, including licences
- Certificate/s of Acceptability – food vendors

9. Zoning confirmation of the permitted land use or land use planning
(approval where necessary)

10. Community Participation/Consultation Plan, including:

- Communication with Councillor/s
- Consultation with Community/Residents Organisations/Associations
- Communication with Affected Residents/Businesses/Business Associations or other stakeholders.

11. Application Forms /Approvals, incl.

- Noise Exemption (including public participation/consultation)
- Erection of Stages/Marquees/Temporary Structures
- Confirmation of Venue: Written approval from venue owner/venue manager to authorise the event organiser to use the facility/ venue to host the event.
- Liquor Licence/s/ Fireworks/ Civil Aviation (if applicable)

12. Municipal Services Requirements:

- Waste Management Plan, incl.
 - Details of Service Provider/s
 - Arrangements for venue cleansing (prior to and post event)
 - Receipt slip from landfill site (post event)
- Electricity – including wayleaves
- Water
- Transport
- Roads and storm water

13. Event Communications Plan

- Ticket Selling Strategy & Accreditation
- Emergency Communications Plan
- Approval or application for Municipal Outdoor Advertising and Signage
- Any specific requirements

14. Environmental Management Plan (if applicable)

- A rehabilitation plan
- Financial guarantee
- Any other applicable environmental or heritage permission.

15. Indemnity Forms, incl.

- Completed Indemnity Form
- Confirmation of Public Liability insurance as well as the prescribed insurance confirmation letter.

16. Confirmation of Appointment of Safety Officer/s

APPENDIX 2

1 Februarie 2024

Tasmin Cupido

Inwoners van die Dwarsriviervallei is op soek na antwoorde vir die lange kragonderbrekings wat die gemeenskappe gereeld teister.

Gedeeltes van Kylesmore is onlangs byna drie dae sonder krag gehaai – slegs weke nadat ander gedeeltes van dieselfde dorp vir ses dae sonder elektrisiteit moes klaarkom. Inwoners van Pniel en Jacobsdal loop ook gereeld deur.

Kragtoevoer na die vallei word deur Eskom voorsien.

Dr. Francois Kotze, 'n inwoner van die Capolavoro-laudgood in Kylesmore, verduidelik die mees onlangse onderbreking aan kragtoevoer het van Vrydag 19 Januarie om 19:00 tot Maandag 22 Januarie geduur.

"Verskeie gedeeltes van die gemeenskap word deur die onderbrekings, wat net ná of voor geskeduleerde beurtkrag voorkom, geteister," sê hy.

"Die voorvalle word byna onmiddellik by Eskom aangemeld, maar die kommunikasie en terugvoering van die entiteit bestaan byna nie. Jy word net ingelig dat die saak ondersoek word, maar daar is geen verdere kommunikasie nie. So sit en wag jy maar totdat daar weer krag is, of jy meld weer die voorval aan in die hoop dat dit die nodige aandag sal geniet."

Ekspressnuus het 'n gedetailleerde

Waar is ons krag?

navraag oor die onlangse voorval en die kragnetwerk in die vallei aan Kyle Cookson, 'n woordvoerder van Eskom in die Wes-Kaap, gerig, maar die meeste vrae is onbeantwoord gelaat.

"'n Kort verklaring deur Cookson lui: "Ongeveer 100 huishoudings in dele van Kylesmore was oor die naweek sonder kragtoevoer as gevolg van 'n foutiewe kabel by die Capola-substansie. Die krag het Vrydagmiddag uitgeskakel en is omstreeks 16:00 Maandag 22 Januarie herstel. Eskom vra opreg om verskoning vir die ongerief wat veroorsaak is en bedank die kliënte wat gemaak is vir hul geduld."

Volgens Kotze het inwoners verskeie kere ook die Stellenbosch-munisipaliteit om hulp gevra, maar hier is hulle glo ook nie juis te hulp gesnel nie. "Die munisipaliteit stel nie belang nie en verwys ons net na Eskom," voer hy aan.

"Dienslewering deur Eskom en die munisipaliteit bestaan nie. Daar is 'n gebrek aan deursigtigheid en dienslewering. Ons moet die langdurige onderbrekings verdur, maar ons kry nie antwoorde nie. Ons wil weet wat tot die dae lange onderbrekings lei."

'n Bekommerde inwoner van Pniel het verlede Donderdag (25 Januarie) 'n brief

aan rolspeleers, insluitend die munisipale bestuurder, Geraldine Mettler, die burgemeester, adv. Gesie van Deventer, en die Groot Drakenstein-polisie gerig om sy frustrasie oor langdurige kragonderbrekings as gevolg van 'n kabelval uit te spreek.

"Ons vallei gaan die afgelope tyd gebuk onder erge kabeldiefstal, wat tot 12 uur per dag sonder krag lei. Dit is niteenstaande ons normale beurtkragstelsels," lui die skrywe.

"Die frustrerende deel is dat hierdie voorvalle blykbaar binne 'n paar weke van mekaar plaasvind, wat duidelik 'n patroon begin vorm. Die laaste paar diefstalle het selfs plaasgevind wanneer daar geen beurtkrag toegepas is nie, waaruit 'n mens net kan aflei dat dit geen klein diefstal is nie en dat een of ander vorm van misdadige shindkan in ons gebied aan die werk is."

Hy beweer ook dat voorvalle in die omgewing van die Groot Drakenstein-polisie kantoor plaasvind, baiekeer by dieselfde plek. Die inwoner het verder 'n pleidooi aan die polisie en munisipaliteit gerig om inwoners 'n oplossing te bied.

Stuart Grobbelaar, 'n woordvoerder van die Stellenbosch-munisipaliteit, erken die uitdagings rakende kabeldiefstal in die

Dwarsriviervallei, maar verduidelik dat die netwerk-infrastruktuur die elendom van 'n buur-munisipaliteit of Eskom is.

"Dit is onakkuraat om te beweer dat die munisipaliteit nie proaktiewe maatreëls getref het nie," sê hy.

"Ons het met die Suider-Afrikaanse Inkommissie van Regte verhandel geskied om 'n verhoogde polisie-toesigterwoordigheid in die omgewing van diefstalbrandaande te verseker. Die diefstalle is ook by die nie-sistematiese-diefstalforum op die Kaapse Wynland-kustervergadering aangemeld."

Grobbelaar voeg by dat die munisipaliteit alle oorhoofse koperlyne in sy infrastruktuur met aluminium, wat geen waarde vir die elektriese draingewig het.

"Hierdie maatregel het bewys dit is doeltreffend om diefstal te verminder. Die Drakenstein-munisipaliteit is tans besig om die kabels in sy infrastruktuur met dieselfde benadering te vervang," sê hy.

"Alle bekommernisse is onder die aandag van die Vereniging vir Munisipale Elektrisiteitsdienste vir ingryping gebring. Dis belangrik om te erken dat die polisie hulpbronneprekerings in die gesig staar wanneer dit by die patrolling van die lengte van die kabels kom."

"Beide munisipaliteite en die forums werk wel aktief daaraan om 'n volhoubare oplossing vir die diefstal kwessie te vind."



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITEIT • UMASIPALA • MUNICIPALITY

PUBLIC NOTICE: 10/2024

PUBLIEKE KENNISGEWING: 10/2024

ISAZISO SOLUNTU: 10/2024

RE-ADVERTISEMENT OF CALL FOR PUBLIC COMMENT ON THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023

Notice is hereby given that Council intends to adopt the Draft Stellenbosch Municipality Events By-Law, 2023. Interested and affected parties are hereby invited to submit written comments during the 21-day advertising period.

You are hereby invited to submit written comments in connection with the Draft Stellenbosch Municipality Events By-Law, 2023 by electronic mail to the Manager, Economic Development and Tourism at Lesley.vangensen@stellenbosch.gov.za on or before 22 February 2024.

The Draft Stellenbosch Municipality Events By-Law, 2023 will be available on the Stellenbosch Municipality's website (www.stellenbosch.gov.za) and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

Voor	Voor
Stellenbosch CBD	Library, Plain Street, Stellenbosch MU Building (Mark Street) Ward 7: Jan Marais Eco Centre
Franschhoek	Ward Office: Ward 1 (Midwater Building) Ward Office: Ward 2 (Grootendal Community Hall)
Kylesmore	Kylesmore Ward Office
Pniel	Library, Main Road, Pniel Pniel Ward Office
Wemmershoek	Ward 3: Wemmershoek Ward Office (Community Hall)
Jamieson	Jamieson Library Jamieson Ward Office
Cloeteville	Cloeteville Ward Office (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Rd.) Library, Sonnebloem Street, Ida's Valley
Kayamandi	Kayamandi Ward Office (Kayamandi Corridor) Library, Mathlathane Street, Kayamandi, Stellenbosch
Vloetsburg	Vloetsburg Ward Office (Vloetsburg Primary School)
Klapperkraai	Klapperkraai Ward Office (Klapperkraai Multi-Purpose Centre)
Ward 19	De Nieuwe Ward Office (Primary School in De Nieuwe)

HERADVERTERING VAN OPROEP OM OPENBARE KOMMENTAAR OP DIE KONSEP STELLENBOSCH MUNISIPALITEIT GEBEURTENISSE VERORDENING, 2023

Kennis word hiermee gegee dat die Raad van voorneme is om die Konsep Stellenbosch Munisipale Gebeurtenisse Verordening, 2023 aan te neem. Belanghebbende partye word hiermee genooi om hul kommentaar op skrif binne die volgende 21 dae periode in te dien.

U word genooi om skriftelike kommentaar in verband met die Konsep Stellenbosch Munisipale Gebeurtenisse Verordening, 2023 per e-pos aan die Bestuurder, Ekonomiese Ontwikkeling en Toerisme by Lesley.vangensen@stellenbosch.gov.za voor of op 22 Februarie 2024 te stuur.

Die Konsep Munisipale Gebeurtenisse Verordening, 2023 vir die Stellenbosch Munisipaliteit is beskikbaar op die webtuiste vir Stellenbosch Munisipaliteit (www.stellenbosch.gov.za) en afskrifte sal beskikbaar wees by plaaslike biblioteke en satelliet kantore gelys hieronder.

Jaarsid	Jaarsid
Stellenbosch Sentraal	Biblioteek, Plain Street, Stellenbosch MU Gebou (Mark Street) Ward 7: Jan Marais Ecosentrum
Franschhoek	Wijk Kantoor: Wijk 1 (Midwater Gebou) Wijk Kantoor: Wijk 2 (Grootendal Gemeenskap Saal)
Kylesmore	Kylesmore Wijk Kantoor
Pniel	Biblioteek, Hoofstraat, Pniel Wijk Wijk Kantoor
Wemmershoek	Wijk 3: Wemmershoek Wijk Kantoor (Gemeenskap Saal)
Jamieson	Jamieson Biblioteek Jamieson Wijk Kantoor
Cloeteville	Cloeteville Wijk Kantoor (Wijk 16 en 17) Biblioteek, Vredelust Straat, Cloeteville, Stellenbosch
Ida's Valley	Wijk Kantoor: Wijk 5 (Ida's Valley Sport Grond) Wijk Kantoor: Wijk 6 (Biblioteek, Rustenburg Straat) Biblioteek, Sonnebloem Straat, Ida's Valley
Kayamandi	Kayamandi Wijk Kantoor (Kayamandi Korridor) Biblioteek, Mathlathane Straat, Kayamandi, Stellenbosch
Vloetsburg	Vloetsburg Wijk Kantoor (Vloetsburg Laerskool)
Klapperkraai	Klapperkraai Wijk Kantoor (Klapperkraai Veeldoelings Sentrum)
Wijk 19	De Nieuwe Wijk Kantoor (Laerskool in De Nieuwe)

Kwerziwa isaziso sokuba ibhunga lijonge ukwamela umthetho kaMasipala oYilwayo weMsimbini kaMasipala, yonaka-2023. Amaqela anomdima nachaphazelekayo ayamenywa ukuba angeniswe izimvo ezibhalwayo kwintsoke ozingama-21 esibhengezo.

Uyamenywa ukuba ungenise izimvo ezibhalwayo ngokuxukumene noMthetho kaMasipala weMsimbini kaMasipala waseStellenbosch oYilwayo, ka-2023 nge-imeyile kuMphathi: woPhuhliso loDqoqosho noKhenketho kuLesley.vangensen@stellenbosch.gov.za ngomhla okanye phambi komhla wesi-22 Eyo Mdumba-2024.

Umthetho kaMasipala weMinyhadala kaMasipala waseStellenbosch oYilwayo, ka-2023 uza kufumaneka kwiwebhusayithi kaMasipala waseStellenbosch (www.stellenbosch.gov.za) kwaye ikopi ezingamaphepha ziza kufumaneka kumathala eencwadi asekhuleni nakwi-ofisi zosaphelalithi njengoko kubonisiwe kolu luhlu lungezantsi.

Normale indlelaphu	Indawo
Stellenbosch CBD	Thala lencwadi, Plain Street, Stellenbosch Thalakhawo zase-MU (Mark Street) Ward 7: Jan Marais Eco Centre
Franschhoek	Ward Office: Ward 1 (Midwater Building) Ward Office: Ward 2 (Grootendal Community Hall)
Kylesmore	Ward Office: Wijk Kantoor
Pniel	Thalakhawo lencwadi, Main Road, Pniel Ward Office: Pniel
Wemmershoek	Ward 3: Ward Office: Wijk Kantoor (Wemmershoek Community Hall)
Jamieson	Thalakhawo lencwadi, Jamieson Ward Office: Wijk Kantoor
Cloeteville	Cloeteville Ward Office (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Rd.) Thalakhawo lencwadi, Sonnebloem Street, Ida's Valley
Kayamandi	Ward Office: Wijk Kantoor (Kayamandi Corridor) Thalakhawo lencwadi, Mathlathane Street, Kayamandi, Stellenbosch
Vloetsburg	Ward Office: Wijk Kantoor (Vloetsburg Primary School)
Klapperkraai	Ward Office: Wijk Kantoor (Klapperkraai Multi-Purpose Centre)
Ward 19	Ward Office: Wijk Kantoor (Primary School in De Nieuwe)

Enquiries or requests for more information on the process may be directed to Economic Development and Tourism Section: Lesley van Gensen Tel: (021) 808-8197 or E-mail: Sharon.pedro@stellenbosch.gov.za during normal office hours.

Ms Geraldine Mettler
Munisipale Bestuurder

Navran en versoek vir meer inligting oor die proses kan gerig word aan die Ekonomiese Ontwikkeling en Toerisme eenheid: Lesley van Gensen Tel: (021) 808-8197 of per Epos: Sharon.pedro@stellenbosch.gov.za tydens normale kantoor ure.

Ms Geraldine Mettler
Munisipale Bestuurder

Imibuzo okanye izicelo zokufumana ulwazi olugile yatshe ngale inkqubo zikufuneka ukuba kwicandelo lo-bhuliso Shosha ngokhenketho: Lesley van Gensen Umnxeba: (021) 808-8197 okanye imeyile: Sharon.pedro@stellenbosch.gov.za ngoeyure zomsebenzi eziqhelekileyo.

Unks: Geraldine Mettler
UMphathi kaMasipala



STELLENBOSCH

STELLENBOSCH • PNIËL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PUBLIC NOTICE: 163/2023

PUBLIEKE KENNISGEWING: 163/2023

ISAZISO SOLUNTU: 163/2023

CALL FOR PUBLIC COMMENT ON THE DRAFT STELLENBOSCH MUNICIPALITY EVENTS BY-LAW, 2023

Notice is hereby given that Council intends to adopt the Draft Stellenbosch Municipality Events By-Law, 2023. Interested and affected parties are hereby invited to submit written comments during the 30 days advertising period.

You are hereby invited to submit written comments in connection with the Draft Stellenbosch Municipality Events By-Law, 2023 by electronic mail to the Manager: Economic Development and Tourism at Lesley.vangensen@stellenbosch.gov.za on or before 8 January 2024.

The Draft Stellenbosch Municipality Events By-Law, 2023 will be available on the Stellenbosch Municipality's website (www.stellenbosch.gov.za) and hard copies will be available at the local libraries and satellite offices as reflected in the table below.

Area	Place
Stellenbosch CBD	Library, Plein Street, Stellenbosch PMU Building (Mark Street) Ward 7: Jan Marais Eco Centre
Franschhoek	Ward Office: Ward 1 (Mooiwater Building) Ward Office: Ward 2 (Groendal Community Hall)
Kylemore	Kylemore Ward Office
Pniël	Library, Main Road, Pniël Pniël Ward Office
Wemmershoek	Ward 3: Wemmershoek Ward Office (Community Hall)
Jamestown	Jamestown Library Jamestown Ward Office
Cloeteville	Cloeteville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Ward Office: Ward 5 (Ida's Valley Sport Ground) Ward Office: Ward 6 (Library, Rustenburg Rd.) Library, Sonnebloem Street, Ida's Valley.
Kayamandi	Kayamandi Ward Offices (Kayamandi Corridor) Library, Masithandane Street, Kayamandi, Stellenbosch
Vlottenburg	Vlottenburg Ward Office (Vlottenburg Primary School)
Klapmuts	Klapmuts Ward Office (Klapmuts Multi-Purpose Centre)
Ward 19	De Novo Ward Office (Primary School in De Novo)

Enquiries or requests for more information on the process may be directed to Economic Development and Tourism Section: Lesley van Gensen Tel: (021) 808-8197 or E-mail: Sharon.pedro@stellenbosch.gov.za during normal office hours.

Ms Geraldine Mettler
Municipal Manager
Stellenbosch Municipality

OPROEP OM OPENBARE KOMMENTAAR OP DIE KONSEP STELLENBOSCH MUNISIPALITEIT GEBEURTENISSE VERORDENING, 2023

Kennis word hiermee gegee dat die Raad van voorneme is om die Konsep Stellenbosch Munisipale Gebeurtenisse Verordening, 2023 aan te neem. Belanghebbende partye word hiermee genooi om hul kommentaar op skrif binne die volgende 30 dae periode in te dien.

U word genooi om skriftelike kommentaar in verband met die Konsep Stellenbosch Munisipale Gebeurtenisse Verordening, 2023 per e-pos aan die Bestuurder: Ekonomiese Ontwikkeling en Toerisme by Lesley.vangensen@stellenbosch.gov.za voor of op 8 Januarie 2024 te stuur.

Die Konsep Munisipale Gebeurtenisse Verordening, 2023 vir die Stellenbosch Munisipaliteit is beskikbaar op die webtuiste vir Stellenbosch Munisipaliteit (www.stellenbosch.gov.za) en afskrifte sal beskikbaar wees by plaaslike biblioteke en satelliet kantore gelys hieronder.

Gebied	Plek
Stellenbosch Sentrale Sakekern	Biblioteek, Plein Straat, Stellenbosch PMU Gebou (Mark Straat) Wyk 7: Jan Marais Ekosentrum
Franschhoek	Wyk Kantoor: Wyk 1 (Mooiwater Gebou) Wyk Kantoor: Wyk 2 (Groendal Gemeenskap Saal)
Kylemore	Kylemore Wyk Kantoor
Pniël	Biblioteek, Hoofstraat, Pniël Pniël Wyk Kantoor
Wemmershoek	Wyk 3: Wemmershoek Wyk Kantoor (Gemeenskap Saal)
Jamestown	Jamestown Biblioteek Jamestown Wyk Kantoor
Cloeteville	Cloeteville Wyk Kantoor (Wyk 16 en 17) Biblioteek, Vredelust Straat, Cloeteville, Stellenbosch
Ida's Valley	Wyk Kantoor: Wyk 5 (Ida's Vallei Sport Grond) Wyk Kantoor: Wyk 6 (Biblioteek, Rustenburg Straat) Biblioteek, Sonnebloem Straat, Ida's Vallei,
Kayamandi	Kayamandi Wyk Kantoor (Kayamandi Korridor) Biblioteek, Masithandane Straat, Kayamandi,
Vlottenburg	Vlottenburg Wyk Kantoor (Vlottenburg Laerskool)
Klapmuts	Klapmuts Wyk Kantoor (Klapmuts Veeldoening Sentrum)
Ward 19	De Novo Wyk Kantoor (Laerskool in De Novo)

Navrae en versoeke vir meer inligting oor die proses kan gerig word aan die Ekonomiese Ontwikkeling en Toerisme eenheid: Lesley van Gensen Tel: (021) 808-8197 of per Epos: Sharon.pedro@stellenbosch.gov.za tydens normale kantoor ure.

Ms Geraldine Mettler
Munisipale Bestuurder
Stellenbosch Munisipaliteit

ISIMEMO SOKUFAKA IZIMVO ZOLUNTU KUMTHETHO KAMASIPALA OYILWAYO WEMICIMBI KAMASIPALA WASESELLENBOSCH, 2023.

Kwenziwa isaziso sokuba iBhunga lijonge ukwamkela uMthetho kaMasipala oYilwayo weMimbi kaMasipala, yonyaka-2023. Amaqela anomdla nachaphazelekayo ayamenywa ukuba angenise izimvo ezibhaliweyo kwintsuku ezingama-30 esibhingezo.

Uyamenywa ukuba ungenise izimvo ezibhaliweyo ngokunxulumene noMthetho kaMasipala weMisitho kaMasipala waseStellenbosch oYilwayo, ka-2023 nge-imeyile kuMphathi: woPhuhliso loQoqosho noKhenketho ku Lesley.vangensen@stellenbosch.gov.za ngomhla okanye phambi komhla wesi-8 kuJanuwari wama-2024.

UMthetho kaMasipala weMinyhadala kaMasipala waseStellenbosch oYilwayo, ka-2023 uza kufumaneka kwiwebhusayithi kaMasipala waseStellenbosch (www.stellenbosch.gov.za) kwaye ikopi ezingamaphepha ziya kufumaneka kumathala eencwadi asekuhlaleni nakwii-ofisi zesathelayithi njengoko kubonisiwe kolu luhlu lungezantsi.

Ihlomela ledolophu	Indawo
Stellenbosch CBD	Ithala lencwadi, Plein Street, Stellenbosch Kwisakhiwo sase-PMU (Mark Street) KwaWadi 7: Jan Marais Eco Centre
Franschhoek	Kwi-Ofisi yeWadi: Wadi 1 (Kwisakhiwo sase-Mooiwater) Kwi-Ofisi yeWadi: Wadi 2 (Groendal Kwholo loLuntu)
Kylemore	Kwi-Ofisi yeWadi laseKylemore
Pniël	Kwithala lencwadi, Main Road, Pniël Kwi-Ofisi yeWadi lasePniël
Wemmershoek	kwaWadi 3: Kwi-Ofisi yeWadi laseWemmershoek
Jamestown	Ithala lencwadi Jamestown IOfisi yeWadi Jamestown
Cloeteville	Cloeteville Ward Offices (Ward 16 and 17) Library, Vredelust Street, Cloeteville, Stellenbosch
Ida's Valley	Kwi-Ofisi yeWadi: Wadi 5 (Ida's Valley Sport Ground) Kwi-Ofisi yeWadi: Wadi 6 (Library, Rustenburg Rd.) Kwithala lencwadi, Sonnebloem Street, Ida's Valley,
Kayamandi	Kwii-ofisi zamaWadi aseKayamandi (Kayamandi Corridor) Kwithala lencwadi, Masithandane Street, Kayamandi,
Vlottenburg	Kwi iOfisi yeWadi eVlottenburg (Vlottenburg Primary School)
Klapmuts	Kwi office yeWadi eKlapmuts (Klapmuts Multi-Purpose Centre)
Ward 19	Kwi office yeWadi eDe Novo (Primary School in De Novo)

Imibuzo okanye izicelo zokufumana ulwazi oluthe vetshe ngale nkqubo zinokubhekiswa kwiCandelo loPhuhliso loQoqosho noKhenketho: Lesley van Gensen Umnxeba: (021) 808-8197 okanye i-imeyile: Sharon.pedro@stellenbosch.gov.za ngeeyure zomsebenzi eziqhelekileyo.

UNksz Geraldine Mettler
UMphathi kaMasipala
uMasipala waseStellenbosch

7.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)
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7.9.1	FEEDBACK RECEIVED FROM TWO 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S
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Collaborator No: 763996
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 March 2024

- 1. SUBJECT: FEEDBACK RECEIVED FROM TWO 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S**

- 2. PURPOSE**

To consider and discuss the feedback received in response to the communication sent to Grant in Aid recipients resulting from the Stellenbosch Council Meeting on 23 November 2022.

- 3. DELEGATED AUTHORITY**

GiA donations are approved by council as part of the budget documents.

- 4. EXECUTIVE SUMMARY**

Three grant receiving organisations were found to be in contravention of the Grant in Aid policy and signed MOA as discovered from their feedback reports. The discovery was documented and served at the Grants Committee on 15-08-2022 where it was supported and again on 14-11-2022 where the committee recommended that the decision relating to Smart Mission Entertainment and Ubuntu Hiking to be barred from participating in the Grant in Aid Programme stands and that more information must be requested from Franschhoek Rugby Club. On 23-11-2022 the item served at the Stellenbosch Council meeting where the recommendations were upheld, and the Department was mandated to communicate the results of the Council decision to the applicable organisations. The circulated communication to the organisations is attached as **ANNEXURE 1-3**. Written responses were received from Franschhoek Rugby Club and Ubuntu Hiking.

At the Grants Committee meeting of 23-11-2023 it was recommended that the item be discussed with the Portfolio Councillor and Executive Mayor. On 28/11/2023 the item was discussed with the MMC, Cllr X Kalipa who in turn discussed the item with the Executive Mayor. Both the MMC and the Executive Mayor acknowledged the item without additional comment by signing the route form (**ANNEXURE 15**).

At the Grants Committee meeting of 30-01-2024 the recommendations were approved for submission to the Mayoral Committee. (**ANNEXURE 16**)

5. RECOMMENDATIONS

- (a) that the communication sent to all three applicants, and the written responses received from Ubuntu Hiking and Franschhoek Rugby Club, be noted;
- (b) that Ubuntu Hiking be instructed to pay back the amount of R 1 481.00, and be barred from participating in the Grant in Aid Donation Programme for a period of five years (2022-2023 to 2027-2028) as per the stipulations of the Grant in Aid Policy paragraph 8.5;
- (c) that the Franschhoek Rugby Club be instructed to pay back the amount of R 40 000.00, and be barred from participating in the Grant in Aid Donation Programme for a period of five years (2022-2023 to 2027-2028) as per the stipulations of the Grant in Aid policy paragraph 8.5; and
- (d) that the two organisations be informed of the decision.

6. DISCUSSION / CONTENTS

6.1 Background

The GiA Policy (**ANNEXURE 4**) clearly states the following:

Paragraph 6.15 "Funding of projects and to organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind, staff salaries, bursaries, payments in lieu of rates or other municipal charges except for where the transport and nutrition is intended for beneficiaries/participants in the projects in question. The Municipality may also exercise their discretion to allow funding to extend to the above costs on a needs basis for the organisation or body clearly motivated for in the application."

1 Section 8: OBLIGATIONS OF THE APPLICANT

- 8.1. *The head of the organisation or body must acknowledge in writing to the Municipal Manager that the money was received in its bank account and that the amount is/will be utilized to the benefit and in accordance with the role of the organisation or body in society. The funds should be used as outlined in the application form.*
- 8.2. *The organisation or body shall regularly report, if and when required but at least once a year, to the Municipal Manager regarding the activities conducted, the ward within which activities are conducted, as well as the number of people benefiting from the activities.*
- 8.3. *If funding is required for a specific project, a brief description of the project and what it aims to achieve, as well as the detailed budget for and duration of the project.*
- 8.4. *The applicant must attend a compulsory workshop on the Grant-in-Aid policy and application procedure prior to submission of the application.*
- 8.5. *If successful with the application, the applicant must spend funds according to the approved Grant-in-Aid funding request. Should the need change over the funding period, written consent needs to be obtained from the municipality prior to spending the funds on alternative needs. Failure to spend funding on*

approved projects can result in the applicant being required to return the funding and/or the applicant being excluded from future applications for a period of 5 years.

Further to the above, the Memorandum of Agreement (MOA) with the municipality and signed by the applicants prior to the transfer of funds stipulates the following:

WHEREAS Section 67(1) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) oblige the Accounting Officer of a **MUNICIPALITY** to satisfy himself that, before transferring funds of the **MUNICIPALITY** to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that such organisation or body: -

- (a) *has the capacity and has agreed-*
 - (i) *to comply with any agreement with the **MUNICIPALITY**;*
 - (ii) *for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement; and*
- (b) *implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and*
- (c) *has in respect of previous similar transfers complied with all the requirements as set out above; and*

6.2 Discussion

Ubuntu Hiking:

Feedback received (12-12-2022) attached as **ANNEXURE 5** can be summarized as follow:

1. The organization holds the opinion that the expense was approved as part of their application under "Volunteers and Board Meetings" to the value of R 2 000,00. The purpose of the expense was listed as "Materials, Refreshments and Transport".

The referred to line item in the application was approved on the premise that:

- Expenditure relating to volunteers is permissible, but expenses to board meetings is not.
- Similarly, expenses towards materials is permissible, but expenditure relating to refreshments and transport is only permissible as it relates to the beneficiaries/participants of the programme and not to board members.

Paragraph 6.15 of the GiA Policy is clear on "Funding of projects and to organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind... except for where the transport and nutrition is intended for beneficiaries/participants in the projects in question."

As the applicant signed the MOA with the municipality stipulating adherence to the policy, the department was of the opinion that the applicant was fully informed of the stipulations relating to expenditure on food and entertainment.

- 7 In the response letter, the applicant indicate that they were of the opinion that a meeting for the board members at Bossa Restaurant was in order as they went through a hard and challenging time during Covid lockdown. They indicate that they now understand it to be wrong and that the expense should have been for the board members own expense.
3. Ubuntu Hiking apologised for what they indicated was a misunderstanding and offers to pay back the amount of R 1 481,00 used for the board meeting and Bossa Restaurant.
4. Ubuntu Hiking further request that Stellenbosch Council consider rescinding the decision to exclude Ubuntu Hiking from applying for Grant in Aid for a period of five years as they have complied with GiA requirements with all previous applications and indicate that the expenditure on entertainment was a misunderstanding.

Opting to recuperate the funds can be considered as an outcome as it is compliant with the Grant in Aid Policy (paragraph 8.5). Rescinding the decision to exclude Ubuntu Hiking from applying for a period of five years can be considered keeping in mind the provisions of the **MFMA 56 of 2003 section 67(2). See Legal implications paragraph 6.4.**

Franschhoek Rugby Club

Background: During initial assessments of the funding feedback reports, it was found that the club did not spend the funds in line with the application. Although the club indicated that they submitted a general application, no overall budget was included for a general application as prescribed by the GiA Policy. Due to this, the application was not approved as a general application. The club did, however, include a specific list of items with pictures and quotations for rugby equipment (balls, jerseys, practice equipment and socks). On these grounds, the application was approved as a specific application. The Grant in Aid Policy provides for deviations from the approved application content, but clearly states that permission for such deviation must be requested from the municipality prior to spending the funds on alternative needs.

As resolved by Council in November 2022, the communication to Franschhoek Rugby Club requested the following further information and documents:

1. A full set of Financial Statements
2. A list of all funding sources and expenditure
3. Detail on The Tax Shop explaining who they are and what their relation is to the organization.
4. An asset register for the equipment procured.
5. More detail for the expenditure line times labelled "Municipal Fund Transactions for the period 1 August 2021 to 31 August 2022".

The following was received from Franschhoek Rugby Club on 13-01-2023:

1. A cover letter (ANNEXURE 6) confirming the content of the response and stating that the Franschhoek Rugby Club has suffered reputational damage resulting from an erroneous article in the Franschhoek Tattler of January 2023 indicating that the club has already been blacklisted by Stellenbosch Municipality. This article caused material damage to the club and they request leniency in the matter and that any future decisions by the Stellenbosch Municipal Council be deferred to afford an opportunity to the club to reflect a clean audit.

