

10.3.1	REVIEW OF STELLENBOSCH MUNICIPAL HONOURS BY-LAW
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

24 March 2025 and 31 March 2025

1. SUBJECT: REVIEW OF STELLENBOSCH MUNICIPAL HONOURS BY-LAW**2. PURPOSE**

To review the Stellenbosch Municipal Honours By-Law of 2002 and make a recommendation to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipal Council in 2002 promulgated The Municipal Honours and Medals By-Law in terms of which Council can recognise and consider persons for exceptional achievements or rendering of exceptional; meritorious service on the interest of the municipality attached as **APPENDIX 1**. The by-law is twenty years old and needs to be revised. A draft by-law was placed on the agenda of the Corporate Services Section 80 Committee on 1 August 2023 on request of the Executive Mayor. The Draft Revised By-law was discussed by the Committee and the Speaker who was invited to the meeting. The committee requested the Chairperson and the Director: Corporate Services to discuss some aspects with the Speaker. The discussion took place and the final draft served before the Mayoral committee in September 2023. It was referred back for more inputs. The item served before Mayco in November 2024 and referred to Council. The item was removed by the Speaker and referred back for consultation with the Speaker and the Council Whip. A meeting took place in February 2024 between Cllr Lwando Nkamisa, Speaker, Cllr Quintin Smit and the Council Whip, Cllr Patricia Crawley. The Personal Assistant of the Speaker and the Director: Corporate Services was also present to deal with the administration. Further changes were made to the revised draft. The new draft is attached as **APPENDIX 2** for consideration.

5. RECOMMENDATIONS

- (a) that the amendments marked in red be noted;
- (b) that Council approves the revised Stellenbosch Municipal Honours By-law for public participation; and
- (c) that the item be returned to Council to consider any inputs received during the public participation process.

6. DISCUSSION / CONTENTS**6.1 Discussion**

The Stellenbosch Municipal Council in 2002 promulgated The Municipal Honours and Medals By-Law in terms of which Council can recognise and consider persons for exceptional achievements or rendering of exceptional, meritorious service on the interest of the municipality. The By-law is twenty years old and needs to be revised.

Attached is a Draft By-law that on request of the Executive Mayor was placed before the Section 80 Committee. The Draft Revised By-law was discussed by the Committee and the Speaker who was invited to the meeting. The committee requested the Chairperson and the Director: Corporate Services to discuss some aspects with the Speaker. The discussion took place, and a draft served before Mayco in November 2024. The Speaker ruled that the item again be referred back for discussions. A meeting took place in February 2024 between Cllr Lwando Nkamisa, Speaker, Cllr Quintin Smit and the Council Whip, Cllr Patricia Crawley. The Personal Assistant of the Speaker and the Director: Corporate Services was also present to deal with the administration. Further changes were made to the Revised Draft. It is now brought back for consideration.

6.2 Financial Implications

The manufacturing of medals and hosting of ceremonial events must be funded through the approved budget annually.

6.3 Legal Implications

The content and recommendations comply with Council policies and legislation.

6.1 Staff Implications

No additional staff implications.

6.2 Previous / Relevant Council Resolutions.

Approval of the By-law in 2002

Recommendations by the Section 80 Corporate Services Committee to the Executive Mayor:

CORPORATE SERVICES COMMITTEE: 2023-08-01: ITEM 6.2

RESOLVED

- a) That 4) iv – vi to be removed.
- b) That 4 iv) be replaced to read that a Councillor who served 3 full consecutive terms as a normal Councillor without appearing in front of a disciplinary hearing, be awarded 5 additional points.
- c) That the word “Executive Mayor be removed from 4 iii) as the Executive Mayor is comprehensively covered in other provisions.

6.3 Risk Implications

The risks have been addressed in the item.

