



Munisipaliteit
Municipality
Umasipala

MANUAL OF FUNCTIONS AND INDEX OF RECORDS HELD

Compiled in terms of the provisions of the

***PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT 2 OF 2000)***

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**MANUAL ON FUNCTIONS OF AND INDEX OF
RECORDS HELD BY THE
SWARTLAND MUNICIPALITY**

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1. INTRODUCTION

The **Promotion of Access to Information Act** has, as its primary object, to give effect to the constitutional right of access to information as contemplated by the Bill of Rights in chapter 2 of the **Constitution of the Republic of South Africa**. This includes within limits, access to information held by the Municipality, the state and any other person.

Secondly, it also gives effect to the constitutional obligations of the state to promote a human rights culture and social justice and to enable persons access to records as swiftly, inexpensively and effortlessly as reasonably possible.

Thirdly, the act strives to promote transparency, accountability and effective governance by helping people to understand their rights and to exercise them; to understand the functions and operation of public bodies, like the municipality and to effectively participate in decision-making that affects their rights.

What should be clearly understood, is that rights cannot be indiscriminately exercised to the detriment of the rights of other people. Each of us, including the municipality, also has a responsibility to protect the rights of others while exercising our rights. The act therefore makes provisions for checks and balances in the accessing of information.

The right of access to information is not absolute, in other words it cannot be regarded as unlimited. The constitution provides that even fundamental human rights may be limited. The provisions of the act serve as such a limitation. A study of the act will however show that the limitations are rather the *exception*, whilst allowing access is the *rule*, provided obviously that the prescribed procedures have been met.

The act also provides for remedies where people experience problems in accessing information, in the form of appeals that may be lodged with an appeal authority with regard to the payment of fees, form of access and if information is unreasonably withheld.

The above is a short description of the objects of the act. The full text of the act may be seen at the office of any deputy information officer. The contact details of deputy information officers are listed elsewhere in this manual.

The purpose of this manual is to gain a better understanding of the municipality's functions, the services it renders and to explain in easily comprehensible form how to go about to access information held by the municipality. If the reader still requires further information on how to exercise his or her rights, the deputy information officers will gladly assist.

This manual is also available in Afrikaans and Xhosa from any of the information officers mentioned herein, and may also be inspected at any of our municipal officers and on our website, www.swartland.org.za.

J J SCHOLTZ
Information Officer

2. DESCRIPTION OF STRUCTURE AND FUNCTIONS

A. STRUCTURE

The structure of the municipality relates to its political as well as administrative nature. The political structure relates to the structures such as committees and the various political office bearers such as the speaker and executive mayor. The administrative structure refers to the various departments, divisions and sections designed to enable the municipal manager and staff to effectively perform the functions and execute the powers of the municipality.

1. POLITICAL STRUCTURE

1.1 Council

The council is the supreme structure of the municipality and consists of 19 (nineteen) members, i.e. 10 (ten) representing wards and 9 (nine) proportional members, elected during December 2000.

The council is the legislative as well as executive authority of the municipality.

The council meets quarterly in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 11:00. For more information about the dates on which council meetings take place, please contact any municipal office.

1.2 Executive mayoral committee

The executive mayoral committee assists the executive mayor in exercising and performing the executive mayor's powers and functions as designated by the council. It comprises the executive mayor, the deputy executive mayor and two full-time councillors.

The executive mayoral committee normally meets every third Wednesday of the month in the Banqueting Hall, Church Street, Malmesbury. Meeting times may vary due to circumstances. For more information please contact any municipal office.

1.3 Committees

The council has established a further 3 (three) committees to assist it in the effective and efficient performance of its functions and exercise of its powers. Each committee has (i) a specific functional area and a few (ii) sub-committees, and are named as follows:-

Technical Services (Civil and Electrical)

- (i) Electricity, radio communication, information technology and data management (including GIS), water, sewerage, roads, streets and stormwater, parks, caravan parks, harbours, building control, cemeteries and crematoria, planning: civil services, sanitation (refuse removal, public toilets, etc.), sport and recreation (sports facilities, etc.)
- (ii) Highlands Landfill Site Audit Committee / Computer Committee

Development and Protections Services

- (i) Social services and welfare (eg. indigent relief), housing (needs assessment), community development and capacity, public amenities (caravan parks), occupational health and safety, town planning and land use control, spatial development planning, valuations
- (ii) Housing Committee
- (iii) Fire and protection services (disaster management, neighbourhood watch, etc.), law enforcement, informal trade, traffic services, taxis and public transport, control over animals, squatter control
- (iii) Taxi/Informal Traders Committee

Administration and Finance

- (i) Administration, records management, housing administration (eg. allocation of letting stock), legal services, trade and commerce, local economic development, outsourcing, privatisation, property management, elections, publicity and information (eg. newsletters), post and telecommunication services, consents (fun runs, races, processions, fundraising), fleet management, asset and store management, budget, income and expenditure control, credit control/debt collection, financial services, insurance, nature conservation, tourism (museums and monuments), libraries, halls
- (ii) Appointment Committee

The committees meet the first Wednesday of each month in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 10:00. For more information please contact any municipal office.

1.4 Speaker

The speaker is elected by the council. The speaker is the chairperson of council and ensures that council meets at least once per quarter. The speaker also has express statutory powers; one of the more important powers is to ensure that councillors comply with a code of conduct.