Regarding the request for Stellenbosch Municipality Council to defer any further decisions note the list of access to information and opportunities to state their case to date:

- (i) Franschhoek Rugby Club attended a compulsory clarification meeting (03-11-2020) where the policy, application process and feedback requirements for the 2021/22 funding cycle were explained to the club representative.
- (ii) The club received a Grant in Aid donation of R 40 000,00 on 6 August 2021. Prior to receiving the funds, an agreement was signed (**ANNEXURE 7**) where the organisation committed to compliance with the policy and agreement requirements.
- (iii) In December 2021 with a subsequent application, the club indicated that they were not yet in a position to provide feedback as they were unable to spend the funds due to Covid. They, however, committed to provide feedback by the end of March 2022. This communication did not include a request to change what the grant can be spent on.
- (iv) Feedback was received on 26/04/2022 indicating that the club was unable to play games due to the pandemic and that they used the funds to pay outstanding accounts, referee fees and stock bought for their shop to use the proceeds to feed their players after the game. They further indicated that they were still waiting on a quote to buy ties for the players with the remaining funds.
The following are matters of concern relating to the feedback received on 26/04/2023:
No pictures were provided.
No narrative report was submitted.
Proof of expenditure was not submitted for all listed expenditure in the club ledger labelled "Municipal Fund Transactions 1 August 2021 to 31 July 2022". The ledger contained the following notes of concern:
 - Not all supporting documents are proof of expenditure
 - Discrepancy between a cash withdrawal and cost of item as per the electronic order.
 - Payment for expenditure already incurred.
 - Electronic Payment to a creditor for an amount larger than the receipt.
 - Expenditure on the ledger for which no supporting documents were submitted.

Total expenditure according to ledger: R 39 609.54
Total expenditure according to documents submitted (inclusive of all documents): R 34 624.54
- (v) Further feedback on funding was received on 23/08/2022 inclusive of expenditure for a two way radio and video camera. The stated evidence (photo's and proof of payment) was not included. The accompanying list of transactions (Municipality Fund Transactions 1 August 2021 to 31 August 2022 indicated the additional expenditure on fuel and equipment. Again the funds were spent on items not included in the original application without obtaining prior approval.
- (vi) In the unsigned letter dated 2022-10-25 (**ANNEXURE 8**) addressed to the Municipal Manager, Franschhoek Rugby Club acknowledge receipt of a notice of the Council discussion in respect of this matter. They proceed to express the following:

- The club has experienced significant financial challenges since 2022; and were unable to consult an attorney on this matter as the time to apprise the attorney of the full details was insufficient.
- That the club regret the perception that the GiA funds were misused and wishes to resolve the matter without incurring a sanction
- That the club made the application for general use and did not note specific prohibitions in the Memorandum of Agreement (MOA) with the Municipality.
- That the club is willing to repay these funds to the Municipality as a gesture of good faith to settle the matter amicably; and
- That the club wish to avoid a lengthy process of appeal and request an extension of one week for the submission of a representation – in which time they will collate documentation and take advice on the matter.

This brings the number of opportunities for Franschhoek Rugby Club to access information and communicate with the municipality on the requirements of the Grant in Aid Policy and feedback to a total of 7 of which none was used to request for a change in the business plan

2. Financial Statements for the period ending December 2021 dated 21 April 2022. **(ANNEXURE 9)** was received. **A disjuncture relating to the reporting period is noted between the accountant confirmation letter and the actual AFS submitted.** It must be noted that the AFS provided are not audited and that the appointed accountant did not verify the accuracy of completeness of the information provided by the club.

A high-level review of the AFS was completed by the municipal AFS Unit to which certain concerns were noted. As the AFS are unaudited the unit is not in a position to express an accounting opinion. Franschhoek Rugby Club further complied with a request for a full set of bank statements from which the municipal AFS unit can only note the following:

- a. The financial statements were prepared on the historical cost basis. It is not clear if this method is based on an accrual basis of accounting or on a cash basis? An assumption was made that this is an accrual basis as the balance sheet indicates that there are accounts payable?
- b. There is also no prescribed basis of preparation according to accounting standards that are mentioned in the policy, hence multiple assumptions must be deduced.
- c. The financial statements have not been audited, hence we cannot place reliance on the figures provided in the AFS so assumptions will be prevalent throughout the analysis.
- d. We have noted that there is no property, plant and equipment disclosed due to all assets being expensed in the year it was purchased (tablet etc). The useful life of these assets have been set at 1 year, which may be questionable? (annexure 12). The tablet was recorded in the chairman's name.
- e. They have not disclosed any game income for 2021? This would imply that no games were played in this period?
- f. The bank charges had significantly decreased from 2020? Is this due to them transacting less?
- g. The club also has long outstanding debt to the accountant (over 90 days included) indicating they are struggling to pay their creditors.
- h. The club is also trading at a loss and seems to be in financial distress as the equity of the club shows signs that the club is not sustaining itself, i.e. its debt exceeds its asset base.
- i. The payables balance has increased from the prior year indicating that they have taken on further debt, however it seems to be related to funds received but not yet recognised

as income. This could be due to the conditions of the funds received not being met, however this cannot be concluded in the absence of an accounting policy that speaks directly to this.

- j. The club has generated more funds in income in this year in comparison to the prior year (mainly donations) even though no game income was generated in the current year. With the increase in income from the prior year, the club still traded at a loss.
 - k. The major contributors to the clubs current poor financial situation is that they have purchased new equipment and apparel however, there is no return on this investment as no game income was recognised.
 - l. The club also spent significant funding on covid-19 compliance which was not prevalent in the prior year 2020.
 - m. The profit and loss for 2022 has been provided (annexure 10) which shows signs of improvement to the financial status on the club, and showing it is more profitable as opposed to the 2021 financial year.
3. A list of funding sources and expenditure for the period August 2021 to July 2022. **(ANNEXURE 10):**
The list covers the period of the Grant in Aid funding under discussion and not the financial year of the club. It reflects the donation income received from the municipality at R 39 609.54 whereas the amount donated was R 40 000.00. It further indicates gate fees to the amount of R 110 806.00 where they previously indicated that they were not in a position to spend the funds according to the application as they did not play any games.
 4. A letter from The Tax Shop **(ANNEXURE 11)**
The letter received indicates that the Tax Shop provides an accounting function to the Franschhoek Rugby Club NPC and that it is not involved in the day to day operations or management and administration.
 5. An asset schedule **(ANNEXURE 12)**
The asset register provided does not include the two-way radio indicated as equipment purchased through Grant in Aid funding.
 6. More detail on expenditure labelled "Municipal Fund Transactions" 1 July 2021 to 31 July 2022 **(ANNEXURE 13 and 14).**
More details is provided in an additional column on Annexure 13. A second set of expenditure supporting documents was included for a new ledger labelled "Municipal Fund Transactions for the period 1 August 2021 to 31 July 2022 was also provided.
 - Two explanations appear to be mistakenly reflected against each other's lines and is not material.
 - Reference is made to the purchasing of the two way radio which does not reflect on the asset register.
 - Expenditure listed on 9 February 2022 as "float and adhoc" is explained to be for the tuck shop and the gate. A float cannot be deemed an expense.

Franschhoek provided feedback as was requested from them. The feedback led to further anomalies to proof of expenditure and possible payments larger than the charged amounts. Notwithstanding the above detail provided, expenditure was still spent on items not approved as part of the application without requesting permission for the changes.

Opting to recuperate the funds can be considered as an outcome as it is compliant with the Grant in Aid Policy (paragraph 8.5). Based on the opinion of the municipal AFS unit, this however does not seem to be possible due to the financial situation they are in. Rescinding the

decision to exclude Franschhoek Rugby Club from applying for a period of five years can be considered keeping in mind the provisions of the **MFMA 56 of 2003 section 67(2)**. See ***Legal implications paragraph 6.4***.

6.3. **Financial Implications**

This report has the following financial implications.

Transfers of funds for the three organisations were approved and donated to the amount of R 40 000,00 each.

Responding to the offer of both organisations to pay back the money and thus activating paragraph 8.5 with the intent to recuperate the funds will result in the municipality receiving R 41 481.00 back.

6.4 **Legal Implications**

MFMA 56 of 2003 section 67(2) Funds transferred to organisations and bodies outside government reads as follow:

If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that-

(a) subsection (1)(a) and (b) is complied with; and

(b) the relevant provincial treasury has approved the transfer.

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

6.5 **Staff Implications**

This report has no staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

43RD COUNCIL MEETING: 2021-05-26: ITEM 8.3

RESOLVED (majority vote)

- (a) that the High-Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;
- (b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
- (d) that the three-year Capital Budget for 2021/2022, 2022/2023 and 2023/2024, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;

-
- (e) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;
 - (f) that the proposed amendments to existing budget-related policies and other policies as set out in **APPENDICES 5 - 31**, be approved;
 - (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R444 millions of which R144 million will be required in year one, R140 million in year two, and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary), and confirm approval of same;
 - (h) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;
 - (i) that Council takes note of MFMA Circulars 107 and 108 that were published to guide the MTREF for 2021/2022 to 2023/2024 as set out in **APPENDICES 32 – 33**; and
 - (j) that Council takes note that the public comments and submissions were taken into account with the compilation of the final budget.

8TH COUNCIL MEETING: 2022-10-26: ITEM 13.1

The Speaker RULED that this matter be withdrawn.

9TH COUNCIL MEETING: 2022-11-23: ITEM 13.3

RESOLVED (majority vote)

- (a) that the Grants Committee stands by the decision for Ubuntu Hiking and Smart Mission Entertainment; and
- (b) that in terms of the Franschhoek Rugby Club, the Committee requires additional information such as:
 - a full set of Financial Statements; and
 - all funding sources and expenditure, for consideration; and
- (c) that Council mandates the department to inform the three organisations of the decision.

6.7 Risk Implications

The report contains risk to the reputation of the municipality in that the decision taken by council will determine the perception about Stellenbosch Municipality's seriousness re addressing non-compliance with policies and the need to address possible corruption/fraudulent behaviour.

6.8 Comments from Senior Management:**6.8.1 Director: Planning and Economic Development**

Agree with the recommendations.

6.8.2 Director: Protection and Community Services:

Agree with the recommendations.

6.8.3 Chief Financial Officer:

Agree with the recommendations.

6.8.4 Municipal Manager:

Agree with the recommendations.

ANNEXURES

Annexure 1: Council Resolution Communicated to Ubuntu Hiking

Annexure 2: Council Resolution Communicated to Franschhoek Rugby Club

Annexure 3: Council Resolution communicated to Smart Mission Entertainment

Annexure 4: Approved Grant in Aid Policy

Annexure 5: Feedback received from Ubuntu Hiking dated 12-12-2022

Annexure 6: Franschhoek Rugby Club Cover Letter dated 13-01-2023

Annexure 7: Franschhoek Rugby Club Signed GiA MOA

Annexure 8: Franschhoek Rugby Club letter dated 25-10-2022

Annexure 9: Franschhoek Rugby Club AFS ending December 2021

Annexure 10: Franschhoek Rugby Club List of Funding Sources

Annexure 11: Franschhoek Rugby Club Letter from Tax Shop

Annexure 12: Franschhoek Rugby Club Schedule of Assets

Annexure 13: Requested details labelled Municipal Fund Transactions

Annexure 14: Requested details labelled Municipal Fund Transactions

Annexure 15: Route Form signed by MMC X Kalipa and Executive Mayor van Deventer

Annexure 16: Grants Committee meeting 30-01-2024 minutes

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	21-02-2024

APPENDIX 1



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Ref: Council 23-11-2022/13.3

07-12-2022

The Programme Coordinator
 Ubuntu Hiking
 25 Rolinda Street
 Jamestown
 Stellenbosch

Dear Mr. Clint September

Grant in Aid: Feedback report received for the funding period: 2021-2022

In relation to the feedback report received from Ubuntu Hiking for the Grant in Aid Donation received for the 2021/2022 financial year, Stellenbosch Municipality wants to refer you to the below extracts from the Grant in Aid Policy:

Paragraph 6.15 "Funding of projects and to organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind, staff salaries, bursaries, payments in lieu of rates or other municipal charges except for where the transport and nutrition is intended for beneficiaries/participants in the projects in question. The Municipality may also exercise their discretion to allow funding to extend to the above costs on a needs basis for the organisation or body clearly motivated for in the application."

Section 8: OBLIGATIONS OF THE APPLICANT

8.5. If successful with the application, the applicant must spend funds according to the approved Grant-in-Aid funding request. Should the need change over the funding period, written consent needs to be obtained from the municipality prior to spending the funds on alternative needs. Failure to spend funding on approved projects can result in the applicant being required to return the funding and/or the applicant being excluded from future applications for a period of 5 years.

Feedback received from your organisation included payment made for meals at Bossa Restaurant inclusive of alcoholic beverages labelled "Ubuntu Volunteers / Planning Meeting". This expense places the organisation in breach of paragraph 6.15 which activates the penalty referred to in paragraph 8.5 of the Grant in Aid Policy.

On 14 November 2022, The Stellenbosch Grants Committee resolved the following relating to the above matter:

- (a) that the Grants Committee stands by the 15-08-2022 decision of the same committee to blacklist Ubuntu Hiking in line with the Grant in Aid policy provisions; and
- (b) that Council mandates the department to inform the three organisations of the decision.

On 23 November 2022, Stellenbosch Council resolved as follow relating to the above matter:

RESOLVED (majority vote)

- (a) that the Grants Committee stands by the decision for Ubuntu Hiking; and
- (b) that Council mandates the department to inform the organisation of the decision.

This letter serve to inform Ubuntu Hiking of the above decision by Stellenbosch Municipal Council and to confirm that the organisation will be eligible again to apply for Grant in Aid funding in the 2028/2029 financial year.

Regards



M Aalbers
Manager Community Development
Stellenbosch Municipality

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Ref: Council 23-11-2022/13.3

07-12-2022

The Chairman
Franschhoek Rugby Club
9 Keerom Street
Groendal, Franschhoek
7690

Dear Mr. George Collins

Grant in Aid: Feedback report received for the funding period: 2021-2022

In relation to the feedback report received from Franschhoek Rugby Club for the Grant in Aid Donation received for the 2021/2022 financial year and your communication with the Municipal Manager dated 25 October 2022, Stellenbosch Municipality refers you to the below council decision dated 23 November 2022:

RESOLVED (majority vote)

- (b) that in terms of the **Franschhoek Rugby Club**, the Committee requires additional information such as:
- a full set of Financial Statements; and
 - all funding sources and expenditure, for consideration; and
- (c) that Council mandates the department to inform the organisation of the decision.

The Department Community Development also kindly request further information to be submitted to the Grants Committee for further consideration:

- 1) Detail relating to the Tax Shop which will allow the committee to understand who and what role it plays in relation to your organisation.
- 2) Your asset register for the equipment procured indicating in whose detail was used for RICA purposes of the tablet.
- 3) More explanatory detail for the expenditure line items in the document labelled "Municipal Fund Transactions for the period 1 August 2021 to 31 August 2022" as submitted by you.

Your response is diarised for 15 January 2023.

Regards

M Aalbers
Manager Community Development

APPENDIX 3



STELLENBOSCH
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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Ref: Council 23-11-2022/13.3

07-12-2022

Chairperson
 Smart Mission Entertainment
 177 Watergang
 Kayamandi
 Stellenbosch

Dear Mr. Siyabonga Mini

Grant in Aid: Feedback report received for the funding period: 2021-2022

In relation to the feedback report received from Smart Mission Entertainment for the Grant in Aid Donation received for the 2021/2022 financial year, Stellenbosch Municipality wants to refer you to the below extracts from the Grant in Aid Policy:

Paragraph 6.15 "Funding of projects and to organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind, staff salaries, bursaries, payments in lieu of rates or other municipal charges except for where the transport and nutrition is intended for beneficiaries/participants in the projects in question. The Municipality may also exercise their discretion to allow funding to extend to the above costs on a needs basis for the organisation or body clearly motivated for in the application."

Section 8: OBLIGATIONS OF THE APPLICANT

8.5. If successful with the application, the applicant must spend funds according to the approved Grant-in-Aid funding request. Should the need change over the funding period, written consent needs to be obtained from the municipality prior to spending the funds on alternative needs. Failure to spend funding on approved projects can result in the applicant being required to return the funding and/or the applicant being excluded from future applications for a period of 5 years.

Feedback received contained proof of expenditure for items not approved as part of the funding application and identical invoices for different suppliers not conforming to the requirement of an invoice (no contact details of the supplier). The applicant also provided bank statements indicating the withdrawal of cash to the amount of R17 000.00 on the same date as the donation was deposited by the Municipality into the bank account along with other smaller cash withdrawals on later dates. A purchase at Sterns Jewelry shop on 12 August 2022 is also reflected on the bank statement where the balance of R 40 000 in total was reflected on 6 August 2022 indicating that it could not have been done with other funds than the municipal donation.

On 14 November 2022, The Stellenbosch Grants Committee resolved the following relating to the above matter:

- (a) that the Grants Committee stands by the 15-08-2022 decision of the same committee to blacklist Smart Mission Entertainment in line with the Grant in Aid policy provisions; and
- (b) that Council mandates the department to inform the three organisations of the decision.

On 23 November 2022, Stellenbosch Council resolved as follow relating to the above matter:
RESOLVED (majority vote)

- (a) that the Grants Committee stands by the decision for Smart Mission Entertainment; and
- (b) that Council mandates the department to inform the organisation of the decision.

This letter serve to inform Smart Mission Entertainment of the above decision by Stellenbosch Municipal Council and to confirm that the organisation will be eligible again to apply for Grant in Aid funding in the 2028/2029 financial year.

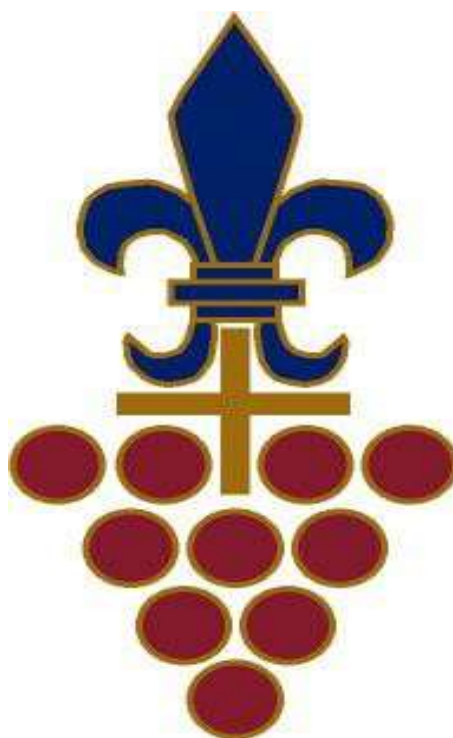
Regards



M Aalbers
Manager Community Development
Stellenbosch Municipality

APPENDIX 4

STELLENBOSCH MUNICIPALITY



GRANT-IN-AID POLICY

2021/2022



STELLENBOSCH MUNICIPALITY

GRANT-IN-AID POLICY

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1. DEFINITIONS

“Appendix A” means the application for Grant-in-Aid, detailed more fully below, and provided for in clause 5.2.

“Appendix B” refers to the memorandum of agreement (MOA), detailed more fully below, and provided for in clause 10.

“Capacity building” Capacity building refers to a process which enables human beings to realize their potential, build self-confidence and lead lives of dignity and fulfillment. These Capacity Building programs have to align to the basket of services of the Directorate: Social Development and Early Childhood Development i.e. Early Childhood Development, Youth Development, Substance Abuse, Poverty Alleviation, Vulnerable Groups and Street People.

“Community Based Organization (CBO)” are nonprofit groups that work at a local level to improve life for residents. The focus is to build equality across society in all streams – health care, environment, quality of education, access to technology, access to spaces and information.

“Early Childhood Development (“ECD”) Facility” means any place, building or premises, including a private residence, maintained or used partly or exclusively, for the reception, protection and temporary or partial care of more than six children that shall be registered, managed and maintained in terms of the Children’s Amendment Act, 41 of 2007.

“Grant-in-aid” means a grant-in-aid or allocation, as referred to in Section 12, 17 (3) (j) (iv) of the MFMA, made by the municipality to any organisation or body referred to in Section 67(1) and to be utilised to assist the municipality in fulfilling the Constitutional mandates including social developmental and arts and culture programmes as set out therein.

“Local Agenda 21” means the international program, adopted by South Africa to put sustainable development into practice.

“Memorandum of agreement (MOA)” means the agreement entered into between the municipality and any organisation or body which receives a Grant-in-Aid in terms of this Policy and **Appendix A**.

“Non-governmental organisation (NGO)” means a non-governmental organisation (NGO) that is a legally constituted non-profit organisation that operates independently from any form of government.

“Non-profit company (NPC)” means a company whose Memorandum of Incorporation must set out at least one object of the company and each such object must be either a public benefit object or object relating to one or more cultural or social activities, or communal or group interests as required by Item 1(1) of Schedule 1 of the Companies Act, 71 of 2008.

“Non-profit organisation (NPO)” means a non-profit organisation registered in terms of Section 13 of the NPO Act, 71 of 1997, established for public purpose and which income and

property thereof is not distributable to its members or office-bearers, except as reasonable compensation for services rendered.

“Stellenbosch Environmental Management Framework (SEMF)” means legal and moral obligations of Stellenbosch Municipality as it relates to the environment, and provides a dynamic vision, goals and objectives, and spatial and strategic directives towards giving effect to such obligations.

2. PURPOSE, AIMS AND OBJECTIVES

- 2.1. This policy aims to provide a framework for Grant-in-Aid to non-governmental organisations (NGOs), community-based organisations (CBOs), non-profit organisations (NPOs) or non-profit companies (NPC) and bodies that are used by government as an agency to serve the poor, marginalised or otherwise vulnerable as envisaged by Sections 12, 17 and 67 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
- 2.2. The purpose of the Grant-in-Aid Policy is to complement the goals, objectives, programmes and actions of the Stellenbosch Municipality's Integrated Development Plan (IDP), in order to create a sustainable, credible and caring municipality by empowering and building communities and enhancing growth and sharing through partnerships. Priority ward needs as identified through Council's IDP MUST be the guiding factor in developing these partnerships.
- 2.3. Grant-in-Aid should not duplicate services already provided for by Council or which falls within the geographical jurisdiction in which Council operates, being WC024.
- 2.4. Grant-in-Aid should improve the opportunity for Council to elicit the support of external organisations to deliver those services to communities which fall within the Council's area of responsibility in a way that allows the Stellenbosch community and town to create an enabling environment for community development.

3. LEGAL FRAMEWORK

All transfers of funds in terms of this policy shall comply with the: Constitution of the Republic of South Africa, 1996 as amended (Constitution); Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended (MSA); Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA); and any other applicable legislation, regulations and policies that may govern the transfer of municipal funds and that are not in contradiction to the above.

4. RESTRICTIONS

- 4.1. The Policy applies to all transfers of grants made by the Municipality towards support of services for the poor, marginalized or otherwise vulnerable people. Individuals may not apply for Grant-in-Aid and no payment may be made under this policy to individuals. Council may however set aside a specific amount from

which the Municipal Manager, after consultation with the Executive Mayor, may, at his/her discretion, make donations to support individual, meritorious cases in order to assist and/or recognise individual excellence in whichever field. Bursaries to individuals are treated according to the Council's Bursary Policy.

- 4.2. The total expenditure on grants may not exceed 1% of the operational budget of the Municipality.
- 4.3. Grants will only be made for services rendered in the WCO24.
- 4.4. Transfers made to categories A and B
 - 4.4.1. Transfers provided for those listed in Category A below may be made to a maximum of R40 000-00 per organisation or body per annum.
 - 4.4.2. Transfers in Category B may exceed this amount where funding relates to night shelters or addresses specific ward priorities identified and specified in the IDP and upon proper motivation contained in a business plan to address said issue. Consideration for grants larger than R 40 000, 00 requires audited financial statements, schedule of estimated annual costs and a business plan as provided for in 6 below. The decision to grant an amount more than R 40 000,00 is solely at the discretion of council and subject to available funds.
- 4.5. Grant-in-Aid transfers/payments shall be restricted to deserving organisation and bodies serving, especially those working with the poor/aged/youth/disabled/women, as per the eligible categories in 6.2, provided that such organisations or bodies:
 - 4.5.1. Operate as a separate legal entity and are recognised as such by South African legislation;
 - 4.5.2. Are governed by their constitutions, have regular meetings with their membership and subscribe to sound accounting practices; and
 - 4.5.3. Are located and serve communities and individuals who are most in need within the jurisdiction of the Municipality.
- 4.6. No Grant-in-Aid may be made to any political body, rate payers association or for any religious purposes.
- 4.7. No grant will be allocated, under this policy, to organisations or bodies in cases where a member of Council, an official of Stellenbosch Municipality or close relatives of said individuals receive any financial or other gain.
- 4.8. Funds may only be transferred to an organisation or body if provision has been made for the expenditure on the budget or appropriations budget.
- 4.9. An organisation or body is only entitled to one allocation per financial year, but disbursements can be made more often.

5. PUBLIC ADVERTISEMENT

- 5.1. The advertisements must meet the following requirements:
 - 5.1.1. The Municipal Manager must, place a public advert in local newspapers distributed in the Stellenbosch Municipal area, calling for proposals.
 - 5.1.2. This advert must be placed in time to complete all relevant processes prior to the approval of the annual draft budget or any adjustment budget in order to invite public comment on the proposed donations prior to the approval of the final or adjustment budget.
 - 5.1.3. Advertisements should clearly specify the categories for which proposals are called, the closing date for applications, who the proposal should be addressed to, and where and how to obtain the relevant documentation pertaining to such applications/proposals, including the prescribed forms.
 - 5.1.4. Advertisements should also clearly reflect the Municipality's right not to make an award, as well as the fact that awards will not be made to organisations that have received funds in the previous year but have not submitted a final report on the projects or previous expenditure.
 - 5.1.5. The advertisement should also clearly state that final approval is reliant on the approval of the budget and that **no late submissions will be considered.**
- 5.2. Only applications made on the prescribed form, being **Appendix A**, may be considered.
- 5.3. Funds may not be transferred to any organisation or body that has not submitted a proposal in response to a public advertisement and after the attendance of a compulsory briefing session and that have not signed a Memorandum of Agreement with the Municipality.

6. GENERAL GUIDELINES AND CATEGORIES

6.1. General Guidelines

Funding of applications shall proceed on the basis listed below in response to an advertisement issued after the expiry of the relevant period associated with the specific category and after a compulsory workshop explaining the policy, application process and the required documentation has been attended by the applicants. Subject to the MOA provided for in clause 10, all funding is unrequited, provided there is compliance with said MOA. Funding of application in –

- 6.1.1. Category A will be considered on an annual basis ; and

- 6.1.2. Category B shall be considered on a three year basis subject to a monthly review at the discretion of the Municipality which may result in early termination for unsatisfactory and reckless expenditure.
- 6.1.3. Council in 6.1.1 and 6.1.2 reserve the right not to fund an organisation for two periods in succession and to cancel said funding in accordance with the MOA concluded.
- 6.1.4. Funding applications however will not be considered in the following instances:
- (i) Where a project or organisation is already receiving funds from Council in terms of Council's functions. Applicants are required to disclose other sources of funding;
 - (ii) Where in Council's opinion, an organisation receives sufficient funds from other sources to sustain its activities or the project applied for. For this purpose, organisations must submit financial statements and a budget for the ensuing financial year;
 - (iii) Where only an individual will benefit;
 - (iv) For political or ratepayers organisations/groupings;
 - (v) Projects outside the boundaries of the Municipality;
 - (vi) Where expenses have already been incurred,
 - (vii) Where an applicant did not attend the compulsory clarification session as advertised, and
 - (viii) Where applications were received after the due date and time for submissions.
- 6.1.5. Funding of projects and to organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind, staff salaries, bursaries, payments in lieu of rates or other municipal charges except for where the transport and nutrition is intended for beneficiaries/participants in the projects in question. The Municipality may also exercise their discretion to allow funding to extend to the above costs on a needs basis for the organisation or body clearly motivated for in the application.
- 6.1.6. Subsequent requests from applicants to cover overspending on projects will not be considered.

6.2. Categories Eligible for Grant-in-Aid

The following categories currently apply. Cognisance should be taken that these categories are not exhaustive. Other than the general guidelines and conditions set out above, categories now indicated may require specific criteria applicable to its projects/programmes:

Category A

6.2.1. **Health**

Projects/programmes include the following but are not limited to:

- (i) Public Health interventions inclusive of TB, STDs and HIV/Aids;

- (ii) Preventable lifestyle diseases e.g. drug/alcohol abuse, tobacco related illnesses; and
- (iii) Promotive and preventative services to infants, children and women.

6.2.2. **Environment**

Purpose: To stimulate the development of sustainable leisure, aesthetic and environmental projects within the municipal area; to increase the awareness of the environment by promoting “Greening of the City”; to promote swimming skills and water safety.

Projects/programmes include the following but are not limited to:

- (i) Voluntary rescue organisations;
- (ii) Lifesaving clubs and swimming organisations;
- (iii) Environmental groups/organisations; and
- (iv) Organisations promoting community involvement as a means of sustaining leisure, aesthetic or environmental projects.
- (v) Projects which further the Council’s aims and the strategies of SEMF (Strategic Environmental Management Framework) and including but not limited to the sustainable management of:
 - o Riverine corridors;
 - o Biodiversity;
 - o Natural and built environment;
 - o Heritage resources;
 - o Quality urban spaces;
 - o Ecological conservation areas;
 - o Urban agricultural complexes;
 - o Bioregional planning;
 - o Nature area management;
 - o Wetlands;
 - o Local Agenda 21 projects

6.2.3. **Solid Waste (Cleansing)**

Purpose: Waste Reduction and awareness.

Projects/programmes include the following but are not limited to:

- (i) Waste reduction and awareness;
- (ii) Educational programmes/projects addressing litter and waste handling; and
- (iii) Waste minimisation solutions.

6.2.4. **Social Development**

Purpose: The promotion of projects/programmes which stimulates the Stellenbosch Municipality’s Integrated Development Plan (IDP) focusing especially on the needs of the most marginalised sectors in the greater Stellenbosch as identified in the ward priorities.

Projects/programmes include the following but are not limited to:

- (i) Poverty alleviation;
- (ii) Urban renewal;
- (iii) Capacity building of communities;

- (iv) Youth development;
- (v) Women and gender development;
- (vi) Early childhood development;
- (vii) Street people programmes;
- (viii) Arts and culture programmes
- (ix) Facilitation of public participation processes; arts and culture programmes
- (x) Development of disabled persons, and
- (xi) Development of elderly people

6.2.5. **Sports and Recreation**

Purpose: To stimulate the development of sustainable Sport and Recreation infrastructure and programmes within the municipal area especially targeting disadvantaged communities; encourage creativity and self-reliance on the part of grassroots sport and recreation bodies or groups; to increase participation in sport and recreation programmes and activities.

Projects/programmes include the following but are not limited to:

- (i) Local sport and recreation clubs;
- (ii) School sport teams
- (iii) Local sport and recreation councils or associations
- (iv) Informal sport and recreation groups; and
- (v) Community and non-government organisations.

Category B

6.2.6. **Night Shelters**

Purpose: Provision of shelter for vulnerable individuals living on the street, without homes, in the need of shelter at night. Shelter is provided on a temporary basis and residency should not be provided for on a permanent basis. The Municipality aims to reduce the number of people living on the streets of Stellenbosch and as such the organisation or body's goals should align with this vision. Further the Municipality aims to reduce the socio-economic effects of poverty on the community of Stellenbosch. The organisation or body must therefore present to Council a clear business plan with a comprehensive response to the prevention, reduction, outreach and stabilisation of street people. Organisations or bodies that provide a continuum of services and that collaborate with businesses, government departments and other organisations are preferred. Street people programmes listed in Category A shall fall under this category if provision is made for overnight stay.

Projects/programmes must include the following but are not limited to:

- (i) Provision of basic services (overnight facility, shower, morning and evening meals
- (ii) Provision of social work services inclusive of referrals

- (iii) Family re-integration services
- (iv) Social support
- (v) Community work programme
- (vi) Facility maintenance (Infrastructure and operational equipment)

6.2.7. Projects aligned to the strategic objectives of the municipality as described in the IDP

Purpose: The promotion of projects/programmes which stimulates the Stellenbosch Municipality's Integrated Development Plan (IDP) focusing on the strategic objectives of the Municipality and identified ward priorities. The organisation must therefore present to Council not only a clear business plan detailing how they intend to address the specific issue but how they intend to partner with other organisations to achieve a unified approach to that particular challenge. Organisations or bodies that provide a continuum of services and that collaborate with businesses, government departments and other organisations are preferred.