Recommendations by the Section 80 Corporate Services Committee to the Executive Mayor:

CORPORATE SERVICES COMMITTEE: 2023-08-01: ITEM 6.2

RESOLVED

- (a) that 4) iv – vi to be removed.
- (b) that 4 iv) be replaced to read that a Councillor who served 3 full consecutive terms as a normal Councillor without appearing in front of a disciplinary hearing, be awarded 5 additional points.
- (c) that the words “Executive Mayor” be removed from 4 (iii) as the Executive Mayor is comprehensively covered in other provisions.

KINDLY NOTE: THE RECOMMENDATIONS BY THE MAYORAL COMMITTEE (2025-03-24) TO COUNCIL WILL BE DISTRIBUTED WITH THE FULL COUNCIL AGENDA.

ANNEXURES:

Appendix 1 : Honours By-law 2002

Appendix 2 : Final Draft Reviewed Honours By-law 2024

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
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REPORT DATE	<i>17 March 2025</i>

APPENDIX 1

STELLENBOSCH MUNICIPAL HONOURS BY-LAW**BY-LAW**

To provide for Municipal honours, the conferral thereof, the amendment of conferral, of Municipal honours, and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(5) of the Constitution of the Republic of South Africa, Act No 108 of 1996, in general authorise a municipality to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

WHEREAS section 186(9) and (10) of the Municipal Ordinance 1974 (No 20 of 1974), in particular, authorise a municipality to confer the freedom of the municipality on a person or to present a medal, memento, address or other commemorative token to persons;

WHEREAS section 156(2) of the Constitution of the Republic of South Africa authorise a municipality to make by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS it is desirable to take into consideration and recognise persons for exceptional achievements or the rendering of exceptionally meritorious service in the interest of the municipality; and

WHEREAS this needs to be done in an orderly manner;

Be it, therefore, enacted by the Council of the Stellenbosch Municipality.

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1. Definitions
2. Municipal Honours
3. Conferral of Municipal Honours
4. Annulment of Conferral of Municipal Honours
5. Municipal Honours Advisory Panel
6. Criteria for the bestowing of Municipal Honours
7. Warrants
8. Short Title and Date of Commencement

1. DEFINITIONS

1. "*The Council*" means the political structure of Stellenbosch Municipality in terms of section (4) of the Establishment Notice (P.N. 489/2000) as contemplated in section 18 of the Municipal Structures Act.
2. "*Stellenbosch Municipality*" means the municipality established in terms of section (4) of the Establishment Notice (P.N. 489/2000).
3. "*Municipal Manager*" means the person that is the head of administration and also accounting officer for the municipality, appointed in terms of section 82 of the Municipal Structures Act, Act 117 of 1998.
4. "*Councilor*" means a member of the Municipal Council of Stellenbosch Municipality.
5. "*Municipality*" for the purposes of section 7 means:
 - (a) the Municipality of Stellenbosch established by Provincial Notice 489 of 2000 dated 22 September 2000;
 - (b) any municipality established under the provision of the Local Government Transition Act, 1993;
 - (c) any municipality established under the provisions of the Municipal Ordinance, 1974 or any previous ordinance providing for the establishment of a municipality;
 - (d) any council or committee established under the provisions of the Black Local Authorities Act, 1982;
 - (e) any management committee established under the provisions of Provincial Ordinance No 6 of 1963.
6. "*Employee*" means an employee of Stellenbosch Municipality and shall for the purposes of section 6(8) include commencement service at one of the following established municipalities:

Stellenbosch Municipality
 Franschhoek Municipality
 Pniel Local Council
 Boland District Municipality
 Winelands District Council
 Western Cape Metropool Council
 Stellenbosch Divisional Council.