1.5 Executive Mayor

The executive leadership of the municipality is vested in the executive mayor. The mayor performs the duties, including ceremonial functions, and exercises the powers delegated to him/her by the council in consultation with the mayoral committee. The executive deputy mayor has the task to assist the mayor and to act in his/her stead when not available.

2. ADMINISTRATIVE STRUCTURE

The municipal manager is the *'head of administration'* and *'accounting officer of the municipality'* in terms of the Local Government: Municipal Systems Act and also authorised to approve the staff establishment. The staff establishment approved by the municipal manager is based on the following division of functions to departmental heads:

2.1 Municipal Manager

Transformation / Audit / Integrated Development Planning / Performance Management /

2.2 Director: Corporate Services

Legal services / Personnel Services / Client Services / Services // Tourism / Support Services, i.e. Committee Services, Library Services, Halls and Cleaning Services, Records and Archives

2.3 Director: Development Services

Community Development and Housing (including Welfare and Sport) / Personal Health / Planning and Development

2.4 Director: Financial Services

Financial Statements and Control / Expenditure (Creditors/Salaries) / Income (Property rates/Housing/Property valuations/Archives) / Income (Services/Sundries/Meter reading/Statistics/Pre-paid Services) / Asset management / Fleet Management / Information Services / Credit Control

2.5 Director: Protection Services

Vehicle Registration, Traffic Control, Vehicle Testing, Drivers' Licences, Law Enforcement / Fire and Emergency Services

2.6 Director: Civil Engineering Services

Civil Services, i.e. sewerage, water, streets and stormwater, parks, amenities and street sweeping, cleansing services
Building Control Services

2.7 Manager: Electrical Engineering Services

Design and Planning
Commission, Maintenance and Construction of electricity networks
ICT services

B. FUNCTIONS

The functions of the municipality are related to its powers. The municipality derives its powers from the RSA Constitution. The powers of municipalities in the non-metropolitan areas are divided between local and district municipalities. The **Local Government: Municipal Structures Act** ('structures act') regulates the division of powers between these two municipalities.

Apart from those mentioned, the municipality also has other very important powers, namely:-

- powers assigned to the municipality by other spheres of government or performed by the municipality as an agent;
- fiscal powers in terms of the constitution;
- powers associated with legal personality; and
- civic powers

The municipality has the following powers:

1. In terms of section 84 of the structures act

Integrated development planning
Potable water supply systems
Bulk supply of electricity
Domestic waste-water and sewage disposal systems
Municipal health services
Local roads
Local municipal airports
Local fire fighting services
Local fresh produce markets
Local cemeteries
Air pollution
Local tourism

2. Balance of powers in terms of Part B of Schedule 4 of the constitution

Air pollution
Building regulations
Child care facilities
Municipal planning
Municipal public works
Pontoons, ferries and jetties
Trading regulations

3. Balance of powers in terms of Part B of Schedule 5 of the constitution

Billboards and display of adverts in public places
Cleansing
Control of public nuisances
Control of undertakings that sell liquor to the public
Facilities for the accommodation, care and burial of animals
Fencing and fences
Licensing of dogs
Licensing and control of undertakings that sell food to the public

Local amenities
Local sport facilities
Markets (local)
Municipal abattoirs (local)
Municipal parks and recreation
Noise pollution
Pounds
Public places
Refuse removal
Street trading
Street lighting
Traffic and parking

4. Powers assigned by or as agent of other spheres of government

Ambulance services
Libraries
Museums
Sport
Disaster management
Housing
Vehicle and driver's licensing
Welfare services

5. Fiscal powers in terms of the constitution

Imposition of rates on property and surcharges on fees for services
Imposition of other taxes, levies and duties authorised by national legislation

6. Powers related to Legal Personality

Acquisition and leasing of movable and immovable property
Alienation and letting of movable and immovable property
Granting of rights in, on or over property
To institute or defend legal action

7. Civic Powers

Entering into twinning agreements with towns abroad
Granting of civic honours

**3. CONTACT DETAILS OF INFORMATION OFFICER
AND DEPUTY INFORMATION OFFICERS**

1. INFORMATION OFFICER

Name: Mr J J Scholtz
Designation: Municipal Manager
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (O22) 487 9400
Faxno.: (O22) 487 9440
E-mail: swartlandmun@swartland.org.za

2. DEPUTY INFORMATION OFFICER

Name: Ms MS Terblanche
Designation: Director: Corporate Services
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (O22) 487 9400
Fax no.: (O22) 487 9440
E-mail: MadelaineT@swartland.org.za

3. DEPUTY INFORMATION OFFICER

Name: Ms N Brand
Designation: Manager: Secretariat and Records Services
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: NicoletteBrand@swartland.org.za

4. DEPUTY INFORMATION OFFICER

Name: Mr J Pienaar
Designation: Snr Manager: ICT Services
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: PienaarJ@swartland.org.za

5. DEPUTY INFORMATION OFFICER

Name: Mr N C Quickfall
Designation: Building Control Officer
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: neville@swartland.org.za

6. DEPUTY INFORMATION OFFICER

Name: Mr R Steyn
Designation: Manager: Law Enforcement and Traffic Services
Address: Church Street / Private Bag X52
MALMESBURY 7299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: SteynR@swartland.org.za