Projects/programmes include the following strategic objectives but are not limited to:

Those listed in Category A that address specific ward priorities identified and specified in the IDP and upon proper motivation contained in a potential plan to address said issue.

- (i) Valley of Possibility
- (ii) Green and Sustainable Valley
- (iii) Dignified Living
- (iv) Safe Valley
- (v) Good Governance and Compliance

7. APPLICATION PROCEDURE

Applications and proposal for Grant-in-Aid must be on the prescribed form stated in 5.2 above, a copy of which is attached hereto as **Annexure A for Category A and B**. Applications must be accompanied by a covering letter on the letterhead of the organisation or body, signed by the head of the organisation or body and must include the following information. Should an applicant wish to submit a Category B application, but would want to be considered for a Category A application in the event that the Category B application is declined, this must be clearly stated in the covering letter and supporting documents **MUST** be submitted for both types of applications:

- 7.1. The applicant's legal name and a brief description of the applicant organisation's or body's business;
- 7.2. if the applicant claims to be a non-profit organisation, the registration number and the certificate;
- 7.3. the date of establishment, details of the applicant's member founding documents, including constitution and certificates of incorporation;

- 7.4. a contact name, full street address, telephone number and an e-mail address;
- 7.5. if funding is required for a specific project, a brief description of the project what it aims to achieve, as well as the detailed budget for and duration of the project;
- 7.6. a description on how the project aligns with the needs identified in the community through the IDP process and which ward priorities will be addressed through the project;
- 7.7. if the request is for general support, the organisation's or body's overall budget must be included;
- 7.8. references, independent of the applicant and its executive;
- 7.9. most recent audited financial statements (subject to MFMA, section 67(4)) statements; or at least statements signed off by the treasurer and chairperson of the organization in the case of small emerging organizations;
- 7.10. a summary of past achievements;
- 7.11. a declaration by the head of the organization to the satisfaction of the Municipal Manager, that the organisation or body implements effective, efficient and transparent financial management and internal control mechanisms to guard against fraud, theft and financial mismanagement and has in the past complied with requirements for similar transfers of funds; and
- 7.12. notwithstanding the above requirements, the CFO after considering the merits of an application not complying with the minimum application criteria and after consulting the Municipal Manager, may for the purpose of this policy approve a deviation from the norm;
- 7.13. Applications for Category B **must** include a schedule of annual costs for a three year period, business plan and audited financial statements.

8. OBLIGATIONS OF THE APPLICANT

- 8.1. The head of the organisation or body must acknowledge in writing to the Municipal Manager that the money was received in its bank account and that the amount is/will be utilised to the benefit and in accordance with the role of the organisation or body in society. The funds should be used as outlined in the application form.
- 8.2. The organisation or body shall regularly report, if and when required but at least once a year, to the Municipal Manager regarding the activities conducted, the ward within which activities are conducted, as well as the number of people benefiting from the activities.

- 8.3. If funding is required for a specific project, a brief description of the project and what it aims to achieve, as well as the detailed budget for and duration of the project.
- 8.4. The applicant must attend a compulsory workshop on the Grant-in-Aid policy and application procedure prior to submission of the application.
- 8.5. If successful with the application, the applicant must spend funds according to the approved Grant-in-Aid funding request. Should the need change over the funding period, written consent needs to be obtained from the municipality prior to spending the funds on alternative needs. Failure to spend funding on approved projects can result in the applicant being required to return the funding and/or the applicant being excluded from future applications for a period of 5 years.

9. RIGHTS OF THE MUNICIPALITY

- 9.1. The Municipality shall be entitled, from time-to-time, to verify and inspect the existence and activities of the organisation or body. The municipality will therefore have the right to physically visit the premises where the organisation, or the funded project, is based; to peruse the budgets and any progress reports related to the project (in contract).
- 9.2. The Municipality shall manage contracts entered into with organisations or bodies by receiving reports and doing the necessary site visits and inspections to ensure that this policy and contract are being complied with.
- 9.3. The Municipality has the right not to give a Grant-in-Aid to any or all organisations applying for grants. Having been awarded a grant previously does not give an applicant the right to receive a grant again.
- 9.4. The Municipality will run proposed donations through a public participation process before final awards are made.

10. AGREEMENT

Before any funds are transferred to an organisation an agreement (**Annexure B**) must be concluded by the Municipal Manager with the beneficiary to protect the interest of the Municipality.

11. DEVIATION

This policy constitutes the entire framework for Grant-in-Aid and no deviation will be entertained.

12. COMMENCEMENT

This Policy takes effect on the date on which it is adopted by the Council of Stellenbosch Municipality.

**APPLICATION FOR GRANT-IN-AID: 2022/23****NOTE: ATTENDANCE OF THE GRANT-IN-AID WORKSHOP IS COMPULSORY**

PLEASE COMPLETE THE FOLLOWING					
A	REGISTERED NAME OF ORGANISATION				
B	DATE AND YEAR IN WHICH THE ORGANISATION WAS FOUNDED: (include a brief description of the business or activities of the organization)				
C	ADDRESS OF REGISTERED ORGANISATION				
	PHYSICAL ADDRESS			POSTAL ADDRESS	
	CODE:		CODE:		
D	CONTACT DETAILS (Details of the person to contact regarding this GIA application)				
	NAME & SURNAME:				
	POSITION:				
	TEL:	()		FAX:	()
	MOBILE:			ALTERNATIVE:	
	EMAIL ADDRESS:				

E REGISTRATION:				
Is the organization a NP/NG Organisation?		YES		NO
If YES, please provide the Registration Number: (Attach a copy of the registration certificate or proof of other affiliation where applicable)				
F BOARD/COMMITTEE MEMBERS OF THE ORGANISATION: (List ALL Board/Committee Members of the Organisation) Insert a separate page if the space is not enough).				
1	NAME & SURNAME:			
	POSITION:			
	ADDRESS:			
	CONTACT NUMBER:			
2	NAME & SURNAME:			
	POSITION:			
	ADDRESS:			
	CONTACT NUMBER:			
3	NAME & SURNAME:			
	POSITION:			
	ADDRESS:			
	CONTACT NUMBER:			
4	NAME & SURNAME:			
	POSITION:			
	ADDRESS:			
	CONTACT NUMBER:			

5	NAME & SURNAME:		
	POSITION:		
	ADDRESS:		
	CONTACT NUMBER:		
6	NAME & SURNAME:		
	POSITION:		
	ADDRESS:		
	CONTACT NUMBER:		
7	NAME & SURNAME:		
	POSITION:		
	ADDRESS:		
	CONTACT NUMBER:		
8	NAME & SURNAME:		
	POSITION:		
	ADDRESS:		
	CONTACT NUMBER:		
9	NAME & SURNAME:		
	POSITION:		
	ADDRESS:		
	CONTACT NUMBER:		

10	NAME & SURNAME:						
	POSITION:						
	ADDRESS:						
	CONTACT NUMBER:						
G PREVIOUS FUNDING:							
	Have you successfully applied and received Stellenbosch Municipal Grant-In-Aid funding previously?						
	If yes for which financial year?						
	What amount was received?						
	Did you submit Financial Reports for the funds received?						
	Do you receive any other sources of funding? (If YES please provide details)						
H CATEGORY A: For more information refer to the Grant-In-Aid Policy for general guidelines and categories (Please categorize your application by marking the appropriate category with X)							
	HEALTH						
	ENVIRONMENT						
	SOLID WASTE						
	SOCIAL DEVELOPMENT						
	SPORTS & RECREATION						
	CATEGORY B: For more information refer to the Grant-In-Aid Policy for general guidelines and categories (Please categorize your application by marking the appropriate category with X)						
	NIGHT SHELTER						
	OTHER (Please specify)						
I REQUEST FOR FUNDING:							
	Is funding required for the ensuing year?			YES		NO	
	Is funding required for a specific project? (If YES attach details separately)			YES		NO	
	Is funding required for general support? (If YES, attach a copy of the Organisation's Overall Budget)			YES		NO	
	Budgeted amount requested						
	Duration of project?						

If Category B Application						
Total amount requested for 3 year period						
Annual amounts requested:	Year 1		Year 2		Year 3	
J	SERVICE FOCUS					
	Ward number/s in which services are delivered:					
	Which Ward Priority/ies are addressed through the service: (Please provide details below)					
	Which Municipal Strategic Goal/s is linked to the services: (Please mark with a X)					
	Valley of Possibility					
	Safe Valley					
	Dignified Living					
	Good Governance and Compliance					
	Green and Sustainable Valley					
K	THE FOLLOWING MUST BE ATTACHED TO THIS APPLICATION: (Category A and B applications) (Please use this form as a check-list, to ensure that you comply to the specified requirements)					
1	AUDITED FINANCIAL STATEMENTS (A copy of the latest audited financial statements. Should the organization be classified as an emerging organization, the financial statements MUST be dated and signed by the Treasurer and Chairperson and MUST include a monthly income and expense statement for the months that the organization has been in existence or for the last 12 months)					
2	ORGANISATIONAL CONSTITUTION (A signed and dated copy of the Organisation's Constitution, as well as a signed copy of the Minutes of the AGM/Special Meeting , to verify the acceptance of the Constitution.)					
3	PROJECT PROGRAMME/BUSINESS PLAN (A copy of the project/program description and/or a business plan for the ensuing financial year. Please ensure that the following is included in the project/program and or business plan, by using the below mentioned bullet points as a guide).					
	❖ Full details of the proposal/project/business plan including objectives;					
	❖ The number of people who will benefit and how the project/program will contribute or enhance the strategic objectives of Stellenbosch Municipality;					
	❖ The project/program commencement and completion dates;					
	❖ Information on the total costs of the project/program budget;					
	❖ A breakdown of costs and an outline of any contributions by fundraising and / or own contributions;					
	❖ A list of all other sources of funding together with the assessments;					
	❖ A summary of past achievements;					
4	❖ Reference independent of the applicant and its executive/board or committee members.					
5	SIGNED AND STAMPED CREDITOR CONTROL FORM (An original signed copy of a correctly completed Creditors Control form of the Stellenbosch Municipality)					
6	ACCOUNT ON EXPENDITURE FOR PRECEDING FUNDING (If you have received funding from Stellenbosch Municipality in the preceding financial year, expenditure of the funds received needs to be accounted for with this new application). Please refer to Section M for the format.					
7	PROOF OF REGISTRATION/AFFILIATION (Attach a copy of the organisation's Registration Certificate of Affiliation)					

L REQUIREMENTS CATEGORY B APPLICATIONS (Please note that Category B applications MUST adhere to the following requirements and those listed under section K, except where indicated otherwise.)		
1	AUDITED FINANCIAL STATEMENTS A copy of the latest audited financial statements must be included in the application. Category B applications MUST submit their latest audited financial statements. Statements signed off by the treasurer, chairperson or other delegated party will not be accepted.	
2	THREE YEAR BUSINESS PLAN See the requirements for the business plan as listed under section K as guideline. NOTE: Category B applications MUST provide a clear proposal for a period of three years. Each year must be indicated separately and be costed per annum indicating all expenditure against the projected measurable outcomes. Outcomes must be listed to how they will be reported on and measured on a monthly basis.	
M FORMAT FOR FEEDBACK REPORT (Please ensure that your feedback of previous funding received, includes the following)		
1	Narrative report on the project including numbers reached, outcomes reached, evaluation of the project indicating successes and failures/lessons learned.	
2	Pictures of the project/program.	
3	Financial report on expenditure regarding previous donation separate from the annual financial statements. (Attach proof of expenditure).	
N THE FOLLOWING SHALL APPLY:		
1	The allocation of Grant-In-Aid will only be considered if the application document has been fully completed and signed and is accompanied by the required and supporting documentation referred to therein.	
2	An applicant who has been registered as a non-profit organization in terms of Section 13 of the Non-Profit Organisation Act, 1997, and the necessary proof thereof is submitted together with this application.	
3	Applicants must in their submission clearly indicate/specify and motivate what the funds will be utilized for.	
4	The Grant-In-Aid must be exclusively utilized for the purpose defined and the successful applicant must submit the necessary undertaking to this effect.	
5	Applicants must in their submission satisfy the Council of their ability to execute the project successfully.	
6	Organisations who have already received financial or other assistance from the Council during the previous financial year MUST specify same in their application.	
7	No funding will be considered for political groupings, churches or ratepayers organisations.	
8	No funding will be considered where only an individual will benefit or where a member of Council or an official of Stellenbosch Municipality will receive any financial or other gain.	
9	Projects outside the boundaries of the Council will not be considered.	
10	Expenditure that will not be funded includes: travel costs (unless it is for the transport of beneficiaries), subsistence, accommodation, food (unless intended for the beneficiaries) or entertainment expenses of any kind, staff salaries including bonuses, bursaries and payments in lieu of rates or other municipal charges.	
11	Subsequent requests from the applicants to cover overspending on projects will not be considered.	
12	Successful applicants must at all times comply with the provisions of Section 67(1) of the Municipal Finance Management Act no. 56 of 2003 which inter alia stipulates that the organization or body has to:-	
	❖ Enter into and comply with a Memorandum of Agreement with the Municipality as well as with all reporting financial management and auditing requirements as may be contained in such an agreement. This memorandum of agreement will bind the successful applicant to deliver on what the application speaks to, but also to commit to become involved with municipal programs of the community where it functions. The Memorandum of Agreement will be made available to successful applicants for completion.	
	❖ Report monthly on the actual expenditure of the amount allocated to it. Should monthly allocations be made.	
13	The Council reserves the right not to give a Grant-In-Aid to any organization applying for grants. Having been awarded a grant previously does not give an applicant the right to receive a grant again.	
14	Funding will not be considered where a project or organization is already receiving funds from Council in terms of Council's functions. Applicants are required to disclose other sources of funding, failing which such applicant will be disqualified.	
15	Funding will not be considered where in Council's opinion, an organization received sufficient funds from other sources to sustain its activities or the project applied for. For this purpose, organisations must submit financial statements and budget for the ensuing financial year.	
16	Organisations having received funding from Stellenbosch Municipality during the previous financial year, are required to attach to any new application, a copy of the financial statements relating to the year in which the funding was received from Council, as required in terms of Section 17 of the Non-profit Organisation Act, 1997 and Section 67(1) of the Municipal Finance Management Act, 2003 (MFMA).	
17	Funding will not be considered where expenses have already been incurred on a project by the applicant. (The Council's Grant-In-Aid Policy must be consulted for the sake of completeness).	

O DECLARATION OF INTEREST:	
The beneficiary declares that the following municipal employees and/or councillors have a vested interest in the business of the beneficiary. However, they do not benefit directly from this donation and were not part of the decision making process in the allocation of the donations:	
Name & Surname:	
Designation:	
Name & Surname:	
Designation:	
P UNDERTAKING:	
	<p>I/We hereby verify that the information provided in this application is true and correct and that the conditions applicable to the allocation of a Grant-in-Aid as set out above and in the GIA Policy have been read and is understood and will be complied with.</p> <p>I/We also declare that the organization implements effective, efficient and transparent financial management and internal control mechanisms to guard against fraud, theft and financial mismanagement and has in the past complied with requirements for similar transfer(s) of funds.</p> <p>Thus completed and signed at Stellenbosch on this day of _____ 20 .</p> <p>_____ Chairperson/Authorised Representative Secretary/Duly Authorised Signatory</p>
Q PLEASE TAKE NOTE: (Completed application forms, together with all the required supporting documentation must be posted to):	
	<p>The Director: Planning & Economic Development P O Box 17 Stellenbosch 7599</p> <p>Or hand delivered to:</p> <p>The Manager: Community Development 58 Andringa Street Stellenbosch 7600</p> <p>The submission of applications closes at 13H00 on the closing date as per the advertisement.</p> <p>PLEASE NOTE: Neither LATE nor INCOMPLETE applications shall be considered.</p>



STELLENBOSCH

STELLEN BOSCH • PN I E L • FR ANSC HHOE K

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

MEMORANDUM OF AGREEMENT

Entered into and between

STELLENBOSCH MUNICIPALITY

(hereafter called the "**MUNICIPALITY**")

Herein represented by **Geraldine Mettler**, in her capacity as **Municipal Manager**, being duly authorised

and

(hereafter called the "**BENEFICIARY**")

Herein represented by _____ in his/her capacity as _____,
being duly authorised.

WHEREAS Section 67(1) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) oblige the Accounting Officer of a **MUNICIPALITY** to satisfy himself that, before transferring funds of the **MUNICIPALITY** to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that such organisation or body:-

- (a) has the capacity and has agreed-
 - (i) to comply with any agreement with the **MUNICIPALITY**;
 - (ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;
 - (iii) to report at least monthly to the Accounting Officer on actual expenditure against such transfer (should transfers be done on a monthly basis); and

- (b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
- (c) has in respect of previous similar transfers complied with all the requirements as set out above; and
- (d) give permission to site visits done by the **MUNICIPALITY**.

WHEREAS the **MUNICIPALITY** has approved a Grants-in-Aid Policy, in terms whereof applications are considered;

WHEREAS the **BENEFICIARY** has applied for a grant-in-aid as per the official grant-in-aid application form; and

WHEREAS the **MUNICIPALITY** has approved such application, subject to certain conditions;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. TRANSFER OF FUNDS

1.1 The **MUNICIPALITY** hereby undertakes to transfer an all-inclusive amount of

R..... (.....), being a donation for the period **01 July 20...** to **30 June 20...** to the **BENEFICIARY**.

1.2 Bank Account details: (The following are confirmed through a correctly completed Creditors Control Form.)

Account number	:	_____
Name of financial institution	:	_____
Name of account holder	:	_____
Branch code	:	_____
Type of account	:	_____

1.3 The all-inclusive amount will be transferred in equal amounts on the following dates (if applicable):

2. OBLIGATIONS OF BENEFICIARY

- 2.1 The **BENEFICIARY** must acknowledge in writing to the Municipal Manager that the amount(s) was(were) received in its bank account.
- 2.2 The **BENEFICIARY** hereby certifies that the money will be utilised in accordance with the role of the organisation or society, to the benefit of the community and in accordance with the project(s) / programme(s) as indicated in the application form.
- 2.3 The **BENEFICIARY** undertakes to regularly report on a monthly basis to the Municipal Manager regarding the activities conducted, actual expenditure against such transferred funds, as well as the number of people benefiting from the activities should monthly payments be made. If not, an annual report on the expenditure will be provided.
- 2.4 The **BENEFICIARY** further undertakes to submit an audited financial statement for its financial year to the Municipal Manager by not later than **30 April 20...**

3. SPECIFIC CONDITIONS

- 3.1 The parties specifically agree on the following:

That the organization will commit to active involvement in any programme run by the municipality in the area of operation of the organization when such a programme is active in the community.

Other conditions:

4. DECLARATION OF INTEREST

The beneficiary declares that the following municipal employees and/or councillors have a vested interest in the business of the beneficiary. However, they do not benefit directly from this donation and were not part of the decision making process in the allocation of the donations: (Name and designation)

5. ACQUISITION OF ASSETS

- 5.1 Should the **BENEFICIARY** wish to acquire any moveable or immovable assets with the money donated in terms of this Agreement, the **BENEFICIARY** hereby undertakes to:-
- 5.1.1 adhere to the principles as per the **MUNICIPALITY'S** Supply Chain Management Policy, and
- 5.1.2 take all reasonable steps to ensure that such assets are maintained and that a system of internal control of such assets is in place.

6. RIGHTS OF THE MUNICIPALITY

- 6.1 The **MUNICIPALITY** shall be entitled, from time to time, to verify the existence and to inspect the activities of the **BENEFICIARY**, having regards for its right to privacy as entrenched in terms of the Constitution of the Republic of South Africa..
- 6.2 The **MUNICIPALITY** shall further be entitled to peruse the budgets and any progress reports related to the project / programme as per this Agreement.

7. FAILURE TO COMPLY

- 7.1 Failure by the **BENEFICIARY** to comply with the obligations as set out in Clause 2 of this Agreement, may lead to the cancellation of this Agreement, in which case the **MUNICIPALITY** may demand that the organisation pays back any unspent funds as per this Agreement. The **MUNICIPALITY** may even, depending on the circumstances leading to the non-compliance by the **BENEFICIARY**, demand that the organisation pays back the full amount paid to the **BENEFICIARY**.

8. INDEMNIFICATION

- 8.1 The **BENEFICIARY** hereby acknowledges that it receives the grant voluntarily and that it shall keep the **MUNICIPALITY** indemnified at all times against any loss, cost, damage, injury or liability suffered by the **MUNICIPALITY** resulting from any action, proceeding or claim made by any person (including themselves) against the **MUNICIPALITY** caused directly or indirectly by the use/spending of the grant.

9. DISPUTE RESOLUTION

- 9.1 Any dispute arising from this Agreement shall be mediated between the Parties by a mutually agreed upon and suitably skilled mediator. Should the mediator be unsuccessful and the Parties fail to reach agreement, the dispute may be referred by the aggrieved Party to the arbitration of a single arbitrator, to be agreed upon between the Parties, or failing agreement, to be nominated on the application of any Party, by the President for the time being of the South African Association of Arbitrators. The decision of the single arbitrator shall be final and binding on the Parties.

10. NOTICES AND DOMICILIA

- 10.1 The parties choose as their *domicilia citandi et executandi* their respective addresses as set out in this clause for all purposes arising out of or in connection with the agreement at which addresses all processes and notices arising out of or in connection with this Agreement, its breach or termination, may validly be served upon or delivered to the Parties.

- 10.2 For purposes of this Agreement the Parties' respective addresses shall be:

10.2.1 The **MUNICIPALITY**:

Town House
Plein Street
Stellenbosch
7600
Fax: 021 – 808 8025

10.2.2 The **BENEFICIARY**:

or at such other address of which the Party concerned may notify the other(s) in writing provided that no street address mentioned in this sub-clause shall be changed to a post office box or poste restante.

10.3 Any notice given in terms of this Agreement shall be in writing and shall-

10.3.1 if delivered by hand be deemed to have been duly received by the addressee on the date of delivery;

10.3.2 if posted by prepaid registered post be deemed to have been received by the addressee on the 8th (eighth) day following the date of such posting;

10.3.3 if transmitted by facsimile be deemed to have been received by the addressee on the day following the date of dispatch;

10.4 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, shall be adequate written notice or communication to such party.

11. ENTIRE AGREEMENT

This Agreement, including the **Grant-in-Aid policy and application form**, reflects the entire Agreement between the Parties and no variation, amendment or addendum shall be of any force and effect between the Parties unless contained in writing, signed and agreed on by both Parties.

Signed at Stellenbosch on this _____ day of _____ 20....

.....

for the **MUNICIPALITY**

WITNESS: 1.

2.

Signed at Stellenbosch on this _____ day of _____ 20....

.....

for the **BENEFICIARY**

WITNESS: 1.

2.

APPENDIX 5



Ubuntu Hiking
Stellenbosch
7600

www.uhike.co.za
info@uhike.co.za

Register No: NPO 151-479

12 December 2022

Municipality Stellenbosch
Grants Committee

To Whom It May Concern:

Grand In Aid Feedback Report – Ref : Council 23-11-2022/13.3

We thank you for your correspondence on 7-12-2022 with regards to the Feedback Report and 5-year blacklisting penalty re Paragraph 6.15 "Funding" and Section 8.5, extracted from the Grand-in-Aid Policy.

Ubuntu Hiking would like to give a detailed explanation and reason why this specific payment was made with the Grand-in-Aid Funding.

The payment slip which are referred to, was on 19/08/21 for a Board Meeting that was held at Bossa Restaurant (*beneficiaries of Ubuntu Hiking*). The reason for this expense, on the feedback report was because this was approved on our budget application when we applied for Grand-in-Aid Funding (*Please see Page 1, Line 4 (Volunteer & Board Meetings, R2000, Materials, Refreshments & Transport)*). We do understand now, that this expense was supposed to be from Ubuntu Hiking's Private Account or the Board's own expense and not the Grand-in Aid Funding.

The reason the Board decided to have the meeting at Bossa Restaurant (first time ever), was because it was the first time after the hard lockdown that we could meet in person after a very long, hard and challenging time.

Over the past years when applying for funding, our financials and feedback reports were 100 % accurate, neat and detailed. Funding is spent exactly for the purpose stated in Ubuntu Hiking's mission and vision statements and that is to make a difference in our communities, especially our youth who benefits most. All funding that was granted over the years, was allocated precisely as indicated on our applications and feedback reports.

We humbly apologise for this expense of R1481 for this Board Meeting and our misunderstanding of the budget as well. Blacklisting our organisation with a 5-year penalty would have a huge impact on the youth, communities, our passionate volunteers and ESPECIALLY our annual awareness hikes re Gender Base Violence-, Mother Daughter-, Cancer Awareness-, Anti-Bulling-, Father Son-, Manne Hike- Women's Day-, Schools and Churches Hikes, etc.

Ubuntu Hiking humbly requests and plea that Grants Committee reconsider our application and 5 years suspension for Grand in Aid 2023/2024, based on the following reasons (summary below):

- To our knowledge the expense was already approved in the budget we applied for and slip was attached as proof on our feedback report.
- All previous feedback reports with detailed slips and explanations were always accurate and never misused.
- We are willing to pay back the **R1481.00** that was used for the Board meeting (Meals & Refreshments) or the amount can be subtracted from our next successful application.

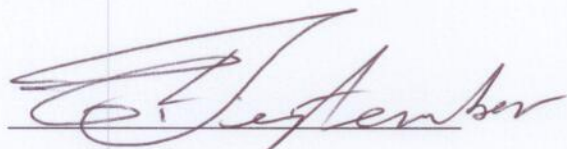
Ubuntu Hiking does great and inspiring work in the disadvantaged and the broader Stellenbosch Communities. We fully understand and respect the Grand-in-Aid Policy and are now better informed with regards to the rules and obligations.

Kindly have a look at our past hikes on our website (www.uhike.co.za) or our Facebook (Ubuntu Hiking). We trust for a positive outcome with regards to the honest reasons provided above.

Thank you in advance.

Ubuntu Greetings

Regards

A handwritten signature in dark ink, appearing to read 'Clint September', written in a cursive style.

Clint September
Co-Ordinator
Ubuntu Hiking
Cell: 0849420090
Cell: 0823366927



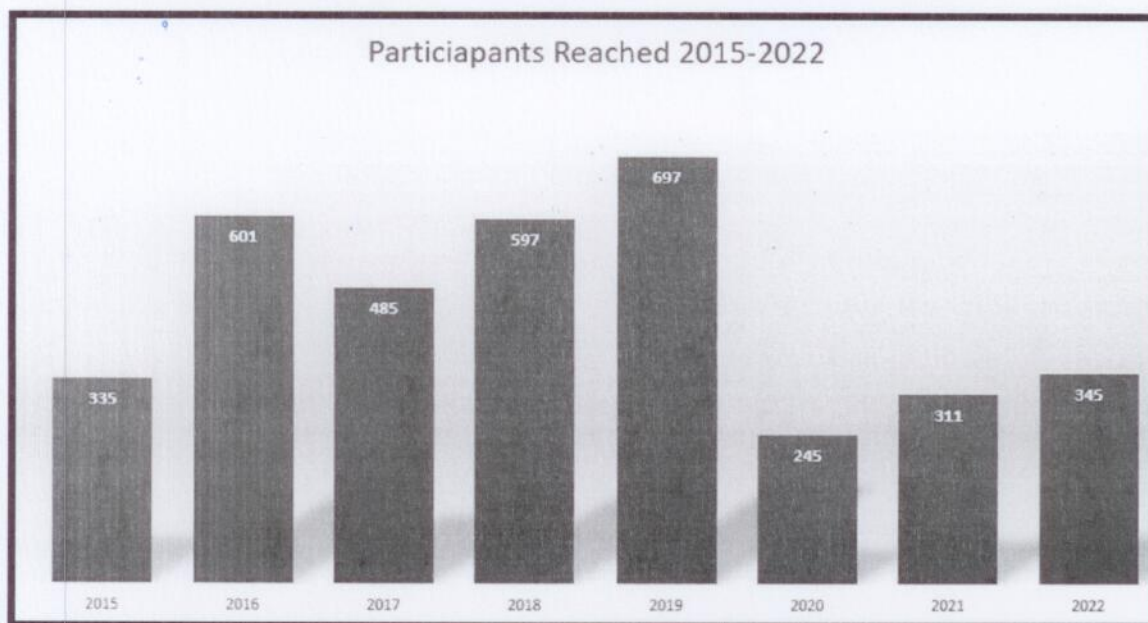
Ubuntu Hiking 2021/2022 Budget Summary

Summary		Purpose
Office Stationary/Equipment	R2 500	Small AIO Office Printer, Ink Cartridges, printing paper, staplers, Files ect.
First Aid Kit & Snake Bite Kit	R1 500	For our youth & Community Day & Overnight Hikes
Emergengy Backup Fund	R2 000	In Case of Any Emergency/Medical Treatment for any Participant/Volunteer Leader who do not have Medical Aid and needs urgent doctors Attention.
Volunteer & Board Meetings	R2 000	Materials, Refreshments & Transport
Web & Email Hosting	R2 000	Communication, Media and Advertisement of Programme
Volunteer Leaders Outdoor Kit	R4 000	Correct Outdoor Kit, (T-Shirts, Caps, Rain Jackets, Pants & UV400 sun glasses)
Coleman 50L Cooler Box	R1 650	Keeping Refresments Cold for Day & Overnight Youth hikes, Community Funwalks and Day hike Events
6th Annual Mother & Daughter Hike	R2 000	Transport, Youth Goodie Bags, Gate Fee, Refreshments
67 Minuts for Mandela Day Event	R800	Purchases for Food Parchels. (Stellenbosch Night Shelter)
3rd Annual Father & Son Hike	R2 000	Gate Fee, Transport, Refreshments, Banners
20000mAh Power Bank	R700	For emergency Charge/backup of Rechargeable 2 Way Radio's, Head Lights and Hike Leaders Cell Phone.
Safety Hiking Equipment	R2 500	Ropes, Slings, Carabiners, for use on Technical Trails
Volunteer Leaders Training Excursions	R 2 500	Gate Fees/Permit, Transport, food & refreshments, Exploring new Routes
600 Youth participants for Environmental Educational Day & Overnight Hikes in 2021/2022 for Stellenbosch & Ward 21 Communities	R18 000	Gate Fee Permits, Transport hire, materials , foods, refreshments, overnight accomodation
Total		R44 150

Programme Co-Ordinator:

Clint September

PARTICIPANTS REACHED 2015-2022



OUTCOMES 2021/2022

Ubuntu hiking has reached more that 70% (youth) and 30% (Adults) for 2021/2022 Grand in Aid Funding from the Jamestown and Stellenbosch surroundings communities.

LOW LIGHTS

- We have a decrease in our community and youth guided hikes since 2019 due to Covid-19 Lockdowns but some increase of participants for 2021/2022
- Cost of transport fee is increasing because of Petrol increase
- Lockdown levels still restrict Nature reserve accommodations and permits.

HIGH LIGHTS

- 15 Volunteers attend Rope & Steep Ground Training
- Volunteer Compass & Mapping Skills, Mountain training was done during this time. (2021/2022)
- Ubuntu Hiking working together with other NPO (Jamestown Golf Club & Weber Gedenk Primary School to raise funds for school project through hiking..
- Rescue Members mastering rescue equipment and other training events.
- More Environmental education was done on our Youth Hikes.
- Great Feedback throughout our social Media and Facebook page.
-

LESSONS LEARNED

- We have to make provision for more family hikes after lockdown levels (beginners).
- More school & overnight hikes must be implemented.
- Best to make use of Nature reserves who don't ask permit fees for youth groups.

APPENDIX 6



FRANSCHHOEK RUGBY CLUB

(est. 2003)

gc@macglobal.co.za

12 January 2023

Ms Michelle Aalbers

Manager – Community Development : Stellenbosch Municipality

Per Email

Dear Ms Aalbers

RE: USAGE OF GRANT FUNDING BY FRANSCHHOEK RUGBY CLUB

Pursuant to your letter dated 7 December 2022, please find attached hereto the Financial Statements for Franschhoek Rugby Club, financial records, and correspondence from Tax Shop Franschhoek explaining its role, as requested.

We are compelled to raise the matter of the article about Franschhoek Rugby Club that appeared in the January edition of the Franschhoek Tatler newspaper, and the impact it has already had on the club and its finances.