2. MUNICIPAL HONOURS

2. (1) There are the following Municipal honours for Stellenbosch Municipality:
 - (a) freedom of the Municipality or freedom of the town of Stellenbosch, Franschhoek or Pniel;
 - (b) honorary citizenship of the Municipality of Stellenbosch;
 - (c) illuminated address of the Municipality or illuminated address of the town of Stellenbosch, Franschhoek or Pniel;
 - (d) Aldermanship certificate;
 - (e) a Council's commendation certificate;
 - (f) a Mayor's commendation certificate; and
 - (g) certificate for long or outstanding service with the Council.
2. (2) There are the following medal for the Stellenbosch Municipality:
 - (a) the Simonsberg medal (gold) for exceptional achievement or for performing an act of bravery within the Municipal area of Stellenbosch;
2. (3) The Mayor is the patron of the Municipal honours as described in section (1) and (2).

3. CONFERRAL OF MUNICIPAL HONOURS

3. (1) The Mayor, after of approval of Council may confer municipal honours on any person and may make a posthumous conferral of a municipal honour.

4. ANNULMENT OF CONFERRAL OF MUNICIPAL HONOURS AND MEDALS

4. (1) The Mayor, after approval of Council may annul the conferral of a Municipal honour if the holder of the honour has performed any action or has behaved in a manner which harmed the interest of the Municipality of Stellenbosch, or otherwise has become unworthy of the Municipal honour concerned.
4. (2) The Mayor shall, in annulling the conferral of a Municipal honour in terms of subsection (1), do so in accordance with the advice of the panel referred to in section 5.

5. MUNICIPAL HONOURS ADVISORY PANEL

5. (1) The Mayor must obtain advise on the conferral, annulment or restoration of Municipal honours from an advisory panel, consisting of:
 - (a) a maximum of five (5) councillors, broadly representative of the council, appointed by council; and
 - (b) a maximum of five (5) people, highly respected by and who are broadly representative of the people of Stellenbosch Municipality, appointed by Council, if Council so wishes.
5. (2) The advisory panel shall meet at the request of the Mayor.

6. CRITERIA FOR THE BESTOWING OF MUNICIPAL HONOURS

6. (1) The freedom of the Municipality or the freedom of the town of Stellenbosch, Franschhoek or Pniel will be conferred:
 - (a) a non-resident person or organisation, when such a person or organisation is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council by way of a broad consensus. The freedom of the Municipality or of a town shall not be conferred on an active politician.
6. (2) Honorary citizenship of the Municipality of Stellenbosch will be conferred:
 - (a) on a person of national and/or international stature residing in Stellenbosch Municipality for a period of at least 25 years, when such person is worthy of such an honour in the opinion of Council;
 - (b) on such a person if unanimously approved by Council at a Special Council Meeting. Alternatively when approved by Council by way of a broad consensus.
 - (c) Honorary citizenship will not be conferred on an active politician.
6. (3) An illuminated address of the municipality or an illuminated address of the town of Stellenbosch, Franschhoek or Pniel will be conferred:
 - (a) on a person when such person is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council by a two-thirds majority vote;
6. (4) Aldermanship will be conferred on a serving Councillor of Stellenbosch Municipality:
 - (a) who has served on one or more municipalities within the Republic of South Africa for a total period of 20 years. Such terms of office need not be consecutive;