7. DEPUTY INFORMATION OFFICER

Name: Mr S C Arendse
Designation: Manager: Housing
Address: Church Street / Private Bag X52
MALMESBURY 6299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: SylvesterArendse@swartland.org.za

8. DEPUTY INFORMATION OFFICER

Name: Ms S de Jongh
Designation: Manager: Human Resources
Address: Church Street / Private Bag X52
MALMESBURY 6299
Telephone no.: (022) 487 9400
Fax no.: (022) 487 9440
E-mail: DejonghS@swartland.org.za

9. DEPUTY INFORMATION OFFICER

Name: Mr C Gerber
Designation: Snr Manager: Financial Statements & Control
Address: Church Street / Private Bag X52

Telephone no.: MALMESBURY 6299
(022) 487 9400
Fax no.: (022) 487 9440
E-mail: ChristoGerber@swartland.org.za

4. DESCRIPTION OF HUMAN RIGHTS COMMISSION'S GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act, the Human Rights Commission must compile a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide was compiled in the 11 official languages of South Africa and contains the following guidelines on:

- How to request access to information;
- What assistance should be provided by the Information Officer;
- When access to a record may be refused;
- What remedies are available if information is readily be refused.

The manual is available at:

South African Human Rights Commission
Private Bag X2700
HOUGHTON
2041

Tel: (011) 484 8300
Fax: (011) 484 7146
E-mail: paia@sahrc.org.za
Website: www.sahrc.org.za

5. PROCEDURE TO FACILITATE A REQUEST FOR ACCESS TO A RECORD AND SUBJECTS AND CATEGORIES OF SUBJECTS OF RECORDS HELD BY THE MUNICIPALITY

PART A: PROCEDURE TO REQUEST ACCESS TO A RECORD

In this part a **person** who requests access to a **record** of the municipality is informed of:-

- (i) The subjects of records that are kept by the municipality;
- (ii) How to request access to a record; and
- (iii) Where to request access to a record

Before we look at these aspects, it is necessary to first find out what is meant by 'person' and 'record'. The act offers the following definitions:-

"person" means a natural person or a juristic person

"record" of or in relation to a public or private body, means any recorded information—

- (a) regardless of form or medium;
- (b) in the possession or under the control of that public or private body, respectively; and
- (c) whether or not it was created by that public or private body, respectively.

By definition a partnership is not a person and may therefore not be given access to information. A record must exist; a requester has no right to request the creation of a record.

The act also gives prominence to what is called a 'personal requester'. A personal requester for instance enjoys certain privileges with regard to the payment of fees. The act gives the following definition:-

“**personal requester**” means a requester seeking access to a record containing personal information about the requester;

“**personal information**” means information about an identifiable individual, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- (b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, fingerprints or blood type of the individual;
- (e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- (f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual;
- (h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- (i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years.

1. THE SUBJECTS OF RECORDS THAT ARE KEPT BY THE MUNICIPALITY

A list of subjects and categories of subjects is inserted under part B, hereunder.

2. HOW TO REQUEST ACCESS TO A RECORD

The act provides for two methods to request access to records, i.e. the **formal process** which requires an application on a prescribed form and an **informal process**, only for identified records which are made voluntary available.

Both these methods are discussed hereunder.

2.1 Formal process

An application form is prescribed by regulation and available at all offices of the municipality. A requester may lodge his/her application with any of the deputy information officers and at the localities or addresses specified elsewhere in this manual. The deputy information officers will render reasonable assistance in completing the application form and explaining the process.

2.2 Informal process

Access to specified records can be attained by also lodging a request with the deputy information officer. This process does not require a consideration of the request. Access is allowed provided the requester pays the prescribed fee to produce the record in a required form. No fee is payable to merely view the record. This procedure is described in more detail in **Chapter 7** of this manual. The records that are automatically available and will be voluntary disclosed are listed in **Chapter 6**.

3. WHERE TO REQUEST ACCESS TO A RECORD

Deputy information officers have been appointed to render the municipality as accessible as reasonably possible for requesters of its records. A list of the names of the deputy information officers and where to contact them is reflected in **Chapter 3**.

PART B: SUBJECTS AND CATEGORIES OF SUBJECTS

In this part subjects of records held by the municipality are first recorded. The various categories of records in respect of each subject follow thereafter.

1. SUBJECTS

1. Legislation
2. Organisation and Control
3. Own Council, Committees of Council and matters regarding Councillors
4. Personnel
5. Financial matters
6. Domestic Stock and Services
7. Reports, Returns and Statistics
8. Quotations, Tenders and Contracts
9. Advertisements and Information
10. Feasts and Social Matters
11. Composition and Meetings of bodies and other assemblies
12. Buildings and Grounds
13. Legal matters
14. Licences, Permits and Approvals
15. Town Planning and Control
16. Essential Services
17. Community Services

2. CATEGORIES OF SUBJECTS

2.1 Legislation

Parliamentary legislation and regulations
Provincial legislation
Municipal by-laws

2.2 Organisation and control

Restructuring
Powers and functions of offices
Strategic planning and capacity building
Integrated Development Plan
Personnel structures
Organisational structure and systems analysis
Workstudy, productivity and risk management
Delegations
Records management