The article claimed – erroneously and prematurely – that the club had already been blacklisted from receiving Grant-in-Aid funding from Stellenbosch Municipality for five years. Although a correction has been posted on the newspaper's website, this statement has already compromised the club significantly – resulting in a loss of support from existing and prospective sponsors. As you may be aware, the club serves a largely impoverished community and faces ongoing financial challenges. It has been materially damaged operationally, and prejudiced reputationally, by this inaccurate statement about its affairs.

Under the circumstances, the club humbly requests a measure of latitude and leniency in this matter – specifically that any decision that might further compromise the club be deferred, and the opportunity afforded to reflect a clean audit of the club's financials for the next financial year.

We acknowledge that the use of funds under review amounts to an indiscretion, but note that such use was neither malicious nor unlawful – but rather was made to benefit club members during a very difficult period. We are advised that we have sufficient reasonable basis to challenge a blacklisting, but we prefer to avoid any suggestion of legal proceedings if at all possible. Our focus is on the club, its members, and its fans in the community – and we wish only to resolve this matter amicably, and continue to serve that community.

We thank you, and look forward to your favourable response.

Yours Sincerely

George Collins
Chairman

Club Administrator: Emile Krotz (083 580 0097)

President: Archie Johnson (082 512 8956) - Chairman: George Collins 072 863 6226
Secretary: She-Earl Jacobs (0735402404) - Treasurer: Leandre Davids 0839512159
Scrum it Administrator: Abraham Gertse (074 562 3788)

Affiliated with Western Province Rugby Football Union (WPRFU)



APPENDIX 7

MEMORANDUM OF AGREEMENT

Entered into and between

STELLENBOSCH MUNICIPALITY

(Hereafter called the "**MUNICIPALITY**")

Herein represented by **G Mettler**, in her capacity as **Municipal Manager**, being duly authorised

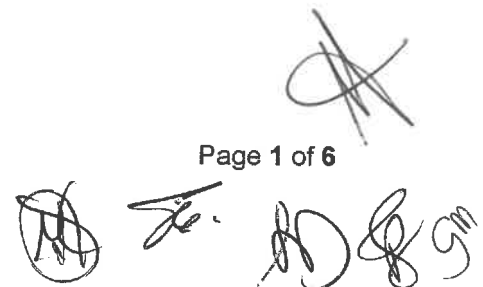
And

FRANSCHHOEK RFC

Herein represented by **GEORGE COLLINS** in his capacity as **Chair Person**, being duly authorised.

WHEREAS Section 67(1) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) oblige the Accounting Officer of a **MUNICIPALITY** to satisfy himself that, before transferring funds of the **MUNICIPALITY** to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that such organisation or body:-

- (a) has the capacity and has agreed-
 - (i) To comply with any agreement with the **MUNICIPALITY**;
 - (ii) For the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;
 - (iii) To report at least monthly to the Accounting Officer on actual expenditure against such transfer (should transfers be done on a monthly basis); and
- (b) Implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
- (c) has in respect of previous similar transfers complied with all the requirements as set out above; and
- (d) Give permission to site visits done by the **MUNICIPALITY**.



WHEREAS the **MUNICIPALITY** has approved a Grants-in-Aid Policy, in terms whereof applications are considered;

WHEREAS the **BENEFICIARY** has applied for a grant-in-aid as per the official grant-in-aid application form; and

WHEREAS the **MUNICIPALITY** has approved such application, subject to certain conditions;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. TRANSFER OF FUNDS

1.1 The **MUNICIPALITY** hereby undertakes to transfer an all-inclusive amount of

R40 000.00 (Forty thousand rand only), being a donation for the period **01 July 2021** to **30 June 2022** to the **BENEFICIARY**.

1.2 Bank Account details: (The following are confirmed through a correctly completed Creditors Control Form.)

Account number	:	280082096
Name of financial institution	:	STANDARD BANK
Name of account holder	:	FRANSCHHOEK RUGBY CLUB
Branch code	:	051001
Type of account	:	CHEQUE ACCOUNT

1.3 The all inclusive amount will be transferred in equal amounts on the following dates (if applicable):

2. OBLIGATIONS OF BENEFICIARY

2.1 The **BENEFICIARY** must acknowledge in writing to the Municipal Manager that the amount(s) was (were) received in its bank account.

2.2 The **BENEFICIARY** hereby certifies that the money will be utilised in accordance with the role of the organisation or society, to the benefit of the community and in accordance with the project(s) / programme(s) as indicated in the application form.

Handwritten signatures and initials, including a large 'X' and the letters 'GN'.

2.3 The **BENEFICIARY** undertakes to regularly report on a monthly basis to the Municipal Manager regarding the activities conducted, actual expenditure against such transferred funds, as well as the number of people benefiting from the activities should monthly payments be made. If not, an annual report on the expenditure will be provided.

2.4 The **BENEFICIARY** further undertakes to submit an audited financial statement for its financial year to the Municipal Manager by not later than **30 June 2022** and a final feedback report by **25 April 2022**.

3. SPECIFIC CONDITIONS

3.1 The parties specifically agree on the following:

That the organization will commit to active involvement in any programme run by the municipality in the area of operation of the organization when such a programme is active in the community.

Other conditions:

.....

4. DECLARATION OF INTEREST

The beneficiary declares that the following municipal employees and/or councillors have a vested interest in the business of the beneficiary. However, they do not benefit directly from this donation and were not part of the decision making process in the allocation of the donations: (Name and designation)

.....

5. ACQUISITION OF ASSETS

5.1 Should the **BENEFICIARY** wish to acquire any moveable or immovable assets with the money donated in terms of this Agreement, the **BENEFICIARY** hereby undertakes to:-

5.1.1 Adhere to the principles as per the **MUNICIPALITY'S** Supply Chain Management Policy, and

5.1.2 Take all reasonable steps to ensure that such assets are maintained and that a system of internal control of such assets is in place.

Handwritten signatures and initials are present at the bottom right of the page, including a large signature, a signature with 'JL' initials, a signature with 'Gm' initials, and another signature.

6. RIGHTS OF THE MUNICIPALITY

- 6.1 The **MUNICIPALITY** shall be entitled, from time to time, to verify the existence and to inspect the activities of the **BENEFICIARY**, having regards for its right to privacy as entrenched in terms of the Constitution of the Republic of South Africa.
- 6.2 The **MUNICIPALITY** shall further be entitled to peruse the budgets and any progress reports related to the project / programme as per this Agreement.

7. FAILURE TO COMPLY

- 7.1 Failure by the **BENEFICIARY** to comply with the obligations as set out in Clause 2 of this Agreement, may lead to the cancellation of this Agreement, in which case the **MUNICIPALITY** may demand that the organisation pays back any unspent funds as per this Agreement. The **MUNICIPALITY** may even, depending on the circumstances leading to the non-compliance by the **BENEFICIARY**, demand that the organisation pays back the full amount paid to the **BENEFICIARY**.

8. INDEMNIFICATION

- 8.1 The **BENEFICIARY** hereby acknowledges that it receives the grant voluntarily and that it shall keep the **MUNICIPALITY** indemnified at all times against any loss, cost, damage, injury or liability suffered by the **MUNICIPALITY** resulting from any action, proceeding or claim made by any person (including themselves) against the **MUNICIPALITY** caused directly or indirectly by the use/spending of the grant.

9. DISPUTE RESOLUTION

- 9.1 Any dispute arising from this Agreement shall be mediated between the Parties by a mutually agreed upon and suitably skilled mediator. Should the mediator be unsuccessful and the Parties fail to reach agreement, the dispute may be referred by

The aggrieved Party to the arbitration of a single arbitrator, to be agreed upon between the Parties, or failing agreement, to be nominated on the application of any Party, by the President for the time being of the South African Association of Arbitrators. The decision of the single arbitrator shall be final and binding on the Parties.

10. NOTICES AND DOMICILIA

- 10.1 The parties choose as their *domicilia citandi et executandi* their respective addresses as set out in this clause for all purposes arising out of or in connection with the agreement at which addresses all processes and notices arising out of or in connection with this

Handwritten signatures and initials are present at the bottom right of the page, including a large 'X' mark and several cursive signatures.

Agreement, its breach or termination, may validly be served upon or delivered to the Parties.

10.2 For purposes of this Agreement the Parties' respective addresses shall be:

10.2.1 The **MUNICIPALITY**:

Town House
Plein Street
Stellenbosch
7600
Fax: 021 – 808 8029

10.2.2 The **BENEFICIARY**:

Franschhoek Rugby Club
9 Keerom Street
Groendal
Franschhoek
7690
Email address: gc@macglobal.co.za

Or at such other address of which the Party concerned may notify the other(s) in writing provided that no street address mentioned in this sub-clause shall be changed to a post office box or poste restante.

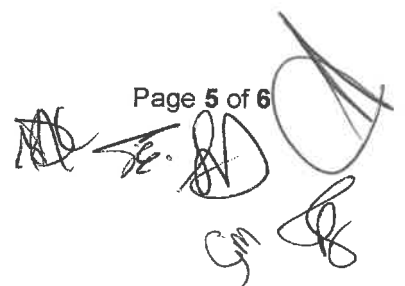
10.3 Any notice given in terms of this Agreement shall be in writing and shall-

10.3.1 If delivered by hand be deemed to have been duly received by the addressee on the date of delivery;

10.3.2 If posted by prepaid registered post be deemed to have been received by the addressee on the 8th (eighth) day following the date of such posting;

10.3.3 If transmitted by facsimile be deemed to have been received by the addressee on the day following the date of despatch;

10.4 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, shall be adequate written notice or communication to such party.

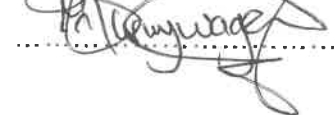
The bottom right corner of the page contains several handwritten signatures and initials. There are three distinct signatures, some appearing to be in ink and others in pencil, along with various initials and a large circular mark that looks like a stylized 'O' or a signature flourish.

11. ENTIRE AGREEMENT

This Agreement, including the **Grant-in-Aid policy and application form**, reflects the entire Agreement between the Parties and no variation, amendment or addendum shall be of any force and effect between the Parties unless contained in writing, signed and agreed on by both Parties.

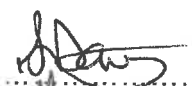
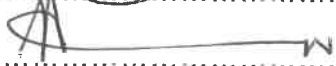
Signed at Stellenbosch on this 30th day of **June 2021**.


.....
For the **MUNICIPALITY**

WITNESS: 1. 
2. 

Signed at Stellenbosch on this 21th day of **June 2021**.


.....
For the **BENEFICIARY**

WITNESS: 1. 
2. 

APPENDIX 8



FRANSCHHOEK RUGBY CLUB

(est. 2003)

gc@macglobal.co.za

25 October 2022

Ms Geraldine Mettler
Municipal Manager – Stellenbosch Municipality
Per Email

Dear Ms Mettler

RE: RECOMMENDATION OF BLACKLISTING OF FRANSCHHOEK RUGBY CLUB

We acknowledge the notice received of the Council discussions in respect of this matter, and apologise for the late response. The club has faced significant financial challenges since 2020, and we have been unable to consult an attorney about the best way to address this matter. We have now been referred to an attorney, but have had insufficient time to apprise him of the full details and provide all the supporting documentation.

Franschhoek Rugby Club of course regrets any perception that the Grant in Aid funds were misused, and wishes to resolve the matter without incurring a sanction that will severely compromise the club, its members, and prospects of future support or funding. The original application for funding was made with general use of the funds in mind, and we did not note specific prohibitions in the Memorandum of Agreement with the Municipality. The club is willing to repay these funds to the Municipality as a gesture of good faith, in the hope of settling the matter amicably.

We also wish to avoid a lengthy process of appeal, and therefore humbly request an extension of one week for the submission of a representation – in which time we will collate documentation and take advice on the matter.

We thank you, and look forward to your favourable response.

Yours Sincerely

George Collins
Chairman

Club Administrator: Emile Krotz (083 580 0097)

President: Archie Johnson (082 512 8956) - Chairman: George Collins 072 863 6226

Secretary: She-Earl Jacobs (0735402404) - Treasurer: Leandre Davids 0839512159

Scrum it Administrator: Abraham Gertse (074 562 3788)

Affiliated with Western Province Rugby Football Union (WPRFU)



APPENDIX 9

FRANSCHHOEK RUGBY CLUB NPC

(Registration No. 2019/528641/08)

ANNUAL FINANCIAL STATEMENTS

31 December 2021



Ref: 20220421/FK

21 April 2022

To Whom It May Concern:

Re: FRANSCHHOEK RUGBY CLUB NPC (Reg: 2019/528641/08)

We confirm the following details regarding **FRANSCHHOEK RUGBY CLUB NPC**:

- Please find attached the reporting of the NPC for the period 1 August 2021 to 31 March 2022.
- With confirmation from Management we can confirm that all the available funds as on 31 March 2022 (R6,608) will be fully utilised by the 30th of June 2022.

Should you require any additional information please do not hesitate to contact our office.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Frederik G Kotzé'.

Tax Shop Franschhoek (Pty) Ltd
Per: Frederik G Kotzé

Contact details:

Telephone: 021 876 2676
Cell: 082 8040764
Email: franschhoek@taxshop.co.za



FRANSCHHOEK RUGBY CLUB NPC

(Registration No. 2019/528641/08)

ANNUAL FINANCIAL STATEMENTS

31 DECEMBER 2021

	Pages
Directors' responsibilities and approval	2
General information	3
Compiler's report	4
Directors' report	5
Balance sheet	6
Detailed income statement	7
Notes to the annual financial statements	8

FRANSCHHOEK RUGBY CLUB NPC

DIRECTORS' RESPONSIBILITIES AND APPROVAL FOR THE YEAR ENDED 31 DECEMBER 2021

The directors are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information.

The directors are also responsible for the company's system of internal financial controls. This is designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the directors to indicate that any material breakdown in the functioning of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the directors have every reason to believe that the company has adequate resources in place to continue in operation for the foreseeable future.

These financial statements will be presented at the company annual general meeting for the approval of shareholders. It is possible that amendments may be required prior to shareholder approval being given.

The annual financial statements set out on pages 1 to 16 are the responsibility of the directors and have been approved and signed by the directors on 26.04.22 FRANSCHHOEK:



CHAIRMAN



TRESURER

FRANSCHHOEK RUGBY CLUB NPC**GENERAL INFORMATION**

Non-profit company	Franschhoek Rugby Club NPC
Registration number	2019/528641/08
Country of incorporation and domicile	Republic of South Africa
Nature of business and principal activities	Rugby Club
Registered office	Suite 3 La Rue Des Roses Building 2 Main Road Franschhoek Western Cape 7690
Business address	Suite 3 La Rue Des Roses Building 2 Main Road Franschhoek Western Cape 7690
Postal address	Suite 3 La Rue Des Roses Building 2 Main Road Franschhoek Western Cape 7690
Bankers	Standard Bank Limited
Accountant	Tax Shop Franschhoek (Pty) Ltd Under the supervision of FG Kotzé AGA(SA)
Registration numbers	
Income tax	9550189196



COMPILER'S REPORT TO THE MEMBERS OF FRANSCHHOEK RUGBY CLUB NPC

Report on the financial statements

We have compiled the financial statements of Franschhoek Rugby Club NPC based on information provided by the directors. These financial statements are presented in accordance with the basis of accounting as disclosed in note 1 to the financial statements and the requirements of the companies act. They comprise the balance sheet as at 31 December 2021 and the income statement for the year then ended, a summary of significant accounting policies and other explanatory notes, as set out on pages 6 to 8.

Directors responsibility for the financial statements

The directors are responsible for these financial statements, including adoption of the applicable reporting framework, and the accuracy and completeness of the information used to compile the financial statements.

Compiler's responsibility

We performed this compilation engagement in accordance with the International Standard on Related Services 4410 (Revised), Compilation Engagements.

We have applied our expertise in accounting and financial reporting to assist management in the preparation and presentation of these financial statements as set out above. We have complied with relevant ethical requirements, including principles of integrity, objectivity, professional competence and due care.

Since a compilation engagement is not an assurance engagement, we are not required to verify the accuracy or completeness of the information you provided to us to compile these financial statements. Accordingly, we do not express an audit opinion or a review conclusion on whether these financial statements are prepared in accordance with generally accepted accounting practice.

Tax Shop Franschhoek (Pty) Ltd
Frederik G Kotzé AGA(SA)
Membership No: 20056247

Franschhoek
22 April 2022

Tax Shop Franschhoek (Pty) Ltd is a private company registered in South Africa with registration number 2012/137903/07

Directors: H McGuinness, C McGuinness ACCA, FCCA, FG Kotzé AGA (SA),



Suite 3, La Rue Des Roses, 2 Main Road
Franschhoek, Western Cape. Postal
Address: PO Box 420, Franschhoek,
Western Cape, 7690



021 876 2676
021 876 2340



www.taxshop.co.za



franschhoek@taxshop.co.za

FRANSCHHOEK RUGBY CLUB NPC

DIRECTORS' REPORT FOR THE YEAR ENDED 31 DECEMBER 2021

The Directors have pleasure in submitting their report together with the annual financial statements for the year ended 31 December 2021.

General review

These annual financial statements of the company are to be presented at the annual general meeting. No matter which is material to the financial affairs of the company has occurred between 31 December 2021 and the date of approval of the financial statements.

Statements of responsibility

The director are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information.

The directors are also responsible for the company's system of internal financial controls. This is designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the Trustees to indicate that any material breakdown in the functioning of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the director have every reason to believe that

Financial results

The results of the company for the year under review are fully set out in the attached financial statements and require no further comment.

Events after the reporting date

No material fact or circumstance, which requires comment, has occurred between the reporting date and the date of this report.

Directors

The directors during the accounting period and up to the date of this report were as follows:

Mr G Collins
Mr DE Natus
Ms LE Davids

FRANSCHHOEK RUGBY CLUB NPC

BALANCE SHEET

AT 31 DECEMBER 2021

			for the 14 months ended 31 December 2020
	Notes	2021 R	R
ASSETS			
Non-current assets		-	-
Current assets		36 284	6 892
Bank and cash balances	2	36 284	6 892
Total assets		36 284	6 892
EQUITY AND LIABILITIES			
Equity		(4 529)	1 457
Accumulated surplus		(4 529)	1 457
Non-current liabilities		-	-
Current liabilities		40 813	5 435
Trade and other payables	3	9 520	5 435
Funds received	4	31 293	-
Total equity and liabilities		36 284	6 892

FRANSCHHOEK RUGBY CLUB NPC

DETAILED INCOME STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2021

	2021	for the 14 months ended 31 December 2020
	R	R
Revenue	139 508	126 972
Game income	-	71 442
Donations income	139 508	-
Fundraiser income	-	55 530
Gross profit	139 508	126 972
Total Income	139 508	126 972
Operating expenses	(145 494)	(125 515)
Bank charges	1 443	6 058
Cleaning and laundry	790	6 230
Coach training fees	-	2 300
Consulting and accounting	9 084	7 985
Covid- 19 Compliance	15 183	-
Donations	619	3 000
Electricity	-	710
Equipment and apparel	97 782	-
Fundraiser expenses	137	20 481
Game equipment	-	1 419
Medical fees	3 420	13 041
Meeting expenses	-	700
Membership fees	3 600	2 800
NLC Logo	9 836	-
Printing and stationery	-	713
Security - gate control	-	3 400
Shop expenses	3 200	31 507
Team catering	-	845
Telephone and internet	-	305
Tournament fees	-	5 100
Training expenses	-	1 420
Travel expenses	400	17 501
Net (deficit) / surplus before taxation for the year	(5 986)	1 457
Taxation	-	-
Net (deficit) / surplus for the year	(5 986)	1 457

FRANSCHHOEK RUGBY CLUB NPC

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2021

1. Accounting policies

The following are the principal accounting policies of the company, which are consistent in all material respects with those applied in the previous year, except as otherwise indicated.

Basis of preparation

The financial statements have been prepared on the historical cost basis.

Revenue

Revenue comprises the invoiced value of membership fees, donations and fundraisers.

Interest received is recognised on a time basis, as it is earned.

Cash flows

For the purposes of the cash flow statement, cash includes cash on hand, deposits held on call with banks, investments in money market instruments, and bank overdrafts.

	2021	for the 14 months ended 31 December 2020
	R	R
2. Bank and cash balances		
Bank and cash balances at year end comprise:		
Current accounts	32 378	3 066
Petty cash	3 906	3 826
	<u>36 284</u>	<u>6 892</u>

3. Trade and other payables

Trade and other payables at the balance sheet date comprise amounts due to suppliers for goods and services. An analysis of these amounts due for the current and prior year follows:

2021	1 - 30 days	31-60 days	60-90 days	> 90 days	
Accounting fees	55	3 042	55	6 368	9 520
	<u>55</u>	<u>3 042</u>	<u>55</u>	<u>6 368</u>	<u>9 520</u>

	2021	for the 14 months ended 31 December 2020
	R	R
4. Funds received		
Stellenbosch Municipality	31 293	-
	<u>31 293</u>	<u>-</u>

APPENDIX 10

Profit and Loss

Franschhoek Rugby Klub NPC For the 12 months ended 31 July 2022

AUG 2021-JUL 2022

Trading Income

Bus Travel Income	10,170.00
Fundraisers	5,100.00
Game Gate Fees Income	110,806.00
Shop Sales	46,989.00
Total Trading Income	173,065.00

Cost of Sales

Canteen Stock	28,463.29
Cost of Goods Sold	1,590.00
Total Cost of Sales	30,053.29

Gross Profit

143,011.71

Other Income

Donation Income: Stellenbosch Municipality	39,609.54
Lotto Donations Income: Covid- 19 Compliance	2,409.00
Lotto Donations Income: Equipment and Apparel	2,484.00
Lotto Donations Income: NLC Logo	960.00
Total Other Income	45,462.54

Operating Expenses

Ball Boys	870.00
Bank Fees	1,464.50
Cleaning	6,275.00
Consulting & Accounting	15,584.15
Donations	8,946.49
Function Expenses	2,188.49
Laundry	3,795.00
Light, Power, Heating	3,680.00
Lotto Donations Expense: Covid- 19 Compliance	2,409.00
Lotto Donations Expense: Equipment and Apparel	2,484.00
Lotto Donations Expense: NLC Logo	960.00
Medical Fees	28,230.38
Meeting Expenses	4,000.00
Motor Vehicle - Fuel	14,850.00
Printing & Stationery	447.97
Security (gate control)	14,310.00
Small Equipment Expenses	8,917.80
Team Catering	10,395.00
Telephone & Internet	1,269.00
Tournament Fees	1,500.00
Training Expenses	15,200.00

AUG 2021-JUL 2022

Travel - National	2,500.00
Wages and Salaries	11,790.00
WP Ref	4,000.00
Total Operating Expenses	166,066.78
<hr/>	
Net Profit	22,407.47

APPENDIX 11



Ref: 20230109/FK

9 January 2023

M AALBERS
MANAGER COMMUNITY DEVELOPMENT
STELLENBOSCH MUNICIPALITY

Re: FRANSCHHOEK RUGBY CLUB NPC (Reg: 2019/528641/08) **Ref: Council 23-11-2022/13.3**

Please see below the responsibilities of Tax Shop Franschhoek (Pty) Ltd regarding the engagement with Franschhoek Rugby Club:

1. On a periodic basis the bank statements, supporting documents and explanatory schedules are provided to Tax Shop Franschhoek (Pty) by the administration of Franschhoek Rugby Club.
2. The information received from Franschhoek Rugby Club is then utilised to update the accounting software for reporting, engaging with the administration of Franschhoek Rugby Club where transactions are unclear or require additional information.
3. Reporting Statements and assisting to provide documents for Funding Received when requested by Franschhoek Rugby Club.
4. Compilation of Annual Financial Statements
5. Submission of Annual Tax Returns

Tax Shop Franschhoek (Pty) provides an accounting function to Franschhoek Rugby Club NPC and is not involved in day to day operations or management and administration.

Should you require any additional information please do not hesitate to contact our office.

Yours faithfully,

Tax Shop Franschhoek (Pty) Ltd
Per: Frederik G Kotzé

Contact details:

Telephone: 021 876 2676

Cell: 082 8040764

Email: franschhoek@taxshop.co.za



APPENDIX 12

Franschhoek Rugby Club NPC

Property, Plant And Equipment - Asset Schedule - Cost Model

Description	Lead	Date purchased	Cost				Accumulated Depreciation & Impairment					Net Book Value			
			Opening balance	Additions	(Expensed)	Closing balance	Useful life	Residual value	Opening balance	Current deprec.	Expensed	(Disposals)	Closing balance	Balance 2022	Balance 2021
			R	R	R	R	Years	R	R	R	R	R	R	R	R
Office equipment		F000.04													
1.	Samsung Galaxy Tab A7 Lite	31/3/22	-	2 988.00	(2 988.00)	-	1.00	-	-	-	-	-	-	-	
2.	SanDisk Ultra 64GB Memory Card	30/6/22		229.00	(229.00)		1.00	-	-	-	-	-	-	-	
3.	A2060 Portable Projector	30/6/22		1 199.00	(1 199.00)		1.00	-	-	-	-	-	-	-	
4.	Velbon Tripod	30/6/22		679.00	(679.00)		1.00	-	-	-	-	-	-	-	
5.	FHD Night Vision Digital Camera	30/6/22		1 750.00	(1 750.00)		1.00	-	-	-	-	-	-	-	
			-	6 845.00	(6 845.00)	-		-	-	-	-	-	-	-	
			-	-	-	-		-	-	-	-	-	-	-	
			-	-	-	-		-	-	-	-	-	-	-	
			-	-	-	-		-	-	-	-	-	-	-	

I, GEORGE COLLINS, confirm that the detail of the assets contained in this schedule are to the best of my knowledge, a true, complete and accurate reflection of the property, plant and equipment owned by the body corporate.

Notes:

1. Utilised for pre- and post-match communications, registrations and live scoring updates. RICA registration of SIM card undertaken by G. Collins in his capacity as Club Chairman.
2. Used for data storage.
3. Utilised for presentations to and match video analysis by the coaching team.
4. Used for match video recordings.
5. Used for match video recordings, for record-keeping and player analysis.

APPENDIX 13

Municipality Fund Transactions

Franschhoek Rugby Klub NPC

For the period 1 August 2021 to 31 July 2022

Date	Source	Description	Reference	Debit	Credit	Running Balance	Gross	Tax	Explanatory Notes
Municipality Fund									
Opening Balance				0,00	0,00	0,00	0,00	0,00	
06 Aug 2021	Receive Money	Stellenbosch Municipality - Municipality Fund Received		0,00	40 000,00	40 000,00	40 000,00	0,00	
15 Sep 2021	Manual Journal	frame for the late stadler - frame for the late stadler	#718	150,00	0,00	39 850,00	(150,00)	0,00	frame with picture to the family of the late coach
15 Sep 2021	Manual Journal	payment for Tax shop - payment for Tax shop	#717	5 000,00	0,00	34 850,00	(5 000,00)	0,00	outstanding payment
15 Sep 2021	Manual Journal	flowers and sympathy card - flowers and sympathy card	#725	137,49	0,00	34 712,51	(137,49)	0,00	condolences card to one of the players family
15 Sep 2021	Manual Journal	Phisio - Phisio	#712	920,00	0,00	33 792,51	(920,00)	0,00	consultation for injuries
15 Oct 2021	Manual Journal	outstanding payment for Medic - outstanding payment for Medic	#719	2 500,00	0,00	31 292,51	(2 500,00)	0,00	medical assistance during rugby matches
04 Feb 2022	Manual Journal	referees - referees	#720	800,00	0,00	30 492,51	(800,00)	0,00	wp referee payments for rugby games
08 Feb 2022	Manual Journal	coke - coke	#721	5 470,00	0,00	25 022,51	(5 470,00)	0,00	cooldrinks, water for selling in the tuck shop
09 Feb 2022	Manual Journal	shop - shop	#726	1 400,20	0,00	23 622,31	(1 400,20)	0,00	one up store for purchases for tuck shop refer to slip
09 Feb 2022	Manual Journal	float and adhoc - float and adhoc	#711	2 500,00	0,00	21 122,31	(2 500,00)	0,00	for tuck shop and gate
09 Feb 2022	Manual Journal	payment to the tax shop - payment to the tax shop	#713	2 500,00	0,00	18 622,31	(2 500,00)	0,00	outstanding payment
11 Feb 2022	Manual Journal	rolls and wors for shop - rolls and wors for shop	#722	1 985,86	0,00	16 636,45	(1 985,86)	0,00	for sales at the tuckshop
11 Feb 2022	Manual Journal	medic - medic	#727	900,00	0,00	15 736,45	(900,00)	0,00	Danielle riffel day expense for invitees
12 Feb 2022	Manual Journal	pick and pay for after function - pick and pay for after function	#723	300,00	0,00	15 436,45	(300,00)	0,00	medical assistance during rugby matches
01 Mar 2022	Manual Journal	Referees - Referees	#714	1 600,00	0,00	13 836,45	(1 600,00)	0,00	wp referee payments for rugby games
01 Mar 2022	Manual Journal	Coke purchases - Coke purchases	#731	2 447,00	0,00	11 389,45	(2 447,00)	0,00	cooldrinks, water for selling in the tuck shop
04 Mar 2022	Manual Journal	shop - shop	#728	976,20	0,00	10 413,25	(976,20)	0,00	one up store for purchases for tuck shop refer to slip
05 Mar 2022	Manual Journal	pick and pay wors and rolls - pick and pay wors and rolls	#724	804,99	0,00	9 608,26	(804,99)	0,00	for selling at the tuck shop
31 Mar 2022	Spend Money	Takealot - Samsung Tablet		2 988,00	0,00	6 620,26	(2 988,00)	0,00	for administration use for all related rugby.uploading and registrations
28 Jun 2022	Spend Money	Engen Winelands - Fuel		300,00	0,00	6 320,26	(300,00)	0,00	petrol for buying and sourcing of equipment and 2 way radios
28 Jun 2022	Spend Money	Makro - 2 Way Radios		1 872,80	0,00	4 447,46	(1 872,80)	0,00	for use on field during games
30 Jun 2022	Spend Money	Takealot - Mini Portable Projector & Digital Video Camera		4 057,00	0,00	390,46	(4 057,00)	0,00	teambuilding,practise sessions,evidence of games
Total Municipality Fund				39 609,54	40 000,00	390,46	390,46	0,00	
Closing Balance				0,00	390,46	390,46	0,00	0,00	
Total				39 609,54	40 000,00	(390,46)	390,46	0,00	

APPENDIX 14

Municipality Fund Transactions

Franschhoek Rugby Klub NPC

For the period 1 August 2021 to 31 July 2022

DATE	SOURCE	DESCRIPTION	REFERENCE	DEBIT	CREDIT	RUNNING BALANCE	GROSS	TAX
Municipality Fund								
Opening Balance				-	-	-	-	-
6 Aug 2021	Receive Money	Stellenbosch Municipality - Municipality Fund Received		-	40,000.00	40,000.00	40,000.00	-
15 Sep 2021	Manual Journal	frame for the late stadler - frame for the late stadler	#718	150.00	-	39,850.00	(150.00)	-
15 Sep 2021	Manual Journal	Phisio - Phisio	#712	920.00	-	38,930.00	(920.00)	-
15 Sep 2021	Manual Journal	payment for Tax shop - payment for Tax shop	#717	5,000.00	-	33,930.00	(5,000.00)	-
15 Sep 2021	Manual Journal	flowers and sympathy card - flowers and sympathy card	#725	137.49	-	33,792.51	(137.49)	-
15 Oct 2021	Manual Journal	outstanding payment for Medic - outstanding payment for Medic	#719	2,500.00	-	31,292.51	(2,500.00)	-
4 Feb 2022	Manual Journal	referees - referees	#720	800.00	-	30,492.51	(800.00)	-
8 Feb 2022	Manual Journal	coke - coke	#721	5,470.00	-	25,022.51	(5,470.00)	-
9 Feb 2022	Manual Journal	shop - shop	#726	1,400.20	-	23,622.31	(1,400.20)	-
9 Feb 2022	Manual Journal	float and adhoc - float and adhoc	#711	2,500.00	-	21,122.31	(2,500.00)	-
9 Feb 2022	Manual Journal	payment to the tax shop - payment to the tax shop	#713	2,500.00	-	18,622.31	(2,500.00)	-
11 Feb 2022	Manual Journal	rolls and wors for shop - rolls and wors for shop	#722	1,985.86	-	16,636.45	(1,985.86)	-
11 Feb 2022	Manual Journal	medic - medic	#727	900.00	-	15,736.45	(900.00)	-
12 Feb 2022	Manual Journal	pick and pay for after function - pick and pay for after function	#723	300.00	-	15,436.45	(300.00)	-
1 Mar 2022	Manual Journal	Referees - Referees	#714	1,600.00	-	13,836.45	(1,600.00)	-
1 Mar 2022	Manual Journal	Coke purchases - Coke purchases	#731	2,447.00	-	11,389.45	(2,447.00)	-
4 Mar 2022	Manual Journal	shop - shop	#728	976.20	-	10,413.25	(976.20)	-
5 Mar 2022	Manual Journal	pick and pay wors and rolls - pick and pay wors and rolls	#724	804.99	-	9,608.26	(804.99)	-
31 Mar 2022	Spend Money	Takealot - Small Equipment		2,988.00	-	6,620.26	(2,988.00)	-

DATE	SOURCE	DESCRIPTION	REFERENCE	DEBIT	CREDIT	RUNNING BALANCE	GROSS	TAX
28 Jun 2022	Spend Money	Makro - Makro Cape Gate		1,872.80	-	4,747.46	(1,872.80)	-
28 Jun 2022	Spend Money	Engen Winelands - Fuel		300.00	-	4,447.46	(300.00)	-
30 Jun 2022	Spend Money	Takealot - Small Equipment		4,057.00	-	390.46	(4,057.00)	-
Total Municipality Fund				39,609.54	40,000.00	390.46	390.46	-
Closing Balance				-	390.46	390.46	-	-
Total				39,609.54	40,000.00	(390.46)	390.46	-



Standard Bank

Transaction record/
Transaksiererekord

AUTOBANK A541	CASH WITHDRAWAL 13H00
TRANSACTION DATE	2022-03-31
BUSINESS DATE	2022-03-31
FROM ACCOUNT	*****2096
AMOUNT WITHDRAWN	R-3,000.00
AVAILABLE FUNDS	R 6,906.77
ACCOUNT BALANCE	R 6,906.77
APPLICATION ID	A0000000041010
APPLICATION NAME	Debit MasterCard
TVR	8000040000
CVR	601003220000

The Standard Bank of South Africa Limited (Reg. No. 1962/002/30/6/6) Authorised financial services provider
of the South African Reserve Bank (Reg. No. 1962/002/30/6/6) Ondernemingswettigheidswaarde

4/3/22, 9:03 AM

Samsung Galaxy Tab A7 Lite (T225) 8.7" 32GB LTE Tablet | Buy Online in South Africa | takealot.com



Stay informed! Visit the SA Department of Health's website for COVID-19 updates: www.sagovernment.gov.za

Samsung Galaxy Tab A7 Lite (T225) 8.7" 32GB LTE



Tablet

Samsung

SM-T225NZALAF

4.6 52 Reviews

R 2,988

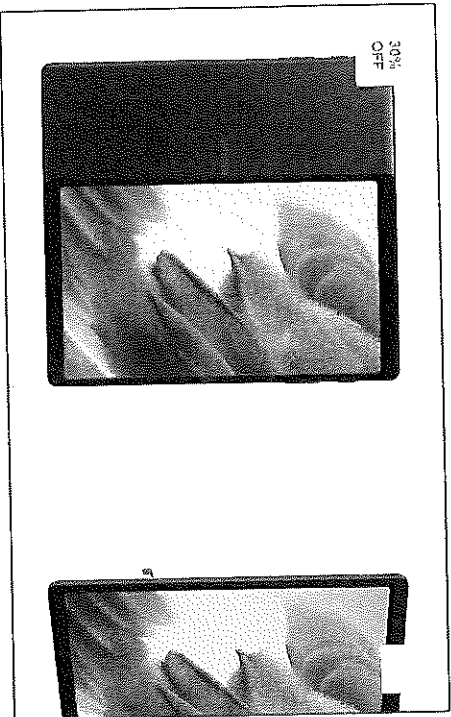
FREE DELIVERY

eR29,880 • Discovery Miles 29,880 • On Credit: R259 / month

In stock When do I get it?