- (b) upon the assumption of the office of Mayor. This criterium does not apply to acting Mayors or acting chairperson of Council. Such title shall be removed if such Councillor does not serve the Council for a full term of office as Mayor;
- (c) who obtains the minimum of 20 points on the following scale:
 - (i) one point for each completed year served as a Councillor on any municipality; plus
 - (ii) one additional point for each completed year service as a member of the executive of any municipality or as chairperson of a standing committee or portfolio committee of such municipality; plus
 - (iii) one additional point for each completed year service as a deputy mayor of a municipality; plus
 - (iv) two additional points for each completed year served as a mayor or chairperson of any municipality; plus
 - (v) two additional points for each completed year served as a member of the executive committee or chairperson of a standing committee of the Stellenbosch Municipality subsequent to 5 December 2000; plus
 - (vi) three additional points for each completed year served as deputy mayor or speaker of the Stellenbosch Council.
- 6. (5) Any current serving Councillor who is of the view that he/she qualifies for Aldermanship, should notify the Municipal Manager in writing, together with the necessary details to the satisfaction of the Municipal Manager. The Municipal Manager shall make a recommendation to Council, after having considered all the relevant details. The Municipal Manager shall for the purpose of this by-law create an appropriate database of all current serving councillors of the Council of Stellenbosch as from 5 December 2000.
- 6. (6) The Council's recommendation certificate will be conferred;
 - (a) a resident of Stellenbosch Municipality when such person is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council;
- 6. (7) The Mayor's recommendation certificate will be conferred on:
 - (a) a resident of Stellenbosch Municipality; and
 - (b) in the sole discretion of the Mayor.
- 6. (8) A certificate for long outstanding service with the Council will be conferred on an employee:
 - (a) who has served the municipality for a period of 25 years, on condition that such an employee has not been found guilty of misconduct for a period of 10 years prior to his/her 35th year of service.
- 6. (9) A medal will be conferred on a resident of Stellenbosch Municipality when:
 - (a) such person is worthy of such an honour in the opinion of Council; and
 - (b) if approved by Council by way of a broad consensus.

7. WARRANTS

The Mayor together with the other members of Council may, by special Council decision and after publication thereof in the Provincial Gazette, issue warrants for the better carrying out of the objects of this by-law and in particular, but without prejudice to the generality of the foregoing, relating to:

- (a) the keeping and administering of the Municipal honours referred to in section 1;
- (b) the keeping of a register of Municipal honours conferred;
- (c) the replacement of lost or stolen Municipal honours and the charges, therefor;
- (d) the publication of an annual Municipal honours list;
- (e) the wearing of Municipal medals;
- (f) benefits and privileges of Alderman;
- (g) rules regarding the annulment and restoration of provincial honours;
- (h) the issuing of accompanying certificates;
- (i) the lay-out/description of Municipal honours/medals; and
- (j) the protocol regarding the handing over of Municipal honours.

8. SHORT TITLE

This by-law is called the Stellenbosch Municipal Honours By-law and takes effect on date of publication thereof.

APPENDIX 2



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**STELLENBOSCH MUNICIPALITY
MUNICIPAL HONOURS BY-LAW**

PREAMBLE

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WHEREAS section 156(5) of the Constitution of the Republic of South Africa, Act No 108 of 1996, in general authorise a municipality to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS section 156(2) of the Constitution of the Republic of South Africa authorise a municipality to make by-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS it is desirable to take into consideration and recognise persons for exceptional achievements or the rendering of exceptionally meritorious service in the interest of the municipality; and

AND WHEREAS this needs to be done in an orderly manner;

THEREFORE, enacted by the Council of the Stellenbosch Municipality.

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5. *"Municipality" for the purposes of section 7 means:*
 - (a) *the Municipality of Stellenbosch established by Provincial Notice 489 of 2000 dated 22 September 2000 and amended by Provincial notice 118/2021 dated 15 October 2021;*
 - (b) *any municipality established under the provision of the Local Government Transition Act, 1993;*
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Winelands District Council
Western Cape Metropool Council
Stellenbosch Divisional Council.*
7. ***"Full term"*** *A full term constitutes the period between Local government Elections.*
8. ***"Structures Act"*** *means the Local Government Municipal Structures Act, Act 117 of 1998 as amended*

2. MUNICIPAL HONOURS

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 - (d) Aldermanship certificate;
 - (e) a Council's commendation certificate;
 - (f) a Mayor's commendation certificate; and
 - (g) certificate for long or outstanding service with the Council.
- (2) There are the following medal for the Stellenbosch Municipality:

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 - (a) a maximum of five (5) councillors, broadly representative of the council, appointed by council; and

(b) a maximum of five (5) people, highly respected by and who are broadly

representative of the people of Stellenbosch Municipality, appointed by Council, if Council so wishes.