2.3 Own Council, Committees of Council and matters regarding Councillors

Office bearers
Code of Conduct
Training
Trade with councillors
Actions against councillors
Resignations/vacancies
Pension fund and medical aid fund for councillors
Political structures
Representation on outside bodies
Meeting procedures and rules

2.4 Personnel

Posts control, which includes grading, evaluations and post descriptions
Conditions of service
Recruitment and appointment
Training
(including bursaries, external/internal training and skills development programmes)

Allowances and bonuses
Pension fund, medical aid fund and insurance matters
Personnel control
(service rosters and timesheets, leave and relief arrangements, utilisation of official vehicles, private work, complaints/actions against personnel, complaints/representations by personnel)
Labour relations
(equitable employment, mass actions and strikes, labour unions, bargaining council, disputes, personnel records)

2.5 Financial

Budgets
Financial statements
Budget control
Valuations and interim valuations
(appointment of valuers and valuation court members, minutes of valuation court, objections, valuation lists and amendments)
Property taxes (determinations, exemptions, grants-in-aid, transfer certificates)
Dog tax
Determination of tariffs and fees
Deposits
Subsidies received
Recovery of all types of monies owed to the Council
Payment of accounts
Financial aid by the Council
Financial aid to the Council
Councillors (salaries, allowances, deductions)
External loans
Investments
Funds created by the Council
Audit (internal audit, external audit, audit committee)
Bank accounts
General financial returns

2.6 Domestic Stock and Services

Stock-taking
Asset management and asset registers
Procurement and maintenance
Fleet management
Information services and systems
Security services
Vocational safety
Law enforcement

2.7 Reports, Returns and Statistics

Quarterly, monthly and annual returns
Returns of departments
Statistics

2.8 Quotations, Tenders and Contracts

Preferential procurement policy
Annual tenders
Quotations
Tenders
Contracts

2.9 Advertisement and information

Press and radio releases, advertisements, newsletters, notices and brochures
Tourism
(policy, promotion, places of interest, participation in exhibitions and shows)
Council emblems (design and utilisation)
Competitions

Gifts and souvenirs

2.10 Feasts and Social Matters

Official speeches
Protocol, address and birthday lists
Particulars regarding participation in feasts
Own receptions and social gatherings
Letters of thanks, condolence and congratulation
Friendly visits and agreements

2.11 Composition and Meetings of bodies and other meetings

Agendas, minutes, reports and policy decisions of own and local committees and bodies of which council is a member or is represented on

2.12 Buildings and Grounds

Policy and particulars regarding the purchase, erection, renting and leasing, alienation, as well as maintenance, security and the allocation of buildings and accommodation
Policy and particulars regarding the purchase, expropriation, exchange, donation, endowment, prescription, renting, leasing and sale of land and grounds

2.13 Legal matters

Legal opinions and court decisions
Appointment of attorneys and advocates
Claims by and against the Council
Investigations and prosecutions in terms of legislation enforced by the Council

2.14 Licences, Permits and Approvals

Particulars regarding applications and issue of licences, permits and approvals which were granted or denied by the Council in terms of the provisions of legislation

2.15 Town Planning and Control

Particulars regarding municipal boundaries
Spatial development planning
Establishment of formal and informal townships
Land use control
(rezonings, subdivisions, departures, closure of open spaces and streets, servitudes, sectional titles, approvals and land restructuring)
Building control matters
(building plans approved, temporary buildings/structures, advertising, signs, demolitions)

2.16 Essential Services

Water
(procurement and distribution, provision and maintenance of dams, reservoirs, pressure towers, pump stations, main lines and distribution network, management measures)
Electricity
(restructuring, purchase and procurement, planning, construction and upgrading of network, applications for connections, management and maintenance of supply network, installation, management and maintenance of sub stations, transmission infrastructure and street lighting)
Sewerage
(permits for provision and management of sewerage works, planning, construction and upgrading of sewerage works, maintenance, analysis and utilisation of effluent, planning, construction, upgrading and maintenance of pump stations and network, servitudes and wayleaves)
Sanitation
(provision, maintenance and management of dumps and transfer stations, closure and rehabilitation of dumps, refuse removal, cleanup campaigns, recycling)
Roads, streets and parking areas
(construction programmes, proclamation and deproclamation, planning and comments in regard to main roads, construction, maintenance and safeguarding of road surfaces, storm water drainage,

sidewalks and parking areas, naming of streets and street name signs, numbering of houses)
Cemeteries and crematoria (provision and maintenance, particulars regarding reburials, erection and maintenance of tombstones, pauper burials)

2.17 Community Services

Community development (projects, needs analysis and socio-economic surveys)

Social Services

Housing (provision and maintenance, waiting lists, allocation policy, self-building schemes, low cost housing)

Protection services

(civil protection services, emergency and contingency planning, co-operation with other bodies fire brigade services, provision of services, protection measures, hydrants and fire fighting equipment)

Traffic control (road safety measures, traffic volume assessments, speed traps, direction signs, traffic signs and traffic lights, vehicle control, vehicle testing, issue of drivers' licences)

Public transport (determination of routes, stops and loading zones for busses and taxis, provision, maintenance and management of termini)