Sold by Elite Shopper • Fulfilled by Takealot

- Eligible for Cash on Delivery.
- Free Delivery Available.
- Hassle-Free Exchanges & Returns for 30 Days.
- 24-Month Limited Warranty.



Description

Quick Spec



MAKRO CAPE GATE
Masstores (Pty) Ltd T/A MAKRO SA
Company Reg. No. 1991/006805/07
VAT Reg. No. 4300119155

Tel : 0860 300 999
Corner Okovango & Belami Rds
Brackenfell
Cape Town

"You Can WhatsApp us on 0860 300 999"

NLA Ref No: RG0000488
Registered status: Distributor
Liquor Store Lic: MCP/039664
Grocers Wine Lic: MCP/039662

TAX INVOICE

19241045

Date: 28/05/2022

TIME : 13:13
STORE NO: 119
POS NO : 27
INVOICE NO: 966
CASHIER NO: 1813

MISS CH BANIES
VAT Reg : Not Applicable
125 MUSICAL AVENUE
MACASSAR
SOMERSET WEST
7130

Unique Ref : 0279661928062022

QTY	UNIT/PK	WEIGHT (Kg)	DIS	SINGL INC	PACK INC	VAT	TOTAL EXC	TOTAL INC
1								
06009636904632	POWEROX M1 WALKIE TALKIE	1215.66		699.00	599.00	02	1398.00	
1								
06009711570165	SMARTSOCKET USB ADAPTOR 8 AMP	390.43		449.00	449.00	02	449.00	
1								
09415886887811	POWERPOX TRIPLE EURO ADAPTER	21.74		25.00	25.00	02	25.00	
1								
06009185770626	MAKRO MULTI-USE CHECKOUT BAG 24L	0.86		0.86	0.86	00	0.86	

QTY	UNIT/PK	WEIGHT (Kg)			
BARCODE	DESCRIPTION				
DIS	SINGL INC	PACK INC	VAT	TOTAL EXC	TOTAL INC
2	1				
06009636904632	POWEROX M1 WALKIE TALKIE				
699.00	699.00	02		1215.66	1398.00
1	1				
06009711570165	SMARTSOCKET USB ADAPTOR 8 AMP				
449.00	449.00	02		390.43	449.00
1	1				
09415886887811	POWERWORX TRIPLE EURO ADAPTER				
25.00	25.00	02		21.74	25.00
1	1				
06009186770626	MAKRO MULTI USE CHECKOUT BAG 24L				
0.86	0.86	00		0.86	0.86

INVOICE ROUNDING -0.06

TOTAL ARTICLES ON INVOICE : *****5*****

FIVE

VAT SUMMARY

CODE	%	GOODS	VAT	
0	0.00	0.86	0.00	
2	15.00	1627.77	244.17	
TOTALS		1628.63	244.17	1872.80

AMOUNT DUE	1872.80
CARD PAYMENT	
535950*****0147	
CHANGE	0.00

PAYMENT SUMMARY
NOVA
 Cape Gate
 CHECKER NO. 4 CRD



*****5*****

FIVE

Get the app
 Get the rewards
 Earn the cash
 Scan this code to
 Download on Google Play or Apple App Store

Exchange and Refund Policy

Makro will refund or exchange most goods returned within 14 days of purchase, provided that the goods are in unused original condition and packaging. Certain goods are excluded from the 14-day exchange or refund policy for hygiene and legislative reasons. Within the first six (6) months of purchase, goods with a technically confirmed defect will be repaired, replaced or refunded at your direction. It is not possible to assess goods in store to confirm the claimed defect. Makro therefore reserves the right to refer returned goods for technical assessment. Goods purchased by way of special arrangement or custom order will only be replaced if defective. Visit www.makro.co.za for further information.

Makro is an Empowerdex verified Level 4 BBBEE Contributor. 80% of business purchases will contribute towards your BBBEE score under the procurement category.

We are committed to respect and protect your personal information.

End Control Sig:

POINCINVE



MAKRO CAPE GATE
 Masstores (Pty) Ltd T/A MAKRO SA
 Company Reg. No. 1991/006805/07
 VAT Reg. No. 4300119155

Tel : 0860 300 999
 Corner Okovango & Belami Rds
 Brackenfell
 Cape Town

CUSTOMER COPY

SALE

Tue 28/06/2022
 TIME: 13:13

CUST CARD NO : 19241045
 POS NO : 27
 INVOICE NO : 966
 CASHIER NO : 1813

TYPE : Debit MasterCard
 PAN : 535950****0147
 BUDGET PERIOD: 0 MONTHS

REQUESTED : ***R1872.80

UTI : 1083fa1d-5088-45fd-9298-2e99c428aed6
 TRANSACTION NO : 308645
 AUTH NO : 1083fa
 CARD ENTRY MODE: CHIP
 TVR : 0000008000
 TSI : E800
 TC : 89764ECA1F9B41A7
 APL : Debit MasterCard
 ATD : A0000000041010071003
 MERCHANT NO : 3046729
 APPROVED CODE : 00 APPROVED

APPROVED : ***R1872.80

** WELCOME TO **
 IMPERTO PROPERTIES (PTY) LTD
 T/A ENGEN WINELANDS 1-STOP NORTH
 N1 NATIONAL RD, JOOSTENBERGVLAKTE
 VAT NO: 4740105103

ENGEN PRIMAX ULP 95
 12.755 @ 23.52 Tx Z^a 300.00
 Pump No. : 03
 Attendant : NOXOLO

Clicks ClubCard
 0200571990353
 Points earned for fuel purchases
www.clicks.co.za
 Terms and Conditions apply

ITEMS 1	TOTAL	300.00
CASH		300.00
CHANGE		0.00

Join MySchool and Support Your Community

VAT-CODE	NET-VAL	VAT-VAL
ZERO RATE/Z 0.0%	300.00	0.00

4 MANTU 2118 15:34:18 28/06/2022

THANK YOU FOR STOPPING AT
 ENGEN WINELANDS NORTH
 WERNER NEITZ
 TEL # 021 988-11:2
 FAX # 021 988 11:7



takealot.com Payment Confirmation

Order Number: 109450607 Estimated Delivery Date: 2022-07-12

Hi Sharon,

Thank you, we've received your payment for order 109450607.

Your order is being processed and your estimated delivery date is **Tuesday, 12 July 2022**.

Once your order is ready to be delivered, you will receive an SMS notification confirming your scheduled delivery date.

[Manage Order](#)

Regards,
The Takealot Team

Order Details

Deliver To: Sharon aries
Klein cabriere 30 Cabriere Street Franschhoek
Franschhoek
7690

Estimated Delivery Date: Tuesday, 12 July 2022

Delivery Method: Courier

Items in this order

- | | | |
|---|--|-----------|
| 1 |  SanDisk Ultra 64GB SDXC Class 10 Memory Card | R 229.00 |
| 1 |  A2060 Mini Portable Projector LCD
<i>Sold by Life Online SA</i> | R 1199.00 |
| 1 |  Velbon Tripod For Photo or Video
<i>Sold by Golden Power Batteries</i> | R 879.00 |
| 1 |  F6 FHD 1080P Night Vision Digital Video Camera
<i>Sold by Readysat Altogether</i> | R 1750.00 |

Subtotal: R 4057.00

Shipping: R 0.00

Total: R 4057.00

[Manage Order](#)

Transaction record/
Transaksier rekord

AUTOBANK A541

CASH WITHDRAWAL
12H28TRANSACTION DATE
BUSINESS DATE2022-06-30
2022-06-30

FROM ACCOUNT

*****2096

AMOUNT WITHDRAWN

R-4,060.00

AVAILABLE FUNDS
ACCOUNT BALANCER 634.77
R 634.77

APPLICATION ID

A0000000041010

APPLICATION NAME

Debit MasterCard

TVR

8000040000

CVR

601003220000



STATEMENT

Franschhoek Rugby Club

Statement Date
31 Mar 2022Tax Shop Franschhoek (Pty)
Ltd

Account Number

Telephone number
021 876 2676VAT Number
4020278885

Balance due

Date	Activity	Reference	Due Date	Amount	Payments	Balance ZAR
01 Sep 21	Opening Balance					10,449.25
15 Sep 21	Payment on Invoice # INV-0475	Paid in the office	23 Oct 19		1,600.00	8,849.25
15 Sep 21	Payment on Invoice # INV-2298	Paid in office	07 Dec 20		1,492.70	7,356.55
15 Sep 21	Payment on Invoice # INV-2417	Paid in office	13 Jan 21		55.20	7,301.35
15 Sep 21	Payment on Invoice # INV-2557	Paid in office	10 Feb 21		55.20	7,246.15
15 Sep 21	Payment on Invoice # INV-2779	Paid in office	07 Mar 21		55.20	7,190.95
15 Sep 21	Payment on Invoice # INV-3097	Paid in office	13 Apr 21		400.20	6,790.75
15 Sep 21	Payment on Invoice # INV-3246	Paid in office	12 May 21		1,341.50	5,449.25
30 Sep 21	Invoice # INV-4136	September 2021	17 Oct 21	917.70		6,366.95
31 Oct 21	Invoice # INV-4284	October 2021	11 Nov 21	55.20		6,422.15
12 Nov 21	Invoice # INV-4401	CIPC 2020 & 2021	19 Nov 21	2,090.00		8,512.15
30 Nov 21	Invoice # INV-4475	November 2021	12 Dec 21	952.20		9,464.35

Banking details:

Tax Shop Franschhoek (Pty) Ltd
 Bank: FNB
 Account number: 62347508337
 Branch Code: 210202



Date	Activity	Reference	Due Date	Amount	Payments	Balance ZAR
31 Dec 21	Invoice # INV-4646	December 2021	13 Jan 22	55.20		9,519.55
31 Jan 22	Invoice # INV-4829	January 2022	16 Feb 22	55.20		9,574.75
28 Feb 22	Invoice # INV-5013	February 2022	13 Mar 22	55.20		9,629.95
17 Mar 22	Payment on Invoice # INV-0953	Receipt 83	12 Feb 20		287.50	9,342.45
17 Mar 22	Payment on Invoice # INV-3246	Receipt 83	12 May 21		2,784.70	6,557.75
17 Mar 22	Payment on Invoice # INV-3352	Receipt 83	08 Jun 21		55.20	6,502.55
17 Mar 22	Payment on Invoice # INV-3524	Receipt 83	12 Jul 21		55.20	6,447.35
17 Mar 22	Payment on Invoice # INV-3631	Receipt 83	13 Aug 21		817.40	5,629.95
31 Mar 22	Invoice # INV-5219	March 2022	07 Apr 22	55.20		5,685.15
BALANCE DUE						5,685.15

Pick n Pay

FRANSCHHOEK

021 876 2075/6

CASHIER: SBULELO GATVENI

FM FLOWERS 60	99.99
*AD AFRI CARD NON SEASON	37.50
DUE VAT INCL	137.49

-----TENDER-----

CASH	150.00
ROUNDING	0.09
CHANGE	12.60
TOTAL ITEMS:	2

-----TAX INVOICE-----

	TAXABLE VAL	VAT VAL
VAT INCL	137.49	17.93
# ZERO-RATED	0.00	0.00
e NON-SUPPLY		

-----VAT REG NO. 4070204096-----
 V VITALITY HEALTHYFOOD CASH BACK ITEM

Liquor Lic.: WCP/036277/032166
 PLEASE RETAIN AS YOUR GUARANTEE
 CUSTOMER CARE LINE: 0860 30 30 30
 WEBSITE: www.picknpay.co.za
 THANK YOU FOR SHOPPING WITH US.

-----SMART SHOPPER-----

Smart Shopper card # *****9982
 Rands earned: R0.68
 Rands left to spend: R10.36

*069282 3220 32200229 2 25.08.21 14:49



99910232200020692820



①

	Petty Cash Slip
Date	15/09/21
Paid to	Emile for frame for steelbar
Reason	6570-00

Franschhoek rugby club

Invoice



Alicia accounts- 021 876 4234
Email- bronwenalibolphysio@gmail.com

Bronwen Talbot Physiotherapy
BHF Practice No. 0720000625442
48 Artisans Village
Cabriere Street
Franschhoek
7690

2

Page: 1 of 1
Date: 28/05/2021
Account No.: 000193
Doc.No: AB00002958

Date / time	Codes / NAPP	Patient / Description	In hosp?	ICD	Doc.No	Qty	Amount	Outstanding
28/05/2021	03	Diago Jacobs 11/12/1990						
	501	Rehabilitation		M25.66			238.00	232.00
	405	Mobilization (not spinal)		M25.66			167.00	167.00
	203 0008	Ultrasound		M25.66			56.00	56.00
								455.00

Please settle this account now, to avoid being handed over for collection.
Electronic T/F to Bronwen Talbot Physiotherapy
FNB Bank, MY BRANCH code 256355,
Acct 62772899088 INDICATE NAME OR ACCOUNT NUMBER
Email payment advice to bronwenalibolphysio@gmail.com
Or tear off this slip and mail to PO Box 143,
Franschhoek, 7690
PLEASE ADVISE US IF YOU WANT A RECEIPT MAILED TO YOU

PAID
thank you

48 Artisans Village
Cadriere Street
Franschhoek
7690

Alicia accounts- 021 876 4234
Email- bronwenalbotphysio@gmail.com



Invoice

Franschhoek rugby club

Page: 1 of 1
Date: 09/06/2021
Account No.: 000193
Doc.No: AB00002956

Date / time	Codes / NAPP	Patient / Description	In hosp?	ICD	Doc.No	Qty	Amount	Outstanding
09/06/2021		10 Charles Williams 28/12/1996						
		Attended by: Mrs Bronwen Talbot: Rooms [11]						
701		Evaluation (simple)					167.00	167.00
501 0010		Rehabilitation					119.00	119.00
303 0010		Soft tissue mobilisation					96.00	96.00
401 0008		Spinal mobilisation					83.00	83.00
								465.00

Please settle this account now, to avoid being handed over for collection.
Electronic T/F to Bronwen Talbot Physiotherapy
FNB Bank, MY BRANCH code 255355,
Acct 62772899088 INDICATE NAME OR ACCOUNT NUMBER
Email payment advice to bronwenalbotphysio@gmail.com
Or tear off this slip and mail to PO Box 143,
Franschhoek, 7690

PAID
thank you

No. 65	Date 17 Sept a1
RECEIVED from	F. Hoer Rugby Club
the sum of	920 00
Nine hundred + twenty	
and	
cents	
for	physio
	Bronner
	With Thanks
	Cash

3



FRANSCHOEK

021 876 2075/6

CASHIER: SBULELO GATYENI, N

FM FLOWERS 60 99.99
 AD AFRI CARD NON SEASON 37.50
 DUE VAT INCL 137.49

TENDER
 CASH 150.00
 ROUNDING 0.09
 CHANGE 12.60
 TOTAL ITEMS: 2

TAX INVOICE
 TAXABLE VAL VAT VAL
 137.49 17.93
 # ZERO-RATED 0.00
 e NON-SUPPLY 0.00

VAT REG NO. 4070204096
 V VITALITY HEALTHYFOOD CASH BACK ITEM

Liquor Lic.: WCP/036277/032166

PLEASE RETAIN AS YOUR GUARANTEE

CUSTOMER CARE LINE: 0860 30 30 30

WEBSITE: www.picknpay.co.za

THANK YOU FOR SHOPPING WITH US.

SMART SHOPPER
 Smart Shopper card # *****9982

Outstanding Invoices

5000 00
 en ml sent
 Vrijmoedert Bond

Franschhoek Rugby Klub NPC

15/09/2021

75

W. J. J. J. J.

2500 00

Two thousand and

Franschhoek Rugby club
 08/07/2021

71

(4)

101 3101

The Standard Bank of South Africa Limited (Reg. No. 1982/000739/06) Authorised financial services provider
Die Standaard Bank van Suid-Afrika Beperk (Reg. no. 1982/000739/06) Oorlegde finansiële dienster verskaffer

CASH WITHDRAWAL	AUTOBANK AS41
10H24	
2021-09-15	TRANSACTION DATE
2021-09-15	BUSINESS DATE
*****2096	FROM ACCOUNT
R-5,000.00	AMOUNT WITHDRAWN
R 42,216.88	AVAILABLE FUNDS
R 42,216.88	ACCOUNT BALANCE
A0000000041010	APPLICATION ID
Debit Mastercard	APPLICATION NAME
8000040000	TVR
601003220000	CVR

Transaction record/
Transaksierekord

Standard Bank



	Petty Cash Slip	R 2500
Date	15 / Oct / 2021	
Paid to	Medic 1	
Reason	outstanding Payment feedlies	

ELECTRONIC ACCOUNT PAYMENT
 AUTOBANK 4541
 12H38
 TRANSACTION DATE 2022-02-04
 BUSINESS DATE 2022-02-04
 ACCOUNT *****2096
 AMOUNT PAID R 800.00
 BENEFICIARY NAME: WP RUGBY FOOTBALL
 CUSTOMER REF.: WP RUGBY FOO
 BENEFICIARY REF.: FRANSCHHOEK RUGBY
 APPLICATION ID A0000000041010
 APPLICATION NAME Debit MasterCard
 TVR 8000040000
 CVR 201003220000

The Standard Bank of South Africa Limited (Reg. No. 1992/000738/06) Authorized financial services provider
 Die Standaard Bank van Suid-Afrika Beperk (Reg. no. 1992/000738/06) Gemagtigde finansiële diensteverskaffer

Transaction record/
 Transaksierekord

Standard Bank

6

the. lury we
11 Eldorado sheet

* BIBIS SOFTDRINKS DISTRIBUTORS *
* 23 NEW STREET PAARL *
* TEL: 021 872 2713 Cell: 083 234 3988 *
* VAT:4060108141 *

-YOUR RECEIPT-

Cashier Aslam
Till No 1 Slip No# 26572
Date and Time: 07:23 02-03-22

MARKED FOR DELIVERY

ITEM DESCRIPTION	QTY	PRICE
400ML COKE CLR PRE-PRICED		
# 7594 @ R214.20	5.00	1071.00
400ML FANTA ORANGE PRE-PR		
# 7586 @ R214.20	2.00	428.40
500ML P/ADE M/BLAST NRB X		
# 7865 @ R236.90	4.00	947.60.
Tax1 @ 15.00% on 824.00		123.60.
ITEMS: 11	TOTAL DUE:	2447.00
CASH TENDERED:		2447.00
THANK YOU		



Transaction record/
Transaksiererekord

ELECTRONIC ACCOUNT PAYMENT
AUTOBANK AS41 17H10

TRANSACTION DATE 2022-03-01
BUSINESS DATE 2022-03-01

ACCOUNT *****2096
AMOUNT PAID R 2447.00

BENEFICIARY NAME: BIBIES COOLDRIK
CUSTOMER REF.: BIBIES COOL
BENEFICIARY REF.: FRASNCHOEK RUGBY
APPLICATION ID A0000000041010
APPLICATION NAME Debit Mastercard
TVR 8000040000
CVR 201003220000



Transaction record/
Transaksiererekord

ELECTRONIC ACCOUNT PAYMENT
AUTOBANK AS41 15H41

TRANSACTION DATE 2022-02-08
BUSINESS DATE 2022-02-08

ACCOUNT *****2096
AMOUNT PAID R 5470.00

BENEFICIARY NAME: BIBIES COOLDRIK
CUSTOMER REF.: BIBIES COOL
BENEFICIARY REF.: FRASNCHOEK RUGBY
APPLICATION ID A0000000041010
APPLICATION NAME Debit Mastercard
TVR 8000040000
CVR 201003220000

The Standard Bank of South Africa Limited (Reg. No. 1992/000728/09) authorised financial institution.
Die Standaard Bank van Suid-Afrika Beperk (Reg. No. 1992/000728/09) oorgedien finansiële instansie.

The Standard Bank of South Africa Limited (Reg. No. 1992/000728/09) authorised financial institution.
Die Standaard Bank van Suid-Afrika Beperk (Reg. No. 1992/000728/09) oorgedien finansiële instansie.

ITEM DESCRIPTION	QTY	PRICE
400ML COKE CLR PRE-PRICED		
# 7594 @ R214.20	6.00	1285.20
400ML FANTA ORANGE PRE-PR		
# 7586 @ R214.20	5.00	1071.00
400ML SPRITE LS PRE-PRICE		
# 7811 @ R214.20	5.00	1071.00
500ML P/ADE M/BLAST NRB X		
# 7865 @ R236.90	3.00	710.70.
500ML P/ADE NAARTJIE NRB		
# 1799 @ R236.90	2.00	473.80.
Tax1 @ 15.00% on 1030.00		154.50.
ITEMS: 21	TOTAL DUE:	4611.70
CASH TENDERED:		4611.70
THANK YOU		

MARKED FOR DELIVERY

Cashier Aslam
Till No 1 Slip No# 26575
Date and Time: 08:22 09-02-22

-YOUR RECEIPT-

* BIBIS SOFTDRINKS DISTRIBUTORS *
* 23 NEW STREET PAARL *
* TEL: 021 872 2713 Cell: 083 234 3988 *
* VAT:4060108141 *

11 Eldorado
Sheet
9 Keerom

7



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TAX INVOICE

VAT NUMBER 4430196347

TILL TUPPAARLOS

Clerk 1	#00544900000906	66.00
Coke 2l	2 X 22.00	
Jive 6x2lt	#0000000001563	60.00
Doritos 24x45g	#0000000007635	140.00
Peco Chips 8/BEQ 50x22g	#0060006457845	39.00
Nikna's 50x20g	#00160651080468	40.00
SIMBA CHIPS 24x36g	#0000000007541	140.00
D Lite 61l 2l	#00600066500903	165.00
Bulk Manager 2		
VOID	#00544900000906	
Coke 2l		-22.00
Clerk 1	#00160918800412	70.00
Tex Mint 24s	#00600103700349	46.00
Quilich Liquid Pouch 1x	2 X 23.00	
Sauce and Jam Sauce 2lt	#00600680445010	30.00
Sauce and Jam Sauce 2lt	#00600680445010	30.00
Sauce and Jam Sauce 2lt	#00160066502386	70.00
Gad Lunch Bar 1x24s	#00762220177090	65.00
Gadbury Fuffies 30s	#00600456000061	2.20
Seepo Ity Ma 1x500g	#00600478400187	

2 X 23.00	45.00
#00600980445010	
Sauce and Jam Sauce 2lt	30.00
#00600980445010	
Sauce and Jam Sauce 2lt	30.00
#0016006503386	
Cad Lunch Bar 1x24s	70.00
#00762220477090	
Cadbury Fuffies 30s	65.00
#00600459000061	
Seepo Ityiwa 1x500g	2.20
#00600478400187	
Crackies Asst 1kg	50.00
#00600108738918	
Domestos 6H/4rdy 2x750ml	40.00
#00600304100286	
Sul Vinegar 6 750ml	6.00
#00541258809547	
Frozen Valley Chips 2.5k	135.00
3 X 45.00	
#00541258812544	
Diamond Chips 1x1kg	228.00
12 X 19.00	
36 Total	1,400.20
Taxable 15% VAT	758.43
15% 15% VAT	113.77
Taxable ZERO RATED	528.00
Tendered	1,400.20
CARD	1,400.20

Wednesday 9-2-2022 16:23:00
#000113 L0001

Receive Regular Promotional Updates
by joining us on...
Facebook, Instagram @tupcashandcarry
Whatsapp: 063 065 6777
or Visit.. www.tuponline.co.za
Email: info@tuponline.co.za
Please Check your Goods - No Refunds
Retain till 11/11/2022



MEDICARE EMR

The Pulse of Franschhoek



Page 377

Medicare Emergency Medical Response CC
Unit 56 B Village Artisan, Franschhoek 7690, SA
24h Emergency 074 363 7744 - Office 021 876 4316
info@medicare-emr.co.za
www.medicare-emr.co.za
CK2006/200245/23

Franschhoek Rugby Club
Franschhoek Sportsground
Franschhoek 7690

The electronic version of this document is the original Tax Invoice and any hard copy made is deemed a copy.

INVOICE

Invoice No.	MED012293	Page	1 (1)
Invoice Date	10/02/2022	Your Reference	E-004866
Due Date	10/02/2022	ID Number	
Payment Terms	PIA		
Order No.	10402		
Your Account No.	20744		
Our Reference	Daniële Riffel Rugby day		
Our Contact	Garth Van Zyl		

Notes

*** CASH ON DELIVERY. DO NOT DELIVER WITHOUT COLLECTING PAYMENT ***

Item Code	Description	Quantity Unit	Price	Disc.	Amount
BLSE	Basic Life Support Paramedic with Jumpbag Date 12/02/2022 Times: 12:00-18:00	1.00 HRS	900.00		900.00 N
SUB TOTAL					R 900.00
GRAND TOTAL					R 900.00

AMOUNT TO PAY R 900.00
Due Date 10/02/2022
Invoice No. MED012293
Pay to Bank Account 62694799324
Bank First National Bank

Please use Invoice Number as Payment Reference



Banking Details: Medicare Emergency Medical Response CC,
FNB Business Cheque Account, Account No: 62694799324, BC: 250655

AUTOBANK AS41
 TRANSACTION DATE 2022-02-11
 BUSINESS DATE 2022-02-11
 FROM ACCOUNT *****2096
 AMOUNT WITHDRAWN R-900.00
 AVAILABLE FUNDS R 18,213.62
 ACCOUNT BALANCE R 18,213.62
 APPLICATION ID A0000000041010
 APPLICATION NAME Debit Mastercard
 TVR 8000040000
 CVR 601003220000

CASH WITHDRAWAL
 13H00

Transaction record/
 Transaksiererekord

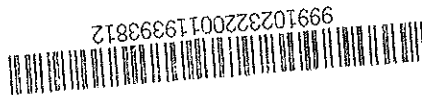
Standard B &

The Standard Bank of South Africa Limited (Reg. No. 1962/000728/06) Authorised financial services provider
 Die Standaard Bank van Suid-Afrika Beperk (Reg. No. 1962/000728/06) Geagteise finansiële dienster verskaffer

Total R100.00

VAT Reg NO : Stellenbosch Municipality TaxRe
 VAT Invc : 089444
 Meter No. : 04244109247
 SGC: 000402 KRN: 1 TI: 01

cut here
 Stellenbosch Municipality



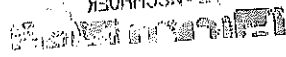
99910232200119393812

Liquor Lic: WCP/030277/032166
 PLEASE RETURN TO: 021 876 2075/6
 CUSTOMER CARE LINE: 021 876 2075/6
 WEBSITE: WWW.DICKSONS.CO.ZA
 THANK YOU FOR SHOPPING WITH US
 MART SHOPPER
 Smart Shopper

VAT INCL HEALTHYFOOD CASH BACK ITEM

VAT INCL	200.00
# ZERO-RATED	0.00
NON-SUPPLY	0.00
TAX INVOICE	200.00
TAXABLE VAL	200.00
TOTAL ITEM	2
821788	
Split Mastercard	300.00
DEPT TAX EXEMPT UTILITY	100.00
CARD-NO04244109247	300.00
DUE VAT INCL	300.00

CASHIER: Yolande Hardeck
 021 876 2075/6
 TRANSCHIEK





Standard Bank

Transaction record/
TransaksierekordELECTRONIC ACCOUNT PAYMENT
AUFGLANK 2541 17H09TRANSACTION DATE 2022-03-01
EFFECTIVE DATE 2022-03-01ACCOUNT 1000002096
AMOUNT PAID R 1600.00CREDIT CARD NAME WP RUGBY FOOTBALL
WP RUGBY FOOTBALL
WP RUGBY FOOTBALLAPPLICATION ID A0000000041010
APPLICATION NAME e-fit MasterCard
IVR 8000040000
EVR 201003220000

The Standard Bank of South Africa Limited Reg. No. 1552/000789009. Authorized financial services provider.
Die Standard Bank van Suid-Afrika Beperk Reg. no. 1552/000789009. Omgeloesse finansiële diensteverskaffer.