(2) The advisory panel shall meet at the request of the Mayor.

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(b) if approved by Council by way of a broad consensus. The freedom of the Municipality or of a town shall not be conferred on an active politician.

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(a) on a person of national and/or international stature residing in Stellenbosch Municipality for a period of at least 25 years, when such person is worthy of such an honour in the opinion of Council;

(b) on such a person if unanimously approved by Council at a Special Council Meeting. Alternatively when approved by Council by way of a broad consensus.

(c) Honorary citizenship will not be conferred on an active politician.

(3) An illuminated address of the municipality or an illuminated address of the town of Stellenbosch, Franschhoek or Pniel will be conferred:

(a) on a person when such person is worthy of such an honour in the opinion of Council;

(b) if approved by Council by a two-thirds majority vote;

(4) Aldermanship will be conferred on a serving Councillor of Stellenbosch Municipality:

(a) who has served on one or more municipalities within the Republic of South Africa for a total period of 20 years. Such terms of office need not be consecutive;

(b) upon the assumption of the office of Executive Mayor. This criterium does not apply to acting Mayors or acting chairperson of Council. Such title shall be removed if such Councillor does not serve the Council for a full term of office as Executive Mayor;

(c) who obtains the minimum of 20 points on the following scale:

(i) one point for each completed year served as a Councillor on any municipality; plus

- (ii) one additional point for each completed year service as a member of the executive of any municipality ~~or as chairperson of a standing committee or portfolio committee of such municipality~~; plus
 - (iii) one additional point for each completed year service as an Executive Mayor, Deputy Mayor, Speaker or Council Whip of a municipality; plus
 - iv) ~~a Councillor who served 3 full consecutive terms as a normal Councillor without appearing in front of a disciplinary hearing, be awarded 5 additional points.~~
 - (IV) ~~two additional points for each completed year served as a mayor or chairperson of any municipality; plus~~
 - (V) ~~two additional points for each completed year served as a member of the executive committee or chairperson of a standing committee of the Stellenbosch Municipality subsequent to 5 December 2000; plus~~
 - (IV) ~~three additional points for each completed year served as deputy mayor or speaker of the Stellenbosch Council.~~
- (5) Any current serving Councillor who is of the view that he/she qualifies for Aldermanship, should notify the Municipal Manager in writing, together with the necessary details to the satisfaction of the Municipal Manager. The Municipal Manager shall make a recommendation to Council, after having considered all the relevant detail. The Municipal Manager shall for the purpose of this by-law create an appropriate database of all current serving councillors of the Council of Stellenbosch as from 5 December 2000.
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- (a) resident of Stellenbosch Municipality when such person is worthy of such an honour in the opinion of Council;
 - (b) if approved by Council;
- (7) The Mayor's recommendation certificate will be conferred on:
- (a) a resident of Stellenbosch Municipality; and
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- (8) A certificate for long outstanding service with the Council will be conferred on an employee:
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- (9) A medal will be conferred on a resident of Stellenbosch Municipality when:
- (a) such person is worthy of such an honour in the opinion of Council; and
 - (b) if approved by Council by way of a broad consensus ~~when recognised as an Alderman/Alderwoman.~~

7.PROCLAMATION

The Mayor together with the other members of Council may, by special Council decision and after publication thereof in the Provincial Gazette, issue a proclamation for the better carrying out of the objects of this by-law and in particular, but without prejudice to the generality of the foregoing, relating to:

- (a) the keeping and administering of the Municipal honours referred to in section 1 ;
- (b) the keeping of a register of Municipal honours conferred;
- (c) the replacement of lost or stolen Municipal honours and the charges, therefor;
- (d) the publication of an annual Municipal honours list;
- (e) the wearing of Municipal medals;
- (f) benefits and privileges of Alderman;
- (g) rules regarding the annulment and restoration of provincial honours;
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