Library services (procurement of library material, particulars regarding outstanding and lost material)

Public amenities and services (provision, maintenance and management of halls, swimming baths, picnic places and camping sites, applications for the use of amenities)

Parks, gardens, open spaces and playgrounds (provision and maintenance, applications for use)

Harbour and coastal control (harbour facilities and fish market, pollution control measures, applications for use)

Nature conservation (provision and maintenance of reserves and footpaths)

Trade and commerce (promotion of local commerce, relations with local business sector, provision, management and maintenance of core industries and informal trade zones)

Museums, monuments and memorials: provision, maintenance and management

Post and telecommunication services (communications in regard to the provision of post offices and postal services, erection of overhead facilities and laying of cables and piping)

Control of animals

(provision, maintenance and management of pounds, impoundment and disposal of animals, relations with animal welfare organisations, aid to animal welfare organisations, aid to public bodies and organisations)

Elections

(communications in regard to delimitation of wards and polling districts and special arrangements during elections)

6. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE

1. BUSINESS DETAILS

Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities

2. AGENDAS AND MINUTES

Agendas and minutes of all meetings of council, its structures and formal staff meetings and those of its predecessors, excluding minutes and agendas which have been marked "confidential"

3. COUNCILLORS

(Including executive mayor, executive deputy mayor, speaker and office bearers)

Information regarding each councillor's

- name, address, telephone numbers
- ward/proportional, political party and election details
- position in council, e.g. member of committee A and if office bearer, whether full-time or part-time
- representation on outside bodies
- salary, allowances, etc.
- details of trips outside municipal area
- declaration of interests in accordance with item 7 of the Code of Conduct

- attendance registers, absence records and fines imposed

4. STRUCTURES

(Including council, executive committee, and other committees)

- composition, names of members, office bearers, political membership
- time and venue of meetings
- functional areas

5. MUNICIPAL LEGISLATION, BY-LAWS AND POLICIES

All documents in this regard

6. DELEGATIONS

Delegations to-

- political office bearers
- councillors
- members of staff
- structures (executive committee, committees, etc.)

7. AUTHORITY GRANTED TO POLITICAL OFFICE BEARERS, COUNCILLORS AND MEMBERS OF STAFF

Authority granted to-

- conclude contracts
- sign legal documents, cheques, etc.

8. DECISIONS BY INDIVIDUALS

Decisions by any political office bearer, councillor or staff member in terms of a power or duty delegated or sub-delegated

9. BUDGET

Documents relating to-

- IDP
- capital budget
- estimates of income and expenditure
- reports on budget control
- business plans

10. FINANCIAL RECORDS

- annual statements
- monthly statements
- arrears (excluding personal details)

11. REGISTERS

Registers regarding-

- assets (movable or immovable)
- agreements
- contractors, service providers
- tenders awarded

12. TARIFFS, FEES, SURCHARGES, ETC.

- All tariffs, fees, surcharges, etc. approved by the council for the current financial year
- All tariffs, fees, surcharges, etc. approved by the council for the previous financial years

13. PERSONAL INFORMATION OF MEMBERS OF STAFF

Personal information of members of staff in terms of section 34(2)(f) of the act

relating to-

- the fact that the individual is or was an official
- title, work address, work phone number, e-mail address of an official
- post level, salary scale and allowances of an official
- responsibilities of position held

14. STATISTICS

(Excluding personal details of individuals)

- statistics kept for departmental use in the format in which it is available
- statistics in the format as required by legislation

15. PERSONAL INFORMATION OF PERSONAL REQUESTER

Personal information requested by personal requester seeking access to a record containing personal information about the requester, on positive identification

16. RESEARCH

Information regarding research by or on behalf of the municipality, on condition that such research results have been presented to council or any of its structures and no copyright is held by persons or bodies not connected with the municipality

17. PUBLICATIONS

All publications by and on behalf of the municipality and which had been made public or presented to council and in which no copyright is held by persons or bodies not connected with the municipality

18. HOUSING

Records containing

- details of housing waiting list
- houses and land available for housing

19. TENDERS

Tenders and proposal calls after public opening (excluding evaluations and recommendations to the executive mayor or council)

20. SERVICE PROVIDERS

Details of providers of services to the municipality

21. PLANNING

- zoning and structure plans
- individual zonings and conditions
- register of approved departures and consent uses

22. LAND

- single records only of owners of land

23. ORGANISATIONAL STRUCTURE

- organigrams
- staff structure

7. DESCRIPTION OF HOW TO OBTAIN ACCESS TO A RECORD WHICH THE MUNICIPALITY HAS MADE AUTOMATICALLY AVAILABLE

The municipality, in terms of section 15(1) of the Promotion of Access to Information Act, 2000, has published a list of categories of records that will be made available to requesters of information, without formal application having to be made in terms of the Act. This list is included in the manual as **Chapter 6**.

Deputy information officers, who are trained and authorised to furnish the information that is included in the list, are situated at the following offices of the municipality:

NAME	STREET/POSTAL ADDRESS	TEL/FAX NO
Ms M S Terblanche	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Ms N Brand	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr J Pienaar	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr N C Quickfall	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr R Steyn	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr S C Arendse	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr S de Jongh	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440
Mr C Gerber	Church Street / Private Bag X52, Malmesbury	(022) 487 9400 (022) 487 9440

Application may be made to any of the above-mentioned officials for access to any information included in the list referred to above.