4/3/22, 9:03 AM

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Tablet

Samsung

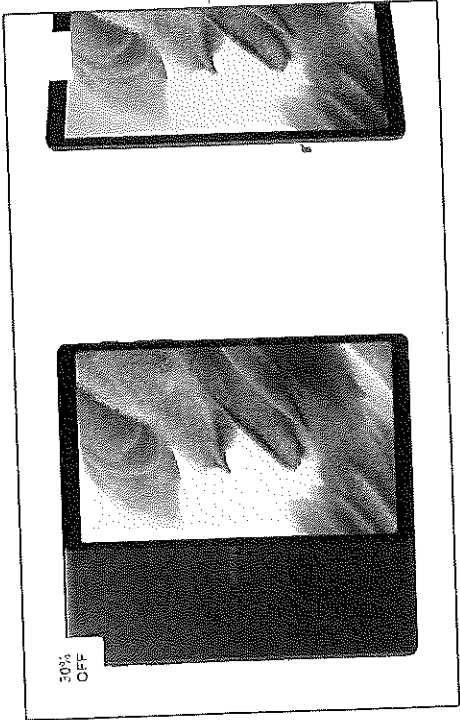
SM-T225NZALFA

4.6 52 Reviews

R 2,988

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Description

Quick Spec

Standard Bank
Transaction record/
Transaksiererekord

CASH WITHDRAWAL
13H00
TRANSACTION DATE 2022-03-31
BUSINESS DATE 2022-03-31
FROM ACCOUNT *****2096
AMOUNT WITHDRAWN R-3,000.00
AVAILABLE FUNDS R 6,906.77
ACCOUNT BALANCE R 6,906.77
APPLICATION ID A0000000041010
APPLICATION NAME Debit MasterCard
TVR 8000040000
CVR 601003220000

The Standard Bank of South Africa Limited (Pty) Ltd, No. 1952/000730/CP, a licensed financial services provider
of the Bank of South Africa (BES) (Incorporated in South Africa)

APPENDIX 15

**Directorate: Community and Protection Services****DOCUMENT ROUTE FORM**

Including "For noting" Reports

DOCUMENT TYPE

ITEM	X	DEVIATION	CONTRACT	REPORT	OTHER
------	---	-----------	----------	--------	-------

SUBJECT: FEEDBACK REPORTS RECEIVED FROM TWO 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S

COMPILED BY:		SIGNATURE	DATE
M AALBERS			23-11-2023
REQUESTED SIGNATORY	SUPPORTED/ NOT SUPPORTED/ APPROVED	SIGNATURE/COMMENTS	DATE
DIRECTOR COMMUNITY AND PROTECTION SERVICES	SUPPORTED/ NOT SUPPORTED	COMMENTS: 	27/11/2023
CFO	SUPPORTED/ NOT SUPPORTED	COMMENTS:	
MUNICIPAL MANAGER	SUPPORTED/ NOT SUPPORTED	COMMENTS:	
MMC	SUPPORTED/ NOT SUPPORTED	COMMENTS: 	28/11/2023
EXECUTIVE MAYOR	APPROVED/ NOT APPROVED	COMMENTS: 	05/12/2023
COLLABORATOR			

7.9.2	STELLENBOSCH LOCAL DRUG ACTION COMMITTEE APPOINTMENT
--------------	---

Collaborator No: 763331
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 March 2024

1. SUBJECT: STELLENBOSCH LOCAL DRUG ACTION COMMITTEE APPOINTMENT

2. PURPOSE

To request the formal appointment of the Stellenbosch Local Drug Action Committee (LDAC).

3. DELEGATED AUTHORITY

For appointment by the Executive Mayor

4. EXECUTIVE SUMMARY

The Stellenbosch LDAC has been launched in 2022 and included the democratic and fair election of an executive committee.

5. RECOMMENDATION

that the elected and mandated members of the Stellenbosch Local Drug Action Committee formally be appointed by the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

The Prevention and Treatment for Substance Abuse Act 70 of 2008 determines in section 60(3) that

The members of a Local Drug Action Committee must be appointed by the Mayor of the Municipality and must consist of—

- (a) officials from government departments represented at local level;
- (b) a member of the South African Police Service nominated by the local police station Commissioner;
- (c) a correctional official nominated by the area Commissioner of Correctional Services;
- (d) a representative from an educational institution in the area nominated by the Mayor of the relevant local municipality;
- (e) a representative from prevention, treatment and aftercare services within

- the municipality nominated by the Mayor of the relevant municipality;
- (f) a representative from the local health authority nominated by the Mayor of
The relevant local municipality;
- (g) a representative of the local business sector nominated by the Mayor of the
relevant local municipality;
- (h) a legal professional from the local community nominated by the Regional
head of the Department of Justice and Constitutional Development; and
- (i) representative from the local traditional authority.

6.2 **Discussion**

Invitations to attend the launch of the Stellenbosch Local Drug Action Committee was sent to representatives of municipal, provincial and national governments, local NGO's and faith-based organisations serving in the Stellenbosch municipal area. The launch was attended by 42 persons and the proceedings was overseen by Mrs Chantelle Pepper, Chair of the Western Cape Substance Abuse Forum.

The following persons was formally and in writing mandated by their respective organisations to represent the organisation on the Stellenbosch LDAC:

Legislative Requirement	Name and Surnam	Organisation	Service Type
Act 70 of 2008 60(3)(a)	Petdro George	DSD	Social Work Supervisor
	Cameron Isaacs	WC Liquor Authority	Liquor License enforcement
Act 70 of 2008 60(3)(b)	Sgt Jason Rhoda	SAPS Stellenbosch	Social Crime Prevention
	Sgt F Swartz	SAPS Cloetessville	Law Enforcement
Act 70 of 2008 60(3)(c)	Attempts are in the process to request Mr A Jephtha from Franschhoek to avail himself.		
Act 70 of 2008 60(3)(d)	Mandy Baartman	WCED	Educational Social Worker
Act 70 of 2008 60(3)(e)	Muriel Koopstad	ABBA Stellenbosch	Substance Abuse counselling and Prevention
	Alison Crosbie	The Mudita Foundation	Substand Abuse Prevention
	Johann von Wielligh	Hesketh King Treatment Centre	In patient Treatment Care
	Russel Kinnear	De Novo Treatment Centre	In patient Treatment Care
	Dr George Herman	Agnieszkas Haven Rehabilitation and Community Centre	In patient Treatment Care
Act 70 of 2008 60(3)(f)	Liesl Sassman	DoH	Hospital Social Worker
Act 70 of 2008 60(3)(g)	Attempts are in the process to nominate a legal liquor licence holder to join the LDAC.		

Act 70 of 2008 60(3)(h)	Codie Cupido	DoJ/NPA	Court Preparation Prosecutor
Act 70 of 2008 60(3)(i)	There are no traditional authorities registered in the WC.		
Local Government	Zingani Tsefu	Stellenbosch Mun	Law Enforcement
	Officer Magwaza	Stellenbosch Mun	Law Enforcement – Neighbourhood Watches
	Deputy Chief Botha	Stellenbosch Mun	Traffic Services
	Priscilla Napoleon	Stellenbosch Mun	Community Development
Faith Based Organisations	P Fray	True Vine Ministries	Faith Based
	Andre Pretorius	Kingdom Gang Movement	Faith Based
	Jolene Wade	Shofar Christian Church Franschhoek	Faith Based
NGO's	Ronell Fritz	StellCare	Child and Family Services
	ACVV Stellenbosch HQ	Simone Hendricks-Wareley	Child and Family Services
	Elza Basson	ACVV Stellenbosch	Child and Family services
	Laylaa Isaacs	ACVV Franschhoek	Child and Family Services
	Shereleen Layman	Care for Kids	Child Care
	Nathalie Skippers	Bergzicht Training	Skills Development
	Mervin Bailey	Cloeteville Senior Citizens	Community Organisation
	Phelisa Sitshoti	Ithemba Community Development Project	Community Organisation
	Nanine Steenkamp	Real Deal	Community Organisation
	Dino Boonzaaier	Making a Difference Development Centre	Community Organisation

6.3. **Financial Implications**

Financial implications as per approved budget for Stellenbosch Municipal initiatives.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

This report has no additional staff implications to the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO OCTOBER COUNCIL: 2023-09-18: ITEM 7.9.2

that the department finalize the names of the mandated members of the Stellenbosch Local Drug Action Committee before it serves at Council.

6.7 Risk Implications

Risks, if any are addressed through the content of the report.

6.8 Comments from Senior Management:

6.8.1 Director Community and Protection Services:

Content noted.

6.8.2 Municipal Manager:

Content noted.

ANNEXURES

Annexure A: Representative mandate letters

Annexure B: Minutes MayCo Meeting 13-09-2023

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	04-12-2023

ANNEXURE A

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	SOCIAL DEVELOPMENT
Name of nominee / representative	Mr PETRO GEORGE
Contact number	021-831-5460
E-mail address	George.Petro@westernape.gov.gh
Name of alternate nominee / representative	NONE
Contact number	-
E-mail address	-

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Western Cape Liquor Authority
Name of nominee / representative	Cameron Isaacs
Contact number	082 6110498
E-mail address	Cameron.isaacs@wcla.gov.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	SAPS
Name of nominee / representative	Sgt. JASON ZHODA
Contact number	079 894 1522
E-mail address	stettenboschcomm@saps.gov.za
Name of alternate nominee / representative	N/A
Contact number	N/A
E-mail address	N/A

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

Fiona Kruywagen

From: Cloetesville Support Services <cloetesville.support@saps.gov.za>
Sent: Thursday, 18 August 2022 14:02
To: Fiona Kruywagen
Subject: [EX] FW: Stellenbosch LDAC Launch Invitation
Attachments: Stellb LDAC Representative Nominations.pdf

Name of Department : South African Police Service

Name of Representative : Sgt F Swarts

Contact number : 082 443 6892

E-mail address : Cloetesville.support@saps.gov.za

Name of alt Representative : WO Sedeman

Contact number : 082 411 2915

E-mail address : Cloetesville.support@saps.gov.za

Kind Regards

Capt A Labuschagne
 Section Commander : Support Services
 Cloetesville
 021 888 5963
 0769000959

From: Cloetesville Support Services
Sent: Wednesday, 17 August 2022 12:32
To: Fiona.Kruywagen@stellenbosch.gov.za
Subject: FW: Stellenbosch LDAC Launch Invitation

2022-08-17

Good morning

Sgt F Swarts will attend the event on behalf of Cloetesville SAPS

Kind Regards

Capt A Labuschagne
 Section Commander : Support Services
 Cloetesville
 021 888 5963
 0769000959

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	WCED
Name of nominee / representative	MANDY BAARTMAN
Contact number	023 348 4666
E-mail address	Mandy.Baartman@westerncape.gov.za
Name of alternate nominee / representative	023 348 4669 ↵
Contact number	Ntubeko Copiso
E-mail address	Ntubeko.Copiso@westerncape.gov.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesle

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	ABBA Stellenbosch
Name of nominee / representative	Muriel Koopstad, Lisette Muller
Contact number	021 883 8030
E-mail address	abba@adept.co.za
Name of alternate nominee / representative	
Contact number	084 784 4066
E-mail address	murielkoopstad@telkomsa.net

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,

Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	The Mudita Foundation
Name of nominee / representative	Alison Crosbie
Contact number	084 857 0450 / 060 509 2098
E-mail address	alison@themuditafoundation.org.za
Name of alternate nominee / representative	Faith Abrahams
Contact number	082 527 6862
E-mail address	faith.socialworker@themuditafoundation.org.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	THE SALVATION ARMY, HESKETH KING TREATMENT CENTRE
Name of nominee / representative	Major Heather Rossouw Mr. Johan van Wielligh
Contact number	(021) 884-4600 / 076 5605261
E-mail address	heather.rossouw@saf.salvationarmy.org johannvw@hesketh.org.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	The Salvation Army Hesketh King Treatment Centre
Name of nominee / representative	Angeline Plaatjies
Contact number	(021) 884 4600
E-mail address	angeline.plaatjies@saf.salvationarmy.org
Name of alternate nominee / representative	Heather Rossouw / Frankie Burgoyne (2024)
Contact number	076 560 5261
E-mail address	hesketh.king@saf.salvationarmy.org

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Klaarfontein - Le Nouvo
Name of nominee / representative	Russel Kinneal
Contact number	084 634 6571
E-mail address	Russel.Kinneal@westerncape.gov.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Agnieszka's Haven Rehabilitation & Community Centre
Name of nominee / representative	Dr. (Pastor) George Herman
Contact number	0748732203
E-mail address	pastorgeoherman@gmail.com
Name of alternate nominee / representative	Prof (Dr) Charlene Cupido
Contact number	0737286829
E-mail address	charlene.cupido@yahoo.com

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,

Charlene

Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	Department of Health Stellenbosch sub-district
Name of nominee / representative	Liesel Sassman
Contact number	021 8086175
E-mail address	liesl.sassman@westerncape.gov.za
Name of alternate nominee / representative	Liesel Soetland
Contact number	021 8086176
E-mail address	liesl.soetland@westerncape.gov.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	DOJ / NPA .
Name of nominee / representative	Coché Cupido
Contact number	021 88 70114
E-mail address	CJCupido@justice.gov.za .
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

Michelle Aalbers

From: Joan Felix
Sent: Friday, 14 July 2023 12:34
To: Michelle Aalbers
Cc: Gavin Solomons; Gawie Botha; Zingani Tshefu; Sakhumzi Magwaza
Subject: RE: Local Drug Action Committee

Good day

As per verbal communication today and Monday, I herewith confirm that Deputy Chief Zingani Tshefu and LE Officer Magwaza are still Law Enforcement representatives for LDAC.

Further to this, I nominate Deputy Chief Botha to be the representative for Traffic Services.



Kind regards,

Joan Felix

Manager :Traffic and Law Enforcement
 Services

T: +27 21 808 8441 | C: +27 73 182 1392

1 Joubert Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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

From: Michelle Aalbers <Michelle.Aalbers@stellenbosch.gov.za>
Sent: Monday, July 10, 2023 8:56 AM
To: Joan Felix <Joan.Felix@stellenbosch.gov.za>
Cc: Zingani Tshefu <Zingani.Tshefu@stellenbosch.gov.za>; Sakhumzi Magwaza <Sakhumzi.Magwaza@stellenbosch.gov.za>
Subject: FW: Local Drug Action Committee
Importance: High

Good morning, Mrs Felix

Below communication has reference. Please confirm the below mentioned members as delegated to attend the LDAC by completing the attached document or provide the names of other officials you wish to serve on this structure. Your feedback is diarised for end of business tomorrow, 11 July 2023.

Regards

Michelle

From: Michelle Aalbers
Sent: Tuesday, May 16, 2023 2:56 PM
To: Joan Felix <Joan.Felix@stellenbosch.gov.za>

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Stellenbosch Municipality
Name of nominee / representative	Priscilla Napoleon
Contact number	021 808 8348
E-mail address	priscilla.napoleon@stellenbosch.gov.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	NPO TRUE VINE MINISTRY
Name of nominee / representative	PATRICK FRAY
Contact number	078 379 6737
E-mail address	PATRICKFRAY40@GMAIL.COM
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesle

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Kingdom Gang Movement
Name of nominee / representative	André Pretorius
Contact number	079 457 0709
E-mail address	andrepret99@gmail.com
Name of alternate nominee / representative	Jacques Trantaal
Contact number	062 604 4386
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	Shofar Christian Church, Franschhoek
Name of nominee / representative	Jolene Wade
Contact number	083 284 7479
E-mail address	jolene.wade@shofaronline.org
Name of alternate nominee / representative	Richard Wade.
Contact number	083 225 8529
E-mail address	richard.wade@shofaronline.org

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	StellCARE
Name of nominee / representative	Ronell Fritz
Contact number	021 887 2816
E-mail address	childcare@mweb.co.za
Name of alternate nominee / representative	Miceala Stubbs Lizelle George Tamsin Nel
Contact number	021 887 2816
E-mail address	childcare@mweb.co.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,

Clackson

Mayor Gesie

*Engelbrecht
Director*

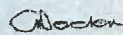
Member

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	ACVV Stellenburch/HQ
Name of nominee / representative	Simone Hendricks - Waleley
Contact number	083 289 9780
E-mail address	simone@acvv.org.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC

Kind regards,



Mayor Gesle

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / institution / Department	ACW - Stellenbosch
Name of nominee / representative	Elza Basson
Contact number	021 - 8833015
E-mail address	elza@acvrstell.org.za
Name of alternate nominee / representative	Jose Kritzing
Contact number	021 - 8833015
E-mail address	Jose@acvrstell.org.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	ACVV Franschoek
Name of nominee / representative	Layla Isdacs
Contact number	021 - 8762670 / 079 8033985
E-mail address	mw1@acvvfrans.org.za
Name of alternate nominee / representative	
Contact number	
E-mail address	

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	NPC Ward 16 Care for Kids
Name of nominee / representative	Sherleen Layman
Contact number	062 576 9139
E-mail address	laymansherleen@gmail.com
Name of alternate nominee / representative	Nto Aruedine Ministries/Patrick Gray
Contact number	078 379 6737
E-mail address	Patrickgray40@gmail.com

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	BELGZICHT TRAINING AND DEVELOPMENT.
Name of nominee / representative	Nathalie Skippers
Contact number	021 883 3525
E-mail address	employ@begzicht.org.za
Name of alternate nominee / representative	Benita Petersen
Contact number	021 883 3525
E-mail address	trainingmanager@begzicht.org.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,

Maarten

Mayor Gesle

members

We would appreciate it if you would respond to this call for nomination by providing the following information:

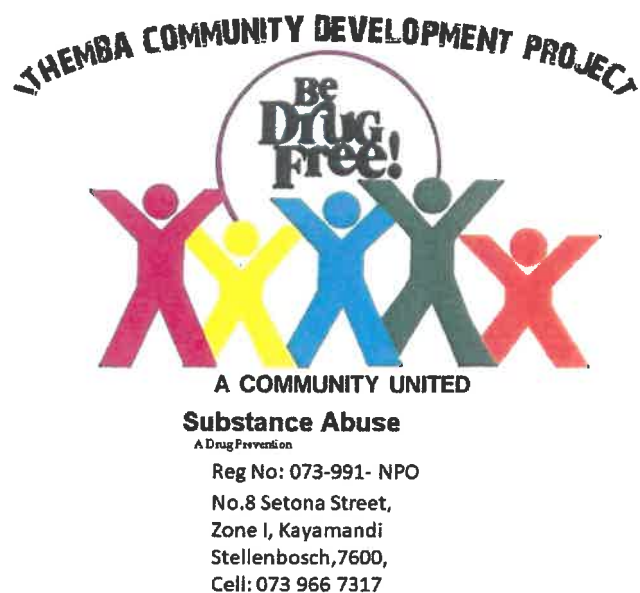
Organisation / institution / Department	CLAYTONVILLE SENIOR CITIZENS
Name of nominee / representative	MERVIN BAILEY
Contact number	0749722244
E-mail address	baileymervin18@gmail.com
Name of alternate nominee / representative	LEVONA IVETT BAILEY
Contact number	0624712254
E-mail address	baileylevona-ivett@gmail.com

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie



27 January 2023

TO: Michelle Albers

RE: RE APPOINTMENT:

The above organization hereby appoints Mrs P. Sitshoti to represent the organization and serve to LDAC.

Please find below a detailed information and contacts for further queries.

N. Mjunga

L. Mananga

Additional member

Secretary

078 728 5950

063 4615210

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	Real Deal Trust
Name of nominee / representative	Nanine Steenkamp
Contact number	012 576 0620
E-mail address	nanine@realdeal.org.za
Name of alternate nominee / representative	Dewald Gouws
Contact number	081 742 8823
E-mail address	dewald@realdeal.org.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,



Mayor Gesie

We would appreciate it if you would respond to this call for nomination by providing the following information:

Organisation / Institution / Department	MAKING A DIFFERENCE DEVELOPMENT CENTRE VICE CHAIRMAN FRANSCHHOEK
Name of nominee / representative	DINO JAMES BOONZAAIER
Contact number	083 680 6763
E-mail address	dinbo41@gmail.com
Name of alternate nominee / representative	AUBREY SEPTEMBER (CHAIRMAN)
Contact number	083 944 1234
E-mail address	info@madskills.co.za

The election of office bearers for the LDAC will take place at a second engagement to be finalised after the launch of the LDAC.

Kind regards,

Clackson

Mayor Gesle

ANNEXURE B

7.9.2	STELLENBOSCH LOCAL DRUG ACTION COMMITTEE APPOINTMENT
--------------	---

Collaborator No:	754433
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	13 September 2023

1. SUBJECT: STELLENBOSCH LOCAL DRUG ACTION COMMITTEE APPOINTMENT

2. PURPOSE

To request the formal appointment of the Stellenbosch Local Drug Action Committee (LDAC).

3. DELEGATED AUTHORITY

For appointment by the Executive Mayor

4. EXECUTIVE SUMMARY

The Stellenbosch LDAC has been launched in 2022 and included the democratic and fair election of an executive committee.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO OCTOBER COUNCIL: 2023-09-18: ITEM 7.9.2

that the department finalize the names of the mandated members of the Stellenbosch Local Drug Action Committee before it serves at Council.

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	27-07-2023

7.10	RURAL MANAGEMENT: (PC: CLLR J JOON)
------	--

NONE

7.11	MUNICIPAL MANAGER
------	--------------------------

7.11.1	ADOPTION OF THE REVISED RISK MANAGEMENT POLICY AS WELL AS THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2023/24 FINANCIAL YEAR
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 March 2024

1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT POLICY AS WELL AS THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2023/24 FINANCIAL YEAR

2. PURPOSE

To submit the Risk Management Policy as well as the Strategic and Operational Risk Register for the 2023/24 financial year to Council for approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders.

To this end, Stellenbosch Municipality has undertaken the practice of adopting a Risk Management Policy which identifies, explains and gives structure to risk management in the Municipality. Due to the changing dynamics in the external environment which impacts municipal services, amendments and revisions had to be done to the Risk Management Policy as necessitated to ensure that the municipalities remain appropriately responsive to the risk environment.

The same approach and diligence are applied by Stellenbosch Municipality with regards to the practice of adopting a Strategic and Operational Risk Register which identifies strategic and operational risks at a corporate level to ensure that risks which could hamper service delivery and the strategic objectives are identified and linked to appropriate actions to mitigate the risks.

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

5. RECOMMENDATIONS

- (a) that Council approves the Revised Risk Management Policy for the 2023/24 financial year; and
- (b) that Council approves the Revised Strategic and Operational Risk Register for the 2023/24 financial year.

6. DISCUSSION

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders.

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

Effective risk management requires a cultural shift in favour of continuous risk identification and mitigation. This requires risk management to be culturally mainstreamed into the general practice of local government at all levels. This Risk Management Policy aims to provide a framework of risk management that enables this.

During the first and second quarters of the current financial year, risk assessments were completed as legislated. The latter are completed to ensure that the risk register is a reflection of the risks that needs to be mitigated and that council are informed.

These risks include (see annexed Risk Register for detail):

Strategic Risks:

- Availability and cost of electricity – moved up to number one.
- Increased risk of land invasion.
- Scarcity of landfill space.
- Business Continuity.
- Climate Change.

Operational Risks:

- Timeous Capital Spending.
- Material misstatements in the AFS that constitutes non-compliance with Section 122 of the MFMA.

6.1 Background

In terms of Section 60 of the MFMA the Municipal Manager must take reasonable steps to ensure that the municipality maintain effective financial and risk management as well as internal controls.

The principal aim of the risk assessments process is to:

- Identify the risks threatening the achievement of the IDP's objectives of each directorate;
- Assess the key risks facing each directorate; and
- Identify the processes / functions / directorates / persons the municipality and top management relies upon to manage the identified risks.
- Align the mentioned risk management process with processes as established by provincial and national government (as communicated to the municipality).

6.2 Financial Implications

The financial impact will be quantified as part of the 2023/24 approved budget and adjustment budget.

6.3 Legal Implications**Section 62 of the MFMA****General Financial Management Functions**

- (1) *The accounting officer of a municipality is responsible for the managing of financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –*
- (a) *That the resources of the municipality are used effectively, efficient and economically;*
 - (b) *That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;*
 - (c) *that the municipality has and maintains effective, efficient and transparent systems–*
 - (i) *of financial and **risk management** and internal control.*

6.4 Staff Implications

None.

6.5 Risk Implications

As indicated in the annexed Risk Management Policy.

6.6 Comments from Senior Management:

Supported.

ANNEXURES

Annexure 1: Revised Risk Management Policy for the 2023/24 financial year;

Annexure 2: Revised Strategic and Operational Risk Register for the 2023/24 financial year.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Helena Priem</i>
POSITION	<i>Chief Risk Officer</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>X8157</i>
E-MAIL ADDRESS	<i>helena.priem@ Stellenbosch.gov.za</i>
REPORT DATE	<i>8 March 2024</i>

ANNEXURE 1

RISK MANAGEMENT POLICY

STELLENBOSCH
MUNICIPALITY

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DOCUMENT REVIEW AND APPROVAL**Previous Updates**

	Reviewer	Date of Review	Council Adoption Date
1.	Nigel Abrahams	June 2012	
2.	Nigel Abrahams	December 2013	December 2013
3.	Helena Priem	June 2015	
4.	Helena Priem	March 2017	
5.	Helena Priem	September 2017	
6.	Helena Priem & Shireen de Visser	October 2018	28 November 2018
7.	Shireen de Visser & Helena Priem	November 2020	
8.	Helena Priem	October and November 2021	30 March 2022
9.	Helena Priem	November 2023	

Contents - Revisions

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6 Objective setting	Guide w.r.t objective setting	15
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1. PREAMBLE / POLICY STATEMENT

The overall objective of *reducing risk* and *optimizing opportunities*, as far as reasonably practical, is to ensure that the municipality successfully realises the strategic objective set to the benefit of the broader community.

The concept of risk in the municipal environment is complex and diverse. The success of a risk management strategy is therefore dependent on all departments working together in a consistent and integrated manner to optimally tackle risk and optimise opportunities for success.

The Stellenbosch Municipality is committed to effective risk management to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community. The municipality is committed to a process of risk management that is aligned to the principles of Leading Practice and recognised Governance Frameworks applicable to local government.

The Risk Management Policy of Stellenbosch Municipality outlines the following:

- mandatory environment for risk management;
- an integrated approach to the management of risk;
- mechanisms to bring the management discipline together;
- management of risks consistent with the approved risk acceptance level; and
- annual risk management framework to identify, report and review prevailing risks.

As part of the risk management framework different risk related or assurance provider functions will align their various goals and reporting processes into one cohesive and structured framework. The municipality's key business risks exposures, whether they are insurable or not, will be identified, assessed, and appropriately managed. The framework considers various risk functions as it determines concepts such as risk tolerance and appetite limits.

Effective risk management is imperative to the municipality, with its diverse key processes and an intrinsic risk profile. The realisation of the municipality's Integrated Development Plan (IDP), strategic goals and objectives depends on all role-players being able to take calculated risks in a way that does not jeopardise service delivery. Sound management of risk will enable all role-players to anticipate and respond to changes in our environment, as well as make informed decisions under conditions of uncertainty and inherent risk.

Management is responsible for the execution of risk management in the achievement of the municipality's strategy. Every employee, partner, contractor, and specialist have a part to play in this important endeavour.

MUNICIPAL MANAGER

Geraldine Mettler

2. INTRODUCTION

Risks are uncertain future events which could influence the achievement of the Municipality's objectives. **Risk** is the chance of an event occurring which will have an impact (usually a threat rather than an opportunity) upon the achievement of the municipality's business objectives. No municipality has the luxury of functioning in a risk-free environment and municipalities are especially vulnerable to risks associated with fulfilling their mandates.

Risk management is the process whereby the Municipal Manager, the Risk Management team and other key members of the senior management proactively, purposefully, and regularly identify and define current as well as emerging *business, financial and operational* risks. This allows them to either simultaneously or with due expedition, identify appropriate and cost-effective methods of mitigating and the exposure to such risk. Stated differently risk management is the identification and evaluation of actual and potential risk areas as they pertain to the Municipality as an entity, followed by a process of either termination, transfer, acceptance (tolerance) or mitigation of those risks through a system of appropriate internal controls and other measures. The risk management process entails the planning, arranging, and controlling of activities and resources to minimise the impacts of all risks to levels that can be tolerated by stakeholders whom the Council has identified as relevant to the Municipality.

Risk management cuts across all levels, functions, and process in a municipality, incorporating human health and safety, security, legal and regulatory compliance, public acceptance, environmental protection, product quality, project management, efficiency in operations, governance, and reputation. Risk management is part of the responsibilities of, not only management, but of all municipal personnel and an integral part of all municipal processes, including strategic planning and all project and change management processes.

The process and practice of risk management should aim to optimise the cost benefits and aim to go beyond compliance for the sake of compliance to a greater focus on value creation. Risk management addresses strategic risks that will prevent the achievement of the objectives of the municipality.

Effective risk management requires a cultural shift in favour of continuous risk identification and mitigation. This requires risk management to be culturally mainstreamed into the general practice of local government at all levels.

Through this revised policy Stellenbosch Municipality puts into practice its commitment to implement risk management and institutionalise a culture of IRM within the municipality. This policy forms the basis for the accompanying IRM Framework and Implementation Plan which is designed to help achieve the objective of implementing an effective IRM process and to ensure compliance with the legislative framework.

3. STRATEGIC INTENT

This Policy seeks to assist Stellenbosch Municipality in ensuring that Good Governance principles with regards to risk management are applied throughout the municipality, thereby establishing an efficient and productive administration that can focus on service delivery. The fundamental principles underpinning this Risk Management Policy will assist the municipality to achieve, among other things:

- more sustainable and reliable delivery of services;
- informed decisions underpinned by appropriate rigour and analysis;
- innovation;

- reduced waste;
- prevention of fraud and corruption;
- better value for money through more efficient use of resources; and

4. OBJECTIVES OF RISK MANAGEMENT

The objectives of risk management are to assist management in making more informed decisions which:

- provide a level of assurance that significant risks are effectively managed;
- enhanced decision making, by promoting a more innovative, less risk averse culture in which calculated risks are taken in pursuit of opportunities to the benefit of the municipality;
- minimisation of fraud and corruption;
- promote a risk awareness ethic in all Departments/Directorates and improve risk transparency to stakeholders;
- transparency to stakeholders;
- improved performance, outputs and outcomes;
- improving the early detection of risks thereby placing management in a better position to effectively deal with new and emerging risks;
- assist management in ensuring more effective reporting, compliance with applicable laws, regulations, and other corporate governance requirements; and
- provide a sound basis for integrated risk management and internal control as components of good corporate governance.

5. REGULATORY CONTEXT

In terms of Section 62 (1) (c) (i) of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (MFMA): -

- (1) The accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure:
 - (c) That the municipality has and maintains effective, efficient and transparent systems;
 - (i) Of financial and risk management and internal control;

The above risk management responsibilities can be delegated to municipal officials in terms of Section 79 (1) (b) of the MFMA.

The above is furthered by MFMA Section 165 regarding internal audit. Section 165: -

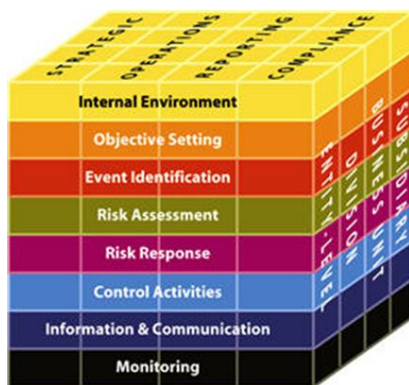
- (a) requires internal audit to follow a risk-based audit plan and Section 165 (2)(b)
- (iv) requires internal audit to advise the Accounting Officer and report to the Audit Committee on risk and risk management.

The risk management practices of Stellenbosch Municipality are furthermore guided by the following frameworks:

- Committee of Sponsoring Organizations of the Treadway Commission: Enterprise Risk Management – Integrated Framework (COSO ERM Framework)
- Public Sector Risk Management Framework (PSRMF)
- King Codes of Governance Principles
- International Organization for Standardization – Standard 31000 (ISO 31000)

The Municipality is continuously implementing new initiatives and redesigning systems and processes to align with the best practices espoused by the risk management frameworks and improve risk management maturity.

The enterprise risk management process comprises eight components:



Enterprise Risk Management Process (COSO ERM Framework)

6. Objective Setting

Objectives are set at the strategic level, establishing a basis for operations, reporting, and compliance objectives. Objectives are to be aligned with the Municipality's risk appetite.

6.1 Strategic Objectives

Objectives are first set at the strategic level, establishing a basis for operational objectives. Once the strategic objectives are identified and approved, the Risk Management Unit facilitates a strategic risk assessment to identify and assess the risk environment associated with each strategic objective.

6.2 Operational Objectives

The operational objectives are identified during the development of the Service Delivery and Budget Implementation Plan (SDBIP) and reflected as a Key Performance Indicator (KPI). The full list of KPIs for 2018-2019 can be found in the Municipality's SDBIP for 2018-2019.

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Risk actions for operational risks should manage the risks in a manner that will ensure the KPIs impacted by risk are achieved.

6.3 Event identification

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Event identification is the process of identifying potential events affecting Stellenbosch Municipality's ability to successfully implement strategy and achieve objectives.

6.3.1 Opportunity Identification

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Events can have positive outcomes too. These events are commonly known as opportunities.

Including opportunities in the risk management of the Municipality will prevent a culture of only focusing on risk events and missing the opportunities among the risks and assist with the creation of a culture of designing risk responses in such a way that it not only focusses on reducing or eliminating the risk but goes beyond and improve or innovate the whole strategic/operational process that is affected by the risk.

6.3.2 Risk Identification

Three processes are followed to identify risks:

1. Structured interviews

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Municipal officials are interviewed about the risks they are aware of and the emerging risks they can think of.

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2. Benchmarking – Top 10 risks in the annual IRMSA Risk Report: South Africa Risks and risk registers of the Cape Winelands District Municipalities

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The risks in the IRMSA Risk Report and risk registers of the other district municipalities are used as a guideline. It is then established whether the risks are applicable to Stellenbosch Municipality.

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3. Annual Risk Assessment Focus Areas

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Focus areas are determined by the Risk Management Unit, based on historical events, future predictions, and engagements at various internal and external platforms.

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6.3.3 Risk Description

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A short, to the point description of the risk must be articulated. For ease, the cause of risk should be established first and secondly the background information related to the risk. The risk description can then be articulated using the cause and background information.

6.3.4 Cause of Risk

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Current and/or potential causes of the risk must be established and included in the risk register.

6.3.5 Risk Background

Supplementary and/or explanatory information is required to enable users of the risk reports, some of whom has no knowledge about the risk, to understand the risk.

6.3.6 Consequences

The potential consequences should the risk materialise must be identified and included in the risk register.

6.3.7 Risk Classification

After the risk has been identified, it can be classified according to its nature.

Stellenbosch Municipality classifies risks in accordance with the regulations and frameworks applicable to government institutions.

6.4 Risk Type

The Municipality can be exposed to different types of risks which may be internal or external to the Municipality.

Internal risks are risks emanating from within the Municipality and over which the Municipality [has largely control](#) over its occurrence.

External risks are risks emanating from outside the Municipality and the Municipality has little or no control over its occurrence.

6.5 Risk Level

Risks have been arranged into five main levels:

- Strategic Risks: Risks that affect the Municipality's ability to achieve its strategic goals, based on strategic planning, corporate or operating structure or business models.
- Operational Risks: Risks associated with the functioning of operational processes, people, information systems and management involved in the daily operations of the Municipality.
- Project Risks: Specific risks associated with the implementation and completion of projects that have or could have a substantial impact on the objectives and/or finances of the Municipality.
- Incident Risks: Risks that come to light / incidentally occur during the financial year but were not captured in the risk register at the time of occurrence.
- Emerging Risks: Newly developing or changing risks which are difficult to quantify, and which could have a significant impact on the Municipality. In some cases, the risk cannot be identified and measured with reasonable accuracy due to a lack of information and/or understanding.

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7. MUNICIPALITY'S RISK MANAGEMENT APPROACH

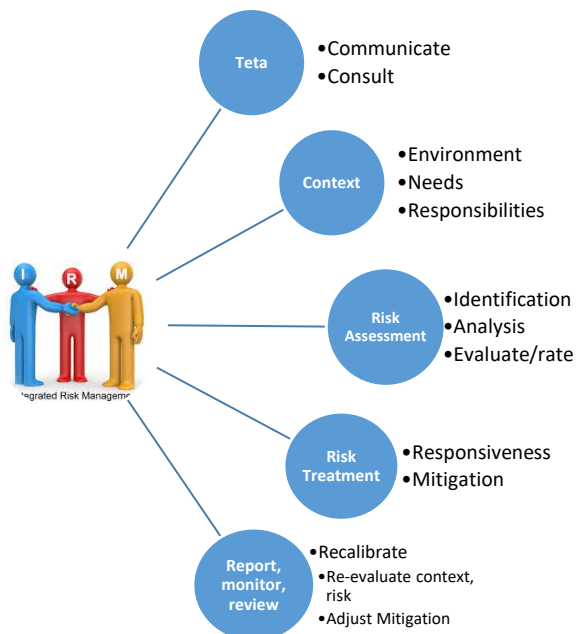
The risk management principles contained in this policy will be applied at both strategic and operational levels within the Municipality.

Our positive approach to risk management means that we will not only look at the risk of activities that could go wrong, but also the impact of not taking opportunities or not capitalising on corporate strengths. All risk management activities will be aligned to the Municipality's aims, objectives, and priorities, and aims to protect and enhance the reputation and standing of the Municipality.

The Integrated Risk Management (IRM) Approach consist of 5 key steps, including:

- i. Communication and consultation;
- ii. Context establishment;
- iii. Risk assessment;
- iv. Risk Treatment; and
- v. Report, monitor and review.

Illustration 1: Integrated Risk Management Approach



7.1 Communication and Consultation

Communication and consultation with external and internal stakeholders should take place during all stages of the risk management process.

7.2 Establishing Context

The environment in which Stellenbosch Municipality functions sets the foundation for the other components of risk management. By understanding the needs, responsibilities, and environment in which the municipality operates, objectives are set. Management then sets goals and objectives to assist in achieving the overall strategic objectives.

7.3 Risk Assessment

The risk assessment stage includes four steps, including, *risk identification*, *risk analysis*, *risk evaluation* and *revision of risks where changes to the risk universe occurred*.

7.3.1 Risk Identification

Risk identification aims to identify future uncertain events from internal or external sources that could affect implementation of the municipality's strategy or achievement of the objectives. These events may have positive or negative impacts, or both. Events do not occur in isolation. One event can trigger another, and events can occur concurrently.

Management should understand how events interrelate. By assessing the interrelationships, one can determine where risk management efforts are best directed.

7.3.2 Risk Analysis

Risk analysis assesses management's confidence in the effectiveness of the control mechanisms driving the various systems (including the IT environment) and processes practiced within the municipality. Internal Controls can be preventative, detective or corrective by nature.

Note: Management evaluates controls to ensure they are still appropriate, relevant, economical (cost effective) and efficient.

7.3.3 Risk Evaluation (Ratings)

Uncertainty around potential future events relevant to Stellenbosch Municipality and its activities are evaluated from two perspectives, namely likelihood and impact which helps to determine the **risk exposure (risk rating)** to the municipality. By calculating the risk exposure (risk rating), management gets to understand the extent to which potential events might impact on their objectives. Stellenbosch uses a 10 by 10 rating scale for impact and likelihood. The inherent risk rating is calculated by multiplying the impact and likelihood ratings of the risk.

Table 1: Impact Rating

When determining the impact rating, the worst-case scenario that could materialise when there is no control intervention considered.

IMPACT RATING		
Rating	Assessment	Description
10	Catastrophic	<ul style="list-style-type: none"> - Critical event resulting in the long-term cessation of the majority or all core organisational activities. - Inability to achieve the Municipality's strategy and objectives. - Requires external support.
9	Critical	<ul style="list-style-type: none"> - Critical event resulting in the long-term cessation of several core organisational activities. - Drastically reduced ability to achieve the Municipality's strategy and inability to achieve the majority of objectives. - Requires intervention from Council.
8	Major	<ul style="list-style-type: none"> - Major event resulting in the long-term cessation of a core organisational activity. - Severely reduced ability to achieve the Municipality's strategy and inability to achieve certain objectives. - Material at organisation level. - Requires intervention from the Municipal Manager and Audit Committee involvement.
7	Significant	<ul style="list-style-type: none"> - Significant long-term disruption of services. - Significantly reduced ability to achieve the Municipality's strategy and objectives. - Requires intervention from the Director.
6	Moderate	<ul style="list-style-type: none"> - Short/medium term disruption of services. - Reduced ability to achieve the Municipality's strategy and objectives. - Requires intervention from the Head of Department.
5	Marginal	<ul style="list-style-type: none"> - Disruption of normal operations/services. - Limited effect on the achievement of the Municipality's strategy and objectives. - Requires intervention from the Line Manager.
4	Immaterial	<ul style="list-style-type: none"> - Irritation in rendering or receiving services. - No material impact on achievement of the Municipality's strategy and objectives. - Can be dealt with by senior staff.
3	Minor	<ul style="list-style-type: none"> - Impact will be coped with in short term through normal operational processes performed by staff.
2	Insignificant	<ul style="list-style-type: none"> - Impact of adverse event is minimal.
1	Negligible	<ul style="list-style-type: none"> - Impact of adverse event has little (if any) impact on services.

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Table 2: Likelihood Rating

When determining the likelihood rating, the likelihood that the risk and its worst impact will materialise when there are no controls in place, is considered.

	LIKELIHOOD RATING	
Rating	Assessment	Description
10	Certain	91%-100% chance of occurring
9	Almost Certain	81%-90% chance of occurring
8	Expected	71%-80% chance of occurring
7	Probable	61%-70% chance of occurring
6	Possible	51%-60% chance of occurring
5	Potential	41%-50% chance of occurring
4	Occasional	31%-40% chance of occurring
3	Remote	21%-30% chance of occurring
2	Improbable	11%-20% chance of occurring
1	Rare	0%-10% chance of occurring

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The rating determines the risk exposure. Through this management gets to understand the extent to which potential events might impact on their objectives on a scale from 1 as a minimum and 100 as a maximum.

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Table 3: Inherent Risk Exposure

Inherent Risk Exposure: The inherent risk exposure is determined by comparing the inherent risk rating against the risk appetite.		
INHERENT RISK EXPOSURE		
Inherent Risk	Magnitude	Definition
0 – 25	Low Risk	Level of inherent risk is within the risk appetite – Low level of control intervention required, if any.
26 – 50	Moderate Risk	Unacceptable level of risk – Moderate level of control intervention required to achieve an acceptable level of residual risk.
51 – 75	High Risk	Unacceptable level of risk – High level of control intervention required to achieve an acceptable level of residual risk.
76 – 100	Extreme Risk	Extreme level of risk – Immediate level of control intervention required to achieve an acceptable level of residual risk.

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Table 4: Current Control Effectiveness

Current controls' effectiveness in mitigating risks is assessed on a 0-1 reduction scale. The more effective the control, the more it mitigates the inherent risk and the less is the residual risk.

The residual risk rating is calculated by multiplying the inherent risk rating with the current control effectiveness rating.

Current Control Effectiveness Ratings: Effectiveness of mitigating risks is assessed on a 0-1 reduction scale. The more effective the control, the more it mitigates the inherent risk and the less the inherent risks.

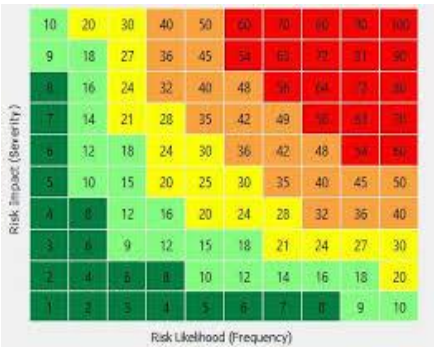
Effectiveness	Qualification Criteria	Rating
Very Effective	Controls are pro-actively managing the risk causes and impacts, preventing the risk from materialising and or rare occasions when the risk does materialise. The impact is minor .	0.2
Effective	Controls are managing the risk causes and impacts as planned and result in effective risk mitigation .	0.4
Moderately Effective	Controls are managing the risk causes and impacts to some extent, but its risk mitigation effect is inadequate .	0.75
Only Inherent Controls in place	Common, non-designed controls that exist in the normal course of operations, resulting in inherent risks remaining unchanged .	1

Table 5: Residual Risk Exposure

The residual risk exposure is determined by comparing the residual risk rating to the risk appetite of the Municipality.

Current Control Effectiveness: The more effective the control, the more it mitigates the inherent risk which effectively result in decreased residual risk.		
CONTROL EFFECTIVENESS		
Effectiveness	Qualification Criteria	Rating
Very Good	Risk exposure is effectively controlled and managed	0 – 25
Satisfactory	Majority of risk exposure is effectively controlled and managed	26 – 50
Weak	There is room for some improvement	51 – 75
Unsatisfactory	Some of the risk exposure appears to be controlled, but there are major deficiencies	76 – 100

Table 6: Risk Matrix (10X10)



A risk matrix is a matrix that is used during risk assessment to define the level of risk by considering the category of probability or likelihood against the category of consequence severity. This is a simple mechanism to increase visibility of risks and assist management decision making.

It is very important for a management to understand the risk exposure to the municipality to base decisions on calculated risks. This assists the municipality to continuously deliver services despite risks. However, a management must also decide how much risks the municipality is able to absorb when deciding an appropriate mitigations strategy.

7.3.4 Risk Appetite

It is not always efficient to manage risks to zero residual risk or very low residual threshold because of the time, cost and effort that will be required, and which could result in the cost / benefit dynamics to become skewed. On the other hand, it is also poor management practice to accept risks which create unnecessary exposure for the institution. The risk appetite should be directly related to

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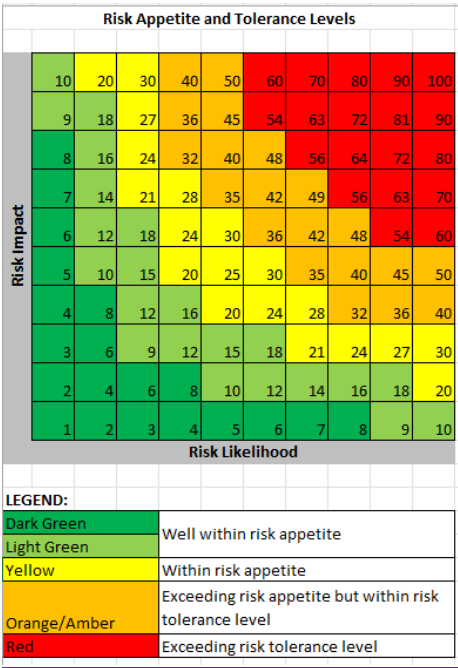
the strategy setting of the Municipality. The risk appetite should enable consistency in decision making at all levels through improving risk understanding.

It should also improve the ability of the Audit & Performance, Audit Committee and the Risk & Fraud Management Committee to challenge recommendations and/or action plans of management/risk champions by providing a benchmark of what level of risk is defined as acceptable, and therefore should derive real value from the assessment of risk over and above compliance purposes.

The Stellenbosch Municipality has set its risk appetite level at 31 residual rating (Impact X Likelihood) and the risk tolerance level at 51. Any risk with a residual rating between 31 – 50 is exceeding the risk appetite and any risk with a residual rating of 51 and higher is exceeding the risk tolerance levels.

The Municipality has committed itself to aggressively pursue managing risks to be within its risk appetite to avoid exposures to losses and to manage actions that could have a negative impact on the reputation of the Municipality.

This risk appetite and tolerance levels are illustrated in the Heat Map below:



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7.3.5 Cost of Controls

The cost of controls includes all costs associated with maintaining the current controls for the financial year. Costs associated with replacing the controls when it reaches the end of its useful life are apportioned across financial years according to the expected useful life of the control components.

Implementation costs are not included in the cost of controls. The current controls are already in place and the implementation costs have been incurred in the past.

7.3.5.1 Cost of Risk vs Cost of Controls

The cost of controls is adjusted for its effectiveness and compared to the financial exposure of the risk as indicated by the following formula:

$$\text{financial exposure} - [\text{cost of controls} \times (1 + \text{current controls effectiveness rating})]$$

A positive value indicates that the cost of controls is less than the financial consequences of the risk (value creation). A negative value indicates the cost of controls is more than the financial consequences of the risk (value destruction) and a review of controls is required to align the cost of controls with the cost of risk.

7.3.5.2 Controls Cost Effectiveness

The controls cost effectiveness is calculated by comparing the value of the cost of controls vs cost of risk against the financial exposure and expressing it as a percentage.

This figure can be seen as the Municipality's return on investment in the control environment since the Municipality is investing money to maintain the control environment and expecting a return in the form of prevented financial losses.

The controls cost effectiveness figure allows the Municipality to compare the costs of controls of risks of different magnitude to determine whether the controls are cost effective in relation to the cost of the risk. This can be used to allocate funds to improve the control environment where it will reap the most financial benefits.

7.4 Risk Treatment

This component aims to identify and evaluate possible responses to the risk exposures or risk incidents that are rated equal or above the municipality's risk acceptance level. The risk acceptance level (RAF) helps determine the most appropriate response to bring risks back to an acceptable level.

7.5 Risk Response

Having assessed relevant risks, management determines how it will respond to align the risks with the Municipality's risk appetite and risk tolerance, in other words how to bring the residual risk rating within acceptable levels.

7.5.1 Type of Response

Risk responses fall in one or more of the following categories:

- Avoidance – avoiding the risk, e.g. by choosing a different strategy or terminating the activity that produces the risk;
- Treatment – treating the risk, e.g. by implementing or improving the internal control system;
- Transfer – transferring the risk to another party more competent to manage it, e.g. contracting out services, establishing strategic partnerships and buying insurance;
- Acceptance – accepting the risk where cost and strategy considerations rule out alternative strategies.
- Exploit – exploiting the risk factors by implementing strategies to take advantage of the opportunities presented by such risk factors.

7.5.2 Risk Action Plans

The action plans to reduce the risk (referred to as risk actions) are developed according to the following criteria:

Residual Risk Level	Risk Actions
Unsatisfactory	The current controls are not effective at mitigating the risk. Comprehensive action is required, which can include new controls, enforcing current controls more strictly and redesigning the systems and processes to eliminate the cause(s) of the risk.
Weak	The current mitigation of the risk is adequate, but the control environment should be improved. The current controls should be enforced more strictly and/or new controls should be implemented.
Satisfactory	Current controls should be continuously monitored and evaluated for effectiveness. Any deficiencies identified should be addressed immediately or result in the creation of an additional risk action.
Very Good	All current controls are in place although continuous monitoring and discussion will assist in the risk assessment process.

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The proposed risk actions must be practical. The person responsible for the implementation of the risk action, referred to as the risk action owner, must have or be able to obtain the funds, personnel, assets, skills, and time required to implement the risk action.

Additionally, the future cost of controls when the risk action has been implemented must be calculated to determine the effect on the cost of controls vs cost of risk. Risk actions that will result in a negative value should not be implemented unless it mitigates material risks of a non-financial nature.

7.5.3 **Implementation of Risk Actions**

Along with the development of the risk action, the estimated timeframe to implement the risk action must be determined. The implementation of risk actions for risks with high likelihoods or high impacts should be fast-tracked.

The risk action owner is responsible for the implementation of the risk action and can delegate responsibilities to other staff and engage with internal and external role players to successfully complete the risk action on time.

Risk action plans should be tracked and progress should be added on a quarterly basis to ensure risks are mitigated accordingly.

7.6 **Control Activities**

Policies and procedures are established and implemented by the Municipal Manager, Senior Management, Management, and the Risk Management Unit to help ensure the risk responses are effectively carried out. Control activities occur throughout the Municipality, at all levels and in all functions. They include a range of activities as diverse as approvals, authorisations, verifications, reconciliations, reviews of operating performance, security of assets and segregation of duties.

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7.7 **Reporting, Monitoring and Review**

Risk management changes over time. Risk responses that were once effective may become irrelevant; control activities may become less effective, or no longer be performed; or the municipality's objectives may change. This can for example be due to the arrival of a new Council or new officials, changes in the municipality's organisational structure or direction, or the introduction of new processes and even external changes. In the face of such changes, management needs to determine whether the functioning of each risk management component continues to be effective.

The system of enterprise risk management is monitored, and modifications made if necessary. This is accomplished through ongoing monitoring activities, separate evaluations, or a combination of the two.

Monthly monitoring occurs in the normal course of management activities. The Risk Management Unit monitors the enterprise risk management of the Municipality on an ongoing basis.

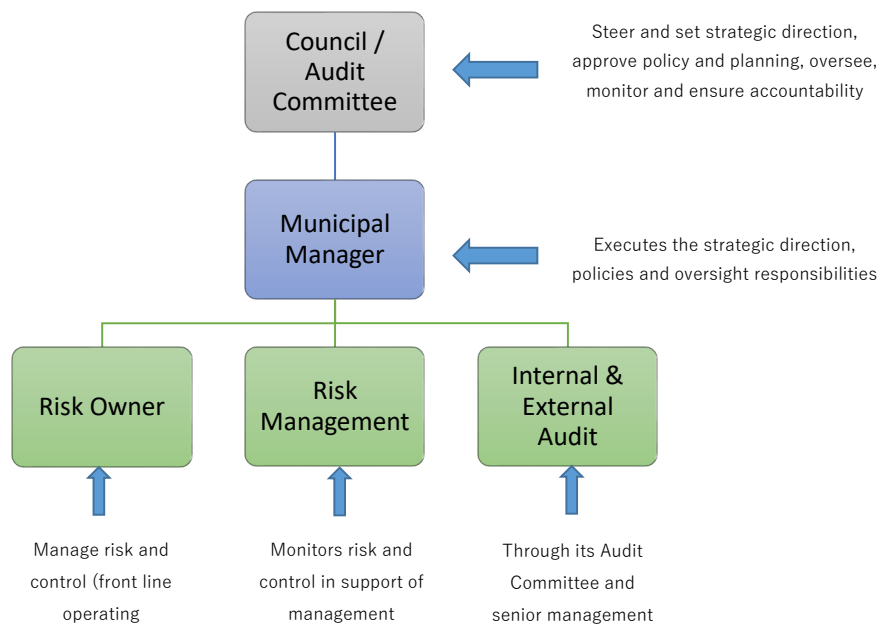
The scope and frequency of separate evaluations will depend primarily on an assessment of risks and the effectiveness of ongoing monitoring procedures. The Risk Management Unit and Internal Audit can perform separate evaluations.

8. **LINES OF ASSURANCE**

In principle there are 5 lines of assurance applicable in a municipal risk management context. Each of the five lines plays a distinct role within the municipality's wider governance framework. When each performs its assigned role effectively, it is more likely the municipality will be successful in achieving its overall objectives. Everyone in a municipality has some responsibility for internal control, but to

help assure that essential duties regarding risk management are performed as intended. Effective assurance mechanisms ultimately places Council in a position to increasingly receive unbiased information about the municipality's most significant risks and about how management is responding to those risks.

Illustration 1: The five lines of assurance:



9.ETHICS IN RISK MANAGEMENT

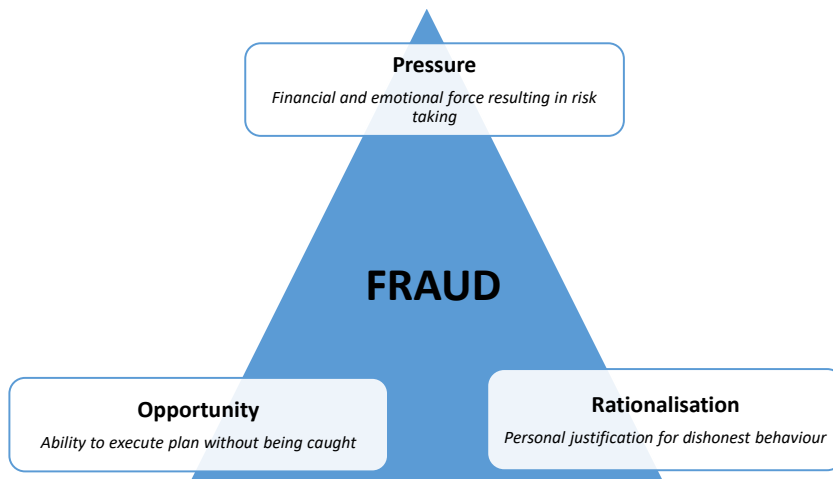
Risk management, even when software is used, is performed by humans. The effectiveness of risk management activities is directly influenced by the ethical behaviour of the people responsible for risk management, which includes their professionalism and commitment in executing their risk management responsibilities.

A lack of ethics is a contributing factor to a variety of risks, either being the cause of the risk itself or the cause of ineffective control measures.

Therefore, risk management initiatives can only be successful in an environment of ethical behaviour with adequate ethics risk management processes. It is found in many organisations that despite people being aware of relevant procedures, poor ethics will continue to result in fraudulent conduct.

THE FRAUD TRIANGLE

A framework for spotting high risk fraud situations



There are multiple reasons for people to take the risk of conducting fraud, which can include, amongst other things:

- Poor internal controls
- Poor training
- Poor supervision
- Lack of action against perpetrators
- Ineffective programs and policies
- Weak Ethical culture

10. ROLE PLAYERS IN RISK MANAGEMENT PROCESS

Every person within Stellenbosch Municipality has a role to play in the risk management process. The primary responsibility for identifying and managing risks lies with management.

10.1 Municipal Council

The Municipal Council takes an interest in risk management to the extent necessary to obtain comfort that properly established and functioning systems of risk management are in place to protect Stellenbosch Municipality against significant risks.

10.2 Audit & Performance Audit Committee

The committee is independent and responsible for oversight of the municipality's control, governance, and risk management. The committee's primary responsibility is providing an independent and objective view of the effectiveness of the Municipality's risk management process.

The chairperson of the Risk & Fraud Management Committee takes responsibility for reporting risks management within Stellenbosch Municipality to the Audit & Performance Audit Committee on a quarterly basis.

10.3 Risk & Fraud Management Committee (RFMC)

The Risk & Fraud Management Committee is headed up by the Accounting Officer of the Municipality. The members of the RFMC is appointed by the Accounting Officer (chairperson) and consists of the Directors (members), Chief Risk Officer and the Chief Audit Executive (invitee). A member of the Audit and Performance Committee as appointed by the committee will now be part of and a member of the Risk and Fraud Committee.

The role of the Risk & Fraud Management Committee (RFMC) is to review the risk management progress and risk management maturity, the effectiveness of risk management activities, the key risks facing the municipality and the responses to address these key risks.

The role of the RFMC is to:

- adopt a strategic risk register annually outlining the key risks the municipality is exposed to and collectively determine the risk exposure prevalent and recommend acceptable levels of risk;
- consider the operational risks of each department;
- consider risks identified on a quarterly basis and advise the committee on necessary changes to the identified risk, mitigation strategy to the strategic risks;
- recommend financial consideration to Finance in the identification of critical investment needs when managing identified risks;
- advise Council on the strategic and operational risks prevalent.

10.4 Risk Management Implementers

The risk implementers occupy key positions at all levels throughout the organisation, owning various processes in the realisation of the strategic goals of the municipality and providing different roles of assurance.

10.4.1 Accounting Officer (Municipal Manager)

The Accounting Officer is ultimately responsible for risk management within the Municipality. By setting the tone at the top, the Accounting Officer promotes accountability, integrity and other factors that will create a positive control environment.

10.4.2 Directors / Risk Owners

Directors support the Municipality's risk management philosophy, integrating it into operational routines of their directorates and manage and monitor risk within their areas of responsibility.

They play a critical role as risk owners as well as risk champions. They are ultimately accountable for the risk management at a strategic (corporate) level and of the risks in their directorates.

10.4.3 Senior Management / Risk Champions

Senior Management has the responsibility to integrate the risk management strategy and policy into their department's operational routines. To do this they must champion risk management in their respective departments.

The risk champion's primary responsibilities are to intervene when risk management efforts are being hampered and to provide guidance and support on the management of problematic risks and risks of a transversal nature that require the involvement of multiple people to address.

10.4.4 Middle Management / Senior Officials / Action Owners

Middle management and senior officials have the responsibility to implement the plans to mitigate the risks, known as risk action plans. They are therefore the action owners.

Action Owners implement the responses to the risks identified in the risk assessment.

10.5 Integrated Risk Management Unit

The Risk Management Unit resides within the office of the Municipal Manager, who is also the chairperson of the Risk & Fraud Management Committee. The Chief Risk Officer has delegated authority for ensuring that risk management functions at all levels of the municipality, on behalf of the Municipal Manager.

The Risk Management Unit is therefore responsible for:

- Implementing a framework of risk management within the municipality;
- Supporting the Risk & Fraud Management Committee to implement, review and provide effective oversight into the implementation of the risk management framework at all levels of the municipality;
- Providing coordination and facilitation support to all departments in the development and implementation of the risk management framework;
- Reporting on the implementation of the strategic and operational risk registers to the RFMC on a quarterly basis.

10.5.1 Chief Risk Officer

The Chief Risk Officer is the custodian of the risk management strategy and coordinator of risk management activities throughout Stellenbosch Municipality. The Chief Risk Officer supports the municipality to structure and embed risk management and leverage its benefits to enhance performance.

The primary responsibilities of the Chief Risk Officer are to bring to bear his/her specialist expertise to assist Stellenbosch Municipality to embed risk management and leverage its benefits to enhance performance. With reference to the risk governance, this will more specifically include:

- a. Working with senior management to develop the vision for risk management and risk management philosophy;
- b. Developing, in consultation with management, the municipality's risk management framework incorporating:
 - i. Risk management strategy;
 - ii. Risk management policy;
 - iii. Risk identification and assessment methodology;
 - iv. Risk appetite and tolerance; and
 - v. Risk classification

10.6 Risk Management Assurance Providers

10.6.1 Internal Audit Services

The core role of Internal Audit Services in risk management is to provide an independent, objective assurance to the Accounting Officer, Municipal Council, Risk & Fraud Management Committee, and the Audit & Performance Audit Committee on the effectiveness of risk management. Internal Audit Services also assists in bringing about a systematic, disciplined approach to evaluate and improve the effectiveness of the entire system of risk management and provide recommendations for improvement where necessary. Internal Audit Services must determine whether the risk management process is efficient and effective.

10.6.2 External Auditor / Auditor-General of South Africa (AGSA)

The Auditor-General provides an independent opinion on the effectiveness of risk management. In providing an opinion the Auditor-General focuses on:

- Determining whether the risk management strategy, policy and implementation plan are in place and appropriate;
- Assessing the implementation of the risk management strategy, policy and implementation plan;
- Reviewing the risk assessment process to determine if it is sufficiently robust to facilitate timely and accurate risk rating and prioritisation;
- Determining whether management action plans to mitigate the key risks are appropriate and [implemented](#) effectively.

11. RISK UNIVERSE

Many risks are universal, affecting other institutions as well. The universal nature of these risks can enable the Municipality to compare its risk register with the risk registers of other institutions to identify risks that may have been missed in the initial risk assessment and learn more about the mitigation strategies of others, to incorporate it into the risk management of the Municipality.

The Municipality's risk register is compared with the annual IRMSA Risk Report: South Africa Risks and the risk registers of the other municipalities that are part of the Cape Winelands District Municipality.

12. INTEGRATION OF RISK MANAGEMENT PLANS/POLICIES

There are many separate plans and policies available that individually deal with fraud, IT, occupational health and safety, disaster management and compliance. These plans and policies contain risk information and risk mitigation plans.

All the different risk information and mitigation plans should be integrated into a single risk register, to provide a detailed and complete profile of the Municipality's risks.

13. COMBINED ASSURANCE

Combined assurance will optimise and maximise the level of risk, governance, and control oversight over the Municipality's risk landscape, by integrating, coordinating, and aligning the risk management and assurance processes within the Municipality.

A Combined Assurance Model for the top 10 strategic and operational risks will be created and updated quarterly to ensure the Municipality's most significant risks receive adequate assurance.

The combined assurance activities of the Municipality will be conducted in accordance with the Combined Assurance Framework.

14. BUSINESS CONTINUITY

Business continuity is an integral part of risk management.

In the event of extended service outages caused by factors beyond the Municipality's control, the Municipality must be able to restore services to the widest extent possible in a minimum time frame.

A Business Continuity Framework is in place to direct business continuity activities, including impact analysis, plans, governance structures and quality [assurance](#).