Kindly note:

1. If information is requested which does not fall under a category which appears on the list, a formal application will have to be lodged with the deputy information officer, and a request fee might be payable.
2. If the information falls under a category on the list, the deputy information officer will require you to complete a simple application form on which you will have to undertake that you are prepared to pay for reproduction fees in the case that copies of documents are required. If necessary, the deputy information officer will assist you in completing the form.
3. The reproduction fees are determined by a regulation which was issued in terms of the Act. You may request the deputy information officer to show you a copy of the regulation. No other fees are payable.
4. Some or all of the information which you requested, may not be available at the office where you submitted the request. If this is the case, there are two options, viz:
 - (a) the deputy information officer may direct you to the office where the records will be available, or, if you so prefer
 - (b) the deputy information officer will obtain copies of the records from the office where the records are kept, and make them available to you.

5. The deputy information officer will inform you if there is a delay in the making available of the records.
6. In some cases, it may not be possible to provide the information in the format requested.
7. If you still encounter problems you are welcome to contact me.

J J SCHOLTZ
Information Officer

8. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

The services available from the municipality to members of the public are described hereunder. For ease of reference the various services have been consolidated under common collective terms.

1. CIVIL ENGINEERING SERVICES

Sewerage: Connections, removal, blockages, emptying of tanks
Domestic and garden refuse removal
Waste removal, including medical and toxic waste
Water: Provision, reticulation, connection, testing of meters
Construction of driveways
Trimming of trees on sidewalks
Streets and roads: grading of gravel roads and patching of tar streets
Parks
Sportsfields
Cemeteries

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Civil Engineering Services at the following offices:

All towns: Malmesbury office, tel (022) 487 9400
Moorreesburg and Koringberg: Moorreesburg office, tel (022) 433 2246
Darling and Yzerfontein: Darling office, tel (022) 492 2237

For specific enquiries regarding **refuse removal services** in respect of **all towns** please contact the Malmesbury office, tel (022) 487 9400 and ask for the required section.

Dumping sites are located at Malmesbury, Moorreesburg, Darling and Yzerfontein; there are transfer stations at Chatsworth, Kalbaskraal, Riebeeck West and Riebeeck Kasteel. A permit is required for the dumping of refuse; permits may be obtained at any municipal office. Big tree branches and building rubble may not be delivered to transfer stations. For more information contact the Director: Civil Engineering Services at Malmesbury, tel (022) 487 9400.

2. ELECTRICAL SERVICES

Electricity: provision, reticulation, connection testing, power failures, street lighting and disruption of television signals

Enquiries about the services, relevant costs and how to gain access to the services in respect of **Malmesbury, Riebeeck West (Ongedund), Riebeeck West (Voëlivlei), Moorreesburg, Yzerfontein and Darling** may be directed to the Director: Electrical Engineering Services during office hours at tel (022) 487 9400. After hours telephone numbers are advertised separately.

Escom is the electricity provider in **Riebeek West, Riebeek Kasteel, Koringberg, Grotto Bay, Riverlands, Chatsworth, Kalbaskraal as well as farms and smallholdings** and may be contacted at tel 080 1212455.

3. COMMUNITY SERVICES

3.1 Community Development

Initiating and co-ordinating community development projects

Contact the department of Community Development at Malmesbury, tel (022) 487 9400.

3.2 Housing

Facilitating, planning and coordination of housing development
Maintaining a housing waiting list
Dealing with complaints and enquiries

Contact the department of Community Development at Malmesbury, tel (022) 487 9400.

4. PROTECTION SERVICES

4.1 Law Enforcement and Traffic Services

Testing: Learners and drivers' licences
Vehicle registrations
Roadworthiness tests
Licence renewals
Conversion of drivers licences
Escorting of abnormal loads and processions
Road safety education
Law enforcement: traffic
Crime prevention
Enforcement of municipal by-laws

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Protection Services, at Malmesbury, tel (022) 487 9400 or any of the following offices:

Malmesbury: (022) 487 9400
Moorreesburg: (022) 433 2246
Darling: (022) 492 2237

4.2 Fire Services

Fire prevention
Fire fighting
Fire safety
Rescue services: accidents
The emergency number for these services (all areas) is (022) 487 9479.

5. AMENITIES

5.1 Yzerfontein harbour and fish market

For information contact the Harbour Master at (022) 451 2366.

5.2 Halls

For booking of halls or enquiries phone the following numbers:

Malmesbury: (022) 487 9400
(Town Hall, Westbank, Abbotsdale and Ilinge Lethu community halls)
Riebeek West: Town Hall: (022) 461 2324
Darling: Community Hall: (022) 492 2237
Yzerfontein: Community Hall: (022) 451 2366

Moorreesburg: (022) 433 2246
(Town Hall and Rosenhof Community Hall)

5.3 **Swimming Pools**

The Malmesbury public swimming pool is located in Vrede Street.
The Moorreesburg public swimming pool is located in Main Street.

5.4 **Caravan Parks**

The Yzerfontein public caravan park is located in Dolfyn Street.

5.5 **Sport facilities**

Various sport facilities are available at the towns in the municipal area.

Malmesbury

Dieprivier sports fields (rugby, cricket, netball, tennis, bowls, athletics)
Golf course
Squash courts
Alpha Street sports fields (rugby, cricket, netball, tennis, athletics)
Soccer fields

Riebeek West

Rugby field

Riebeek Kasteel

Sports fields (rugby and netball)

Abbotsdale

Sports fields (rugby, netball and tennis)

Kalbaskraal

Rugby field

Darling

Gabriël Pharaoh sports fields (rugby, cricket, netball, tennis and athletics)
Sports club (cricket, bowls, golf, netball, tennis)

Moorreesburg

Rosenhof sports fields (rugby, cricket, soccer, netball, tennis and athletics)
Gene Louw sports fields (rugby, cricket, netball and athletics)
Bowling greens
Tennis courts
Golf course
Squash courts
Gimnasium

Yzerfontein

Sports fields (tennis, bowls and jukskei)

Enquiries about the services, relevant costs and how to gain access to the services may be directed to any of the Municipal offices.

6. **LIBRARIES**

Libraries may be visited at the following centres:

Malmesbury

Public Library, Voortrekker Road
Westbank Library, Akasia Avenue

Moorreesburg

Public Library, Main Road

Darling

Public Library, Church Street
Darling North Library, c/o 17th Avenue and Smith Street

Riebeek Kasteel

Public Library, Plain Street

Riebeek West

Public Library, Voortrekker Road

Chatsworth

Public Library, c/o 1st and Hutchinson Street

7. **TRADING**

Issuing of licences for the sale of food to the public
Permits to hawk

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Development Services at Malmesbury, tel (022) 487 9400.

8. TOWN PLANNING AND LAND AFFAIRS

Granting authority for land use, eg. rezonings, special consents and departures
Sale and lease of municipal property
Approval of building plans

For specific enquiries regarding **building plans** in respect of **all towns** please contact the Malmesbury office, tel (022) 487 9400 and ask for the required section.

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Development Services at Malmesbury, tel (022) 487 9400.

9. TOURISM

Maps and brochures

Tourism bureaux/Information offices may be visited at the following towns:

Malmesbury

C/o Voortrekker Road and Church Street

Moorreesburg

C/o Plein & Church Streets

Darling

C/o Hill & Pastorie Streets

Riebeek Kasteel

Church Street

Yzerfontein

46 Main Street

Koringberg

C/o Impala and Sonderend Streets

10. CASHIER AND ENQUIRY DESKS

For your convenience a number of cashier and enquiry desks (for enquiries about services, credit control and client services) have been established within the municipal area. Details of where to make payments and/or lodge enquiries are reflected hereunder:

Malmesbury Head Office: Church Street	Tel (022) 487 9400
Moorreesburg: c/o Piet Retief & Plein Streets	Tel (022) 433 2246
Moorreesburg: Sentrum Street, Rosenhof	Tel (022) 433 2246
Darling: Church Street	Tel (022) 492 2237
Darling: Donkin Street	Tel (022) 492 2237
Yzerfontein: Marine Road	Tel (022) 423 8024
Riebeek West: Voortrekker Road	Tel (022) 461 2324
Riebeek Kasteel: Sarel Cilliers Street	Tel (022) 448 1258
Koringberg: Skool Street	Tel (022) 423 8024

Payment of services accounts and the purchase of prepaid services (water and electricity) can also be made at any of the below-mentioned agencies:

Kalbaskraal (mr M Uberstein)	Tel (022) 481 6648
Abbotsdale (ms R Cloete)	Tel (022) 485 7344
Riverlands (ms R Marais)	Tel (022) 481 3737
Chatsworth (mr F Mitchell)	Tel (022) 481 3830
Malmesbury: OK Minimarket	Tel (022) 482 1091
Malmesbury: Quickshop	Tel (022) 482 2773
Malmesbury: Tasneems Café	Tel (022) 486 4658
Malmesbury: 7Eleven	Tel (022) 482 3711

Malmesbury: Pick 'n Pay
Darling: New Town Cash Store
Moorreesburg: C J Mini Superette

Tel (022) 482 4728
Tel (022) 492 2783
Tel (022) 433 2132

Payment of services accounts by means of the Easy Pay system can also be made at any Pick 'n Pay or Shoprite throughout the country.

9. DESCRIPTION OF ARRANGEMENTS OR PROVISIONS FOR PERSONS TO MAKE REPRESENTATIONS, TO PARTICIPATE IN OR INFLUENCE THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE MUNICIPALITY

The constitution directs local government to encourage the involvement of communities and community organisations in the matters of local government. In more direct terms the Local Government: Municipal Systems Act requires each municipality to develop a culture of community participation that complements formal representative government with a system of participatory governance.

1. STATUTORY OBLIGATION

For this purpose the municipality must in terms of the act encourage and create conditions for the local community to participate in the affairs of the municipality, e.g. in the preparation, implementation and review of its integrated development plan; the establishment, implementation and review of its performance management system; the monitoring and review of its performance; the preparation of its budget; and strategic decisions relating to the provision of municipal services.

The municipality must furthermore contribute to building the capacity of the local community to enable it to participate in the affairs of the municipality; and councillors and staff to foster community participation.

The municipality must also use its resources, and annually allocate funds in its budget for the purpose of implementing the above.

2. MECHANISMS, PROCESSES AND PROCEDURES

Participation by the local community in the affairs of the municipality must take place through the municipality's political structures; the mechanisms, processes and procedures established in terms of this Act; other appropriate mechanisms, processes and procedures established by the municipality; and councillors.

The municipality has identified the following mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality—

- (a) petitions and complaints lodged by members of the local community;
- (b) public comment procedures;
- (c) public meetings and hearings, when appropriate;
- (d) consultative sessions with local community organisations; and
- (e) report-back to the local community.

3. COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION

The municipality will communicate information concerning the above mechanisms, processes and procedures to encourage and facilitate community participation and in particular the matters with regard to which community participation is encouraged; the rights and duties of members of the local community; and municipal governance, management and development.

The municipality will also give notice to the public of the time, date and venue of every ordinary and special or urgent meeting of the council, except when time constraints make this impossible. Meetings of the council and those of its committees are open to the public, including the media; these may only be closed for the public, including the media when it is reasonable to do so having regard to the nature of the business being transacted.

4. COMMUNICATIONS TO LOCAL COMMUNITY

When the municipality must communicate with the community through the media. In terms of the systems act or any other applicable legislation, it will do so in the local newspaper/s. It may at times also do so by means of radio broadcasts covering the area of the municipality, or by means of its municipal newsletter which is published quarterly.

Notices that must be published in the Provincial Gazette or the media in terms of the systems act or any other applicable legislation, will also be displayed at the municipal offices.

When the municipality invites the local community to submit written comments or representations on any matter before the council, the invitation will mention that any person who cannot write may come during office hours to a place where a staff member of the municipality named in the invitation, will assist that person to transcribe that person's comments or representations.

When the municipality requires a form to be completed by a member of the local community, a staff member of the municipality will give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form.

10. DESCRIPTION OF REMEDIES IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY

1. INTRODUCTION

The legislative and executive authority of the municipality is vested in the council. The nature of a remedy in respect of an act or failure to act will consequently depend on whether the act may be classified as **legislative** or **administrative**. A very brief explanation of what is meant by these two terms is given hereunder.

2. LEGISLATIVE ACTS

Legislative acts relate to those actions of government in the national, provincial or local sphere which have the force of law and are enforceable by a court of law. The municipality has the power to make rules on a wide range of subjects. These rules are usually manifested in by-laws, the budget and levying of taxes and other fees. The procedure to be followed before the municipality may impose these rules is contained in legislation.

3. ADMINISTRATIVE ACTS

Administrative acts refer to those actions (mostly decisions) made in executing or carrying into effect the laws (including by-laws) of the country. It refers to those decisions which government bodies, municipalities and public servants make on a daily basis in the execution of their statutory powers. In the municipality these decisions are taken by council, its committees, office bearers (eg. the mayor and speaker) councillors and members of staff. Remedies are available in regard to decisions taken by any of these decision-makers mentioned. The nature of the remedy will however vary depending on whether the decision was taken in terms of a delegated power or not. A brief discussion of these remedies will follow hereafter.

4. REMEDIES

4.1 LEGISLATIVE ACTIONS

Legislative actions refer not only to the making of by-laws. The decisions of council to approve the budget; impose rates, levies and tariffs; and to take up loans are also of a legislative nature. If the legality of any of these decisions is suspect it may be challenged by bringing an application for judicial review in a High Court. It might also be possible to approach a High Court to force a council to make a by-law in circumstances where it is essential for law and order, if such council fails to make such a by-law. Remedies in respect of actions authorised by the mentioned legislative measures is regarded as being "administrative" and is discussed hereafter.

4.2 ADMINISTRATIVE ACTIONS

The power to perform administrative actions can be conferred either by an empowering act or by delegation. The act will normally identify a specific person or body (original recipient) who may

take the decision. The act may also allow the person or body so identified to nominate (delegate) some other person or body to take the decision. The person to whom the power has been delegated (delegatee) then steps into the shoes of the other person or body and acts in his/her stead.

All administrative acts must comply with the provisions of the Promotion of Administrative Justice Act, 2000 as well as certain common law rules.

An aggrieved person may contest the decision of an "original recipient" by lodging an application for relief with the High Court.

In the case of a delegatee the aggrieved person has the right to lodge an internal administrative appeal before approaching the High Court. The identity of the appeal authority varies depending on who took the original decision.

The various appeal authorities are:

- Municipal manager for decisions taken by a member of staff
- Executive mayor for decisions taken by the municipal manager
- Council for decisions taken by the executive mayor, other structure, office bearer or councillor

4.3 ACTION IN TERMS OF THE CODE OF CONDUCT FOR COUNCILLORS

Councillors of the municipality who contravene the code of conduct for councillors run the risk of being disciplined by the council. The speaker is responsible to enforce the code of conduct. The code is a statutory provision and is contained in the systems act.

4.4 ADMINISTRATIVE APPEALS TO PROVINCIAL GOVERNMENT

The Land Use Planning Ordinance provides that an aggrieved party may appeal against the decision of the council in certain instances relating to town planning.

4.5 INTERVENTION BY PROVINCIAL EXECUTIVE

In terms of the constitution the provincial government is responsible for the monitoring of local government's performance; furthermore