15. REPORTING, MONITORING & REVIEW

The [Chief Risk Officer](#) is responsible for the monitoring and revision of this policy. The policy shall be revised and approved by Council when operational needs require this, but at least once during every term of Council.

Any queries or requests for amendments relating to this policy should be directed to the Chief Risk Officer, Tel No. 021 – 808 8157 or e-mail helena.priem@stellenbosch.gov.za.

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8.16. DEFINITIONS AND ABBREVIATIONS

Definition		Explanation
Accounting Officer		Municipal Manager
AGSA		Auditor General of South Africa
Audit and Performance Committee		An independent committee constituted to review the control, governance, and risk management within the Institution, established in terms of section 77 of the PFMA, or section 166 of the MFMA
Chief Risk Officer		Senior official who is the head of the risk management unit
Combined Assurance		Integrating and optimising all assurance services and functions, so that taken as a whole, these enable an effective control environment, support the integrity of the information used for decision-making by management, the municipal council, and its committees to maximise risk and governance oversight and control efficiencies, and optimise overall assurance to the audit and risk committee, within the municipality's risk appetite.
Control		Control activities are the policies and procedures that help ensure that management's risk responses are carried out. Control activities occur throughout the municipality, at all levels and in all functions. They include a range of activities as diverse as approvals, authorisations, verifications, reconciliations, reviews of operating performance, security of assets and segregation of duties.
Enterprise Management	Risk	A process, effected by the municipality's accounting officer, management, and other personnel, applied in strategy setting and across the enterprise. It is designed to identify potential events that may affect the municipality and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of municipal objectives.

Definition		Explanation
Ethics		Ethics has to do with defining what is meant by right and wrong or good and bad, and with justifying according to some rational system.
Event		<i>means</i> an incident or occurrence from internal or external sources that affects the achievement of the municipality's objectives.
Good Governance		The process whereby public institutions conduct public affairs, manage public resources, facilitate development, and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law and principles of ethics.
Impact		<i>means</i> a result or effect of an event. The impact of an event can be positive or negative. A negative event is termed a "risk".
Inherent		refers to the impact that the risk will have on the achievement of objectives if the current controls in place are not considered.
Internal Auditing		An independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
Integrated Management	Risk	A continuous, pro-active, and systematic process to understand, manage and communicate risk from a municipal-wide perspective in a cohesive and consistent manner. It requires an ongoing assessment at every level and in every sector of the municipality, aggregating these results at the executive level, communicating them, and ensuring adequate monitoring and review.
King IV Report		King 4 report on corporate governance in South Africa, 2016, and specifically part 6.2: Supplement for municipalities.

Definition	Explanation
Likelihood/probability	<i>means the probability of the event occurring.</i>
Mitigation/Treatment	After comparing the inherent risk score with the risk appetite and tolerance, risks with unacceptable levels of risk will require treatment plans (additional action to be taken by management)
MFMA	Municipal Finance Management Act (Act No. 56 of 2003)
Operational Risks	Operational risks could include the risk of loss resulting from inadequate or failed internal processes, people, and systems, or from external events. This would typically include risks associated with business continuity; fraud; people; processes and systems.
Risk	Risk is about the uncertainty of events, including the likelihood of such events occurring and its effects, both positive and negative, on the achievement of the municipality's objectives. Risks include uncertain events with a potential positive effect on the municipality (i.e. value creation opportunity) not being captured or not materialising.
Risk Acceptance Level (RAF)	Risk appetite can be defined as the amount and type of risk that a municipality is willing to accept to meet their strategic objectives. Municipalities will have different risk appetites depending on their maturity, location, culture, and objectives. A range of appetites exist for different risks, and these may change over time.
Risk Appetite	Risk appetite can be defined as the amount and type of risk that a municipality is willing to accept to meet their strategic objectives. means the amount (level) of risk the municipality is willing to accept.
Risk Champion	A person who by virtue of his/her expertise or authority champions a particular aspect of the risk management process, but who is not the risk owner.

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Definition	Explanation
Risk Management	Risk management is a systematic process to identify, evaluate and address risks pro-actively and continuously before such risks can impact negatively on the municipality's service delivery.
Risk Management Unit	A business unit responsible for coordinating and supporting the overall Institutional risk management process, but which does not assume the responsibilities of Management for identifying, assessing, and managing risk.
Risk & Fraud Management Committee	A committee appointed by the Accounting Officer / Authority to review the Institution's system of risk and fraud management.
Risk Owner	The person accountable for managing a particular risk.
Residual Risk	The remaining exposure after the mitigating effects of deliberate management intervention(s) to control such exposure (the remaining risk after Management has put in place measures to control the inherent risk).
Risk Policy	The statement of the overall intentions and direction of a municipality related to risk management.
Risk Tolerance	The amount of risk the Institution is capable of bearing (as opposed to the amount of risk it is willing to take).
Risk Universe	means the municipality's risks per risk classification compared and assessed against district, provincial, national, and international related industries.
Strategic Risks	Strategic risks are those internal and external events and scenarios that can inhibit a municipality's ability to achieve its strategic objectives. This would typically include risks associated with governance, the business model, and the industry/ economic environment.

Definition	Explanation

ANNEXURE 2

STELLENBOSCH MUNICIPALITY															 STELLENBOSCH STELLENBOSCH • STADS • VERVALTING WEDEROPBOUW • ONWIKSKE • WEDEROPBOUW							
REVISED RISK REGISTER 2023/2024																						
Risk															Control		Action Plan					
Risk Title	Risk Description	Risk Category	Risk II	Risk II Description	Risk IL	Risk IL Description	Risk IR	Risk IR Description	Risk RI	Risk RI Description	Risk RL	Risk RL Description	Risk RR	Risk RR Description	Control Title	Action Plan Title	Action Plan Description	Action Plan Current Status Summary	Action Plan Status	Action Plan Start Date	Action Plan Due Date	
Availability and cost of electricity	Continuous and persistant loadshedding; sustainability of the national power supplier	Strategic	10.00	Catastrophic	10.00	Certain (91% - 100%)	100.00	Extreme Risk	10.00	Catastrophic	10.00	Certain (91% - 100%)	100.00	Extreme Risk	Alternative energy sources that flows in to network. Example: Wheeling of energy and pool buying of electricity							
															Alternative energy sources that flows in to network. Example Rooftop Solar Installations, and Municipal Energy Resilience Project with DEDAT.	Alternative Electricity Generation Initiative Underway. Resourced by Internal Project Manager. Energy Master Plan completed by CSIR (with funding from DEDAT). Electrical Master Plan underway. Cost of Supply Study underway (Consultant appointed). Feasibility study of battery storage underway at present via Stellenbosch University.		In progress	2023/02/13	2028/06/30		
															Encourage public to install rooftop PV's			In progress	2023/06/21	2028/06/30		
															Purchase electricity from IPP			In progress	2023/06/21	2028/06/30		
															Request proposals to generate own electricity			In progress	2023/06/21	2028/06/30		
														Take part in Western Cape Energy resilient initiative				In progress	2023/06/21	2028/06/30		
Economic downturn due to civil unrest, crime and continious loadshedding.	Increase in criminal activities, civil unrest, reputational risk due to perceived increase in the said activities. Impact of prolonged loadshedding - not sufficient light at night as street lights, CCTV cameras and traffic lights not functioning that can lead to more criminal activities.	Strategic	10.00	Catastrophic	8.00	Expected (71% - 80%)	80.00	Extreme Risk	6.32	Moderate	5.06	Potential (41% 50%)	32.00	Moderate Risk	Close relationships with SAPS and other law enforcement agencies							
															Combined control room							
															Combined SSI							
															Strategic camera placings							
															Frequent meeting interventions				In progress	2023/06/21	2024/06/30	
Increase in community unrest due to the fact that growth in demand for housing exceeds the resources available for development.	Lack of bulk infrastructure; lack of identified and suitable land, unrealistic eviction judgements, housing backlogs, migration.	Strategic	8.00	Major	8.00	Expected (71% - 80%)	64.00	High Risk	6.93	Moderate	6.93	Possible (51% - 60%)	48.00	Moderate Risk	Emergency policy							
															Housing pipeline							
															Increased monitoring for illegal occupants.							
															TRA identification							
															Develop and implement an Integrated Human Settlement Communications Plan	Develop and implement an Integrated Human Settlement Communications Plan	Development of an Integrated Human Settlement Communications Plan has been initiated.	In Progress	2023/07/01	2024/06/30		
														Ensure implementation of an annually reviewed Housing Communication Plan (Ensure that clarity is provided on the Municipality's Housing Delivery Strategy and Targets).				In Progress	2023/06/21	2024/06/30		
														Improve internal buy-in to annual housing pipeline development process	Improve internal coordination and buy-in and comment on the annual housing pipeline development process.	Improved coordination and buy-in and comment on the annual housing pipeline development process facilitated via incorporation into the municipal CEF process and the annual review of the MSDF process. Improved consultation sessions with both internal Staff, Management and Councillors.	In Progress	2023/07/01	2024/06/30			

STELLENBOSCH MUNICIPALITY																										
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Increased risk of land invasion.	Legal precedents set under disaster management declaration limiting municipal scope to evict. Illegal invasions and land grabs. Compromising housing development and housing opportunities	Strategic	9.00	Critical	10.00	Certain (91% - 100%)	90.00	Extreme Risk	5.69	Marginal	6.32	Possible (51% - 60%)	36.00	Moderate Risk	Arms tender finalised and awarded											
															Close relationships with SAPS and other law enforcement agencies, combined control room											
															Combined control room											
															Housing development continuing in response to housing demand											
															Legal panel in place to respond to legal matters											
															Security tender in place											
															Utilisation of municipal drones to monitor areas of potential land invasion.											
																Action Plan for improved security/protection of municipal owned land.	Improve the security / protection of vacant municipal owned property, especially those that are earmarked for future housing development.	Action Plan to be driven by the Directorate: Community and Protection Services. Improvement of the security / protection of vacant municipal land being implemented as budget allows.	In Progress	2023/07/01	2024/06/30					
																Annual revision and submission of the Housing Pipeline for Council approval	Annual review of the Municipal Housing Pipeline to be approved by Council	Annual Review in process.	In Progress	2023/07/01	2024/05/31					
																Develop and implement a municipal specific land banking strategy			In Progress	2023/06/21	2024/06/30					
																Ensure implementation of an annually reviewed Housing Communication Plan (Ensure that clarity is provided on the Municipality's Housing Delivery Strategy and Targets).			In Progress	2023/06/21	2024/06/30					
																Ensure the Implementation of a specific Social Housing Programme			In Progress	2023/06/21	2024/06/30					
																Implementation of Municipal Land Invasion SOP	Improve the coordination with respect to illegal land invasions by annually reviewing and implementing the municipality's land invasion SOP (SOP to provide clarity on the municipality's approach to dealing with evictions). SOP to be reviewed annually.	Land Invasion SOP to be reviewed and implemented in conjunction with the Directorate: Community and Protection Services. Currently in process.	In Progress	2023/07/01	2024/06/30					
																Monitoring of all 29 Informal Settlements within the WC024.	Bi-weekly monitoring of all 29 informal settlements within the WC024 with respect to informal settlement growth, demographics, and service levels. Submission of quarterly reports.	Bi-weekly monitoring of all 29 informal settlements in the WC024 is currently in process and ongoing.	In Progress	2023/07/01	2024/06/30					
Ineffective service delivery due to geopolitical Instability	Global risk to commodities especially possible fuel rationing by government, energy related products, engineering services, certain food products. Possible communication infrastructure threats; possible deepening of world-wide recession. Current	Strategic	9.00	Critical	7.00	Probable (61% - 70%)	63.00	High Risk	7.79	Significant	6.06	Possible (51% - 60%)	47.25	Moderate Risk	Business Continuity											
															Communication Plan											
															Effect on income											
															Energy Plan											
															Fuel reserves											
															SCM Plan addressing affected commodities											
																Develop and implement Working from home policy			In Progress	2023/06/21	2024/06/30					
Insufficient burial space in the greater Stellenbosch	Planning and funding; land availability. Insufficient funding. Compliance and impact of COVID 19 burials after experiencing a 2nd and 3rd wave.	Operational	8.00	Major	8.00	Expected (71% - 80%)	64.00	High Risk	3.58	Minor	3.58	Remote (21% - 30%)	12.80	Low Risk	Land use application has been approved											
															Part of approved SDF											
															Project plan approved for implementation											
																Implementation of Calcutta Memorial Park			In Progress	2023/06/21	2024/06/30					

STELLENBOSCH MUNICIPALITY																						
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Losing the historic status of Stellenbosch w.r.t environment (trees, biodiversity, buildings, rivers, etc.)	Keeping the balance - development and the historic status; occurrence of natural disasters.	Operational	6.00	Moderate	4.00	Occasional (31% - 40%)	24.00	Low Risk	3.79	Minor	2.53	Improbable (11% - 20%)	9.60	Low Risk	A tree management policy has been approved and implemented							
															Adherence to heritage planning legislation for developmental applications							
															Declared heritage zones							
															Heritage asset register completed							
															Maintenance heritage assets							
																Appoint more staff			In Progress	2023/06/09	2024/06/30	
																Be part of any new developments and advise Engineering Services regarding tree characteristics			In Progress	2023/06/09	2024/06/30	
																Encourage all stakeholder to continuously plant trees			In Progress	2023/06/09	2024/06/30	
																Establish maintenance programme for Oak trees			In Progress	2023/06/09	2024/06/30	
																Identify possible courses for staff			Started	2023/06/09	2024/06/30	
Water security	* Lack of sustainable source of water * Growing population - population and new development growth * Inadequate infrastructure systems * Polluted natural water sources * Dependency on external sources (CoC) * Limited water supply in region * Limited allocation from Water Authorities *Decreasing water availability	Strategic	8.00	Major	5.00	Potential (41% - 50%)	40.00	Moderate Risk	3.58	Minor	2.24	Improbable (11% - 20%)	8.00	Low Risk	Boreholes							
															Drought management plan in place							
															Ensure that there is sufficient generating power to stabilise water levels							
															Water demand meters							
															Water warriors							
Business Continuity	Disasters, electricity outages; hacking of systems.	Strategic	8.00	Major	5.00	Potential (41% - 50%)	40.00	Moderate Risk	6.93	Moderate	4.33	Occasional (31% - 40%)	30.00	Moderate Risk	Disaster Management Plan for overall service delivery, operational disaster recovery site, JOC, Integrated ERP							
															ICT employee usage tools implemented							
															Off site data center							
																Ensure all staff have access to the necessary ICT equipment to perform functions remotely.	Directorate IT needs register implemented.	Directorate IT needs register implemented and in progress.	In Progress	2023/06/01	2024/06/30	
																Ensure that all Directorates have a Business Continuity Plan in place that can be operationalised within days when needed.	Directorate Business Continuity Plan developed and implemented.	Directorate Business Continuity Plan has been developed and is being implemented.	In Progress	2023/06/01	2024/06/30	
	Ensure that alternate client communication plan in place to deal with possibilities that may trigger the use of the Business Continuity Plan.	Alternate client communication plan developed.	Alternate client communication plan developed and ready to deal with possibilities that may trigger the use of the Business Continuity Plan.	In Progress	2023/06/01	2024/06/30																

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Cyber attacks. Cybersecurity risk is the probability of exposure or loss resulting from a cyber attack or data breach on your organization.	Cyber attacks and cyber safety /security has become essential in municipalities. Investigate security gaps. Users opening unsafe/infected attachments	Strategic	9.00	Critical	6.00	Possible (51% - 60%)	54.00	High Risk	7.79	Significant	5.20	Potential (41% 50%)	40.50	Moderate Risk	New electronic system to monitor potential cyber threats is in place											
															Password Policy implemented											
															Staff awareness to not open suspicious email attachments											
															Awareness campaigns			In Progress	2023/05/25	2024/06/30						
															Continuous security and penetration testing			In Progress	2023/06/21	2024/06/30						
IT to do gap analysis on security requirements			In Progress	2023/06/21	2024/06/30																					
Financial Sustainability.	Debt management; cashflow; changes patterns in revenue (more off the grid connections w.r.t water and electricity).	Strategic	10.00	Catastrophic	5.00	Potential (41% - 50%)	50.00	Moderate Risk	6.32	Moderate	3.16	Remote (21% - 30%)	20.00	Low Risk	Legal framework to lock in customer regarding off grid connections and fix cost charges											
															Revenue enhancement strategy.											
High Vacancy Rate	A skilled and capable workforce is necessary to support growth objectives, quality and timeous service delivery needs to be provided by all departments.	Operational	8.00	Major	4.00	Occasional (31% - 40%)	32.00	Moderate Risk	5.06	Marginal	2.53	Improbable (11% - 20%)	12.80	Low Risk	Communication between the user departments and human resources more stream lined and effective											
															Filling of posts in the recruitment and selection department to create capacity											
															Fully staffed Recruitment and Selection unit											
															Organsational and operational structure aligned and approved											
															Continious and advance planning to adress staff shortages, as well as optimal use of staff and existing skills.	Vacant positions on Org to be funded and filled. A new org submission for consideration is in process	Submission of new Organogram, prioritising current vacancies within the department to be funded and advertised	Started	2023/06/09	2024/06/30						
Lack of integrated Information and Communication Technology	Disparite systems	Operational	6.00	Moderate	4.00	Occasional (31% - 40%)	24.00	Low Risk	5.20	Marginal	3.46	Remote (21% - 30%)	18.00	Low Risk	New server room completed											
															Position paper on integration											
															Role of ICT SteerCom in managing acquisition of new system and integration											
															All ICT SLAs for software applications have been reviewed by the legal and contract management department			In Progress	2023/06/21	2024/06/30						
															Centralised ICT Procurement & Hardware Standardisation			In Progress	2023/06/21	2024/06/30						
															ICT Management monitoring			In Progress	2023/06/21	2024/06/30						
															Manual interface exception report monitoring by line management and ICT management			In Progress	2023/06/21	2024/06/30						
System status report to be presented to the ICT Steering Committee as a standing item in order to monitor system implementation. SAMRAS modules to be developed			In Progress	2023/06/21	2024/06/30																					
Loss off credibility and reputation due to perceived fraud and corruption.	Abuse of legislation; reputational risk and credibility; media statements and role of social media in reports etc.	Operational	6.00	Moderate	4.00	Occasional (31% - 40%)	24.00	Low Risk	2.68	Insignificant	1.79	Rare (0% - 10%)	4.80	Low Risk	Fraud prevention policy											
															Hotline											
															SALGA to address unintended consequence of regulations											
Material misstatements in the AFS that constitutes non-compliance with Section 122 of the MFMA.	System errors, transactions and events not recognised as they occur and accordingly nor recorded in the financial period it occurred.	Operational	6.00	Moderate	4.00	Occasional (31% - 40%)	24.00	Low Risk	3.79	Minor	2.53	Improbable (11% - 20%)	9.60	Low Risk	8 month AFS, systems upgrade and alignment											
															Actions to be reflected in detail in Audit Action Plan											
															Audit readiness is essential with a need for an external audit prior to the formal audit from AGSA.											
Timeous Capital Spending	Steady increase in budget allocation, growing population and demand for services, demand management	Operational	10.00	Catastrophic	8.00	Expected (71% - 80%)	80.00	Extreme Risk	8.66	Major	6.93	Possible (51% - 60%)	60.00	High Risk	Capex SDBIP indicators developed and monitored											
															Demand Management Plan and Committee											
																Financial Record keeping and Interventions	Reliable financial systems in place as well as reporting, good communication with user departments		In Progress	2023/06/21	2024/06/30					

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Climate Change	Changing weather patterns, unpredictabel rainfall/flash floods, drought and natural disasters, fires seasonal and other	Strategic	10.00	Catastrophic	8.00	Expected (71% - 80%)	80.00	Extreme Risk	5.83	Marginal	4.66	Occasional (31% - 40%)	27.20	Moderate Risk	Boreholes completed to mitigate drought.								
															Drought management plan in place								
															Water demand meters								
															Water warriors								
																Climate Change Impact Assessments and mitigating planning			In Progress	2023/06/21	2024/06/30		
Differentiation in salary regimes and adjustments (increases) leads to inequality in remuneration to different levels of management in Local Government.	Section 56 employees salaries determined by minister, COGTA, while staff determined based on task evaluation system. As a result senior managers already earn more than directors and accounting officers, who have more responsibilities and accountability,	Strategic	8.00	Major	8.00	Expected (71% - 80%)	64.00	High Risk	7.59	Significant	7.59	Probable (61% - 70%)	57.60	High Risk	As the Section 56 salaries are determined by COGTA and although recommendations and resolutions from a council can be forwarded to adress the risk in the form of motivation why a higher salary should be considered, the final approval of these salary								
															Ongoing liaison with COGTA			In Progress	2023/06/21	2024/06/30			
Scarcity of landfill space.	Unavailability of suitable land; costs of SLA's and alternative waste disposal; legislative requirements i.e EIA applications and approvals etc.	Strategic	8.00	Major	8.00	Expected (71% - 80%)	64.00	High Risk	6.93	Moderate	6.93	Possible (51% - 60%)	48.00	Moderate Risk	Consultant reappointed for resubmission of Licence Application and amended Basic Assessment Report.								
															Engagement with DEADP.								
															Waste management strategy								
																Waste being transported to CoCT facilities	Waste being transported to CoCT facilities at huge cost		In Progress	2023/06/21	2024/06/30		
Urbanisation and growth.	Comprehensive understanding of the developmental needs in the greater Stellenbosch area; rapid and continued urbanisation; changes in the needs of the community; masterplans; housing pipeline; IDP and SDF alignment.	Strategic	6.00	Moderate	6.00	Possible (51% - 60%)	36.00	Moderate Risk	5.20	Marginal	5.20	Potential (41% - 50%)	27.00	Moderate Risk	Approved housing pipeline								
															Approved SDF								
															DBSA funding will be utilised for updating new CEF with spatial demand quantification.								
																Develop a municipal policy / strategy on housing delivery, including type of delivery			In Progress	2023/06/21	2024/06/30		
																Develop an internal strategy for expediting regulatory approvals for obtaining development rights (Planning & Environmental)			In Progress	2023/06/21	2024/06/30		
															Develop and implement an Inclusionary Zoning (Housing) Policy	Develop, approve and implement a Council policy on Inclusionary Zoning (Housing).	Inclusionary Zoning policy developed, approved by Council and currently being implemented.		Closed	2023/06/21	2023/06/30		
															Develop and implement an Integrated Human Settlement Communications Plan				In Progress	2023/06/21	2024/06/30		
															Ensure Alignment between the Business Plan of PDoHS and the budget of the Municipality. (Municipality not appointing service providers if PDoHS resolutions is outstanding	Ensure alignment between housing delivery programme and the MSDF, CEF and LTFF and PDoHS business plan. Ensure improved communication and coordination with the PDoHS.	Implemented improved coordination sessions with Spatial Planning for the MSDF and with the Capital Planning Forum for the CEF and LTFF. Improved communication with PDoHS ensured via the institution of Monthly engagements.		Closed	2021/07/01	2023/06/30		
															Ensure Housing delivery programme is linked to MSDF, CEF and LTFF	Ensure Housing delivery programme is linked to MSDF, CEF and LTFF	Implemented improved coordination sessions with Spatial Planning for the MSDF and with the Capital Planning Forum for the CEF and LTFF.		Closed	2022/07/01	2023/06/30		
															Improve communication and coordination with the PDoHS	Improve communication and coordination with the PDoHS	Improved communication with PDoHS ensured via the institution of Monthly engagements.		Closed	2022/07/01	2023/06/30		
															Improve internal buy-in to annual housing pipeline development process	Improve internal coordination and buy-in and comment on the annual housing pipeline development process.	Improved coordination and buy-in and comment on the annual housing pipeline development process facilitated via incorporation into the municipal CEF process and the annual review of the MSDF process. Improved consultation sessions with both internal Staff, Management and Councillors.		In Progress	2023/07/01	2024/06/30		

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Breakdown of Waste Water Treatment Plants	Breakdown of Waste Water Treatment Plants due to electricity outages	Strategic	10.00	Catastrophic	10.00	Certain (91% - 100%)	100.00	Extreme Risk	6.32	Moderate	6.32	Possible (51% - 60%)	40.00	Moderate Risk	A skilled and capable workforce that supports the growth objectives						
															Regular asset maintenance						
															Safeguarding infrastructure sites and equipment and ensure safe return of staff and contractors to enable continuation of capital projects.						
															Supply of goods and services in place						
																Constant monitoring			In Progress	2023/05/18	2024/06/30
																Identification of procurement needs			In Progress	2023/05/18	2024/06/30
																Identify challenges caused by load-shedding			In Progress	2023/05/18	2024/06/30
																Planned actions in place of breakdowns, spills, etc			In Progress	2023/05/18	2024/06/30
															Skilled plant Operators			In Progress	2023/05/18	2024/06/30	

7.11.2	PERMISSION TO JOIN THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 07TH JUNE 2024 TO 16TH JUNE 2024
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 March 2024

1. SUBJECT: PERMISSION TO JOIN THE INCA CAPACITY BUILDING FUND STUDY TOUR TO SWITZERLAND FROM 07TH JUNE 2024 TO 16TH JUNE 2024

2. PURPOSE OF REPORT

To obtain Council approval to attend the INCA study tour on behalf of the municipality, in Switzerland over the period of 7 June 2024 to 16 June 2024.

3. DELEGATED AUTHORITY

In terms of 9.2 of the Cost Containment Policy 2019, only the municipal council in a council meeting can approve the international travel for any official or political bearer.

4. EXECUTIVE SUMMARY

Following the INCA Capacity Building Fund's Summer School held in 2022 and the Summer School held in Johannesburg from 5 – 7 February 2024, the INCA Capacity Building Fund (ICBF), is undertaking a study tour to Switzerland from 07 June 2024 to 16 June 2024. During the attendance, officials were selected to participate in the study tour.

The Chief Financial Officer, Mr Kevin Carolus, was nominated as one the 6 Municipal Chief Financial Officers to form part of the INCA study tour. The objective of the study tour is to have a dialogue with a South African group of municipal financial practitioners, who can represent the municipal sector and who are knowledgeable on the challenges municipalities are facing in South Africa. Subsequently, the group is expected to reflect on real and potential successes notwithstanding the challenges.

The INCA Capacity Building Fund (ICBF) will cover all costs related to the official programme including meals, transport, accommodation and excursions. State Secretariat for Economic Affairs (SECO) will cover the cost for the Visa application.

5. RECOMMENDATIONS

(a) that Council approves the request for attendance of the study tour in Switzerland over the period of 7 June 2024 to 16 June 2024; and

(b) that Council approves the daily allowance for the duration of the tour.

6. DISCUSSION / CONTENTS

6.1 Background

Following the INCA Capacity Building Fund's Summer School held in 2022 and the Summer School held in Johannesburg from 5 – 7 February 2024, INCA Capacity Building Fund (ICBF), is undertaking a study tour to Switzerland from 7 to 16 June 2024. During the attendance, officials were selected to participate in the study tour.

All the cost related to the study tour will be covered by INCA Capacity Building Fund (ICBF). Traveling, accommodation and transport cost will be fully provided for. State Secretariat for Economic Affairs (SECO) will cover the cost for the Visa application.

6.2 Motivation for international travel as per Clause 9 of the Cost Containment Policy

In terms of Clause 9 of the Cost Containment Policy 2019, the report to council for approval of international travel must include:

- A motivation why the international is seen as critical and fully setting out the anticipated benefit that the municipality will derive from attending the event, meeting or function.
- If international travel to the destination or event was previously undertaken, state what benefits if any derived from the previous attendance.
- The full cost of the international travel including travel allowances to be paid; and
- The proposed officials and political office bearers, not exceeding three, to travel and why they have been identified.

The Chief Financial Officer, Mr Kevin Carolus, was nominated to participate in the INCA study tour in Switzerland from 7 June 2024 to 16 June 2024. The aim of the study tour is to have a dialogue with a South African group of municipal financial practitioners, who can represent the municipal sector and who are knowledgeable on the challenges municipalities are facing in South Africa. Subsequently, the group is expected to reflect on real and potential successes notwithstanding the challenges.

The summer school aims to provide the South African delegation the opportunity to engage their counterparts on the practical implementation and experience of project/programmes and initiatives that was raised during the summer school.

Other topics include:

- Examples of city/urban development and partnerships with the private sector
- Dealing with urban mobility
- Going green – the approach taken by cities/town in Switzerland

The study tour will provide valuable insights into Switzerland's approach to urban development, urban mobility and going green. The insights and knowledge gained during the study tour will contribute to the successful implementation of catalytic projects like the Adam Tas Corridor.

The INCA Capacity Building Fund (ICBF) will cover all costs related to the official programme including meals, transport, accommodation and excursions. State Secretariat for Economic Affairs (SECO) will cover the cost for the Visa application.

6.3 Financial Implications

The ICBF will cover all costs related to the official programme. The accommodation, meals and transport costs will be fully provided for. Delegates are responsible for their own spending money and or allowances should they elect to approach their councils in this regard.

6.4 Legal Implications

In line with the Cost Containment Policy.

6.5 Staff Implications

The CFO will be out of office for the period and an acting CFO will be in place for the period.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management.

The item was not circulated for comments.

6.8.1 Municipal Manager

Supports the recommendations.

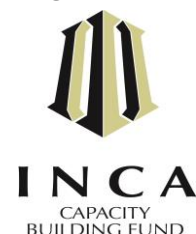
ANNEXURES

Appendix 1: Invitation

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	14 March 2024

APPENDIX 1



Pinewood Office Park
33 Riley Road,
Units F14 & 15
Woodmead
Sandton
P.O. Box 1847
Tel: 011 202 2200
Fax: 011 202 2231

27 February 2024

Mr Kevin Carolus
Chief Financial Officer
Stellenbosch LM

Dear Kevin,

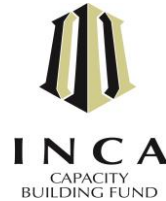
INVITATION TO JOIN THE INCA CAPACITY BUILDING FUND STUDY TOUR 2024

Following on from the INCA Capacity Building Fund's Summer School held in 2022 and the Summer School held in the first week of this year, the ICBF is undertaking a Study Tour to Switzerland from 07th June 2024 to 16th June 2024.

The Study Tour is made possible by the grant support provided by SECO (State Secretariat for Economic Affairs) to the ICBF.

As an extension of the Summer School, the aim of the Study Tour is to provide an opportunity to staff at the Head Office of SECO to have a dialogue with a South African group of municipal financial practitioners, who can represent the municipal sector and who are knowledgeable on the challenges facing municipalities in South Africa. On the other hand the group is expected to reflect on real and potential successes notwithstanding the challenges.

As an extension of the Summer School the aim is to provide the South African delegation the opportunity to engage their counterparts on the practical implementation and experience of project / programmes and initiatives related to the discussion points raised during the Summer School.



Other topics include;

- Examples of city/urban development and partnerships with the private sector
- Dealing with urban mobility
- Going green – the approach taken by cities/town in Switzerland

It gives us great pleasure to extend an official strictly non-transferable invitation to you to be part of six municipal CFO's invited to join this year's Study Tour.

Your attention is drawn to the following –

The ICBF will cover all costs related to the official programme. The accommodation, meals and transport costs will be fully provided for. Delegates are responsible for the own spending money and or allowances should they elect to approach their councils in this regard. Should delegates utilise the telephone, consume beverages and utilise any other services it will be for their own account.

A valid passport is required, and the visa application will be facilitated and costs carried by SECO. Due to the time constraints and detailed arrangements that need to be made, the acceptance of this invitation at your earliest convenience will be highly appreciated.

Please obtain approval as soon as possible to be able to notify Joanne Whiting via email on joanne.whiting@inca.co.za before 1st March 2024.

Kind regards,

A handwritten signature in black ink, appearing to read 'AJ-371'.

AJ VAN ZYL



STUDY TOUR TO SWITZERLAND 7th JUNE to 15th JUNE - PERSONAL DETAILS

Full Names and Surname:	
Designation / Title:	
Name of Municipality:	
Home Address:	
Contact Numbers:	
- Work	
- Cell Phone	
- Email	
Special Dietary Requirements	
Medical Aid Details	
Allergies	
In case of emergency	
- Contact Name	
- Contact Number	
Passport No	
Passport Expiry Date	
Passport issued by which Country	

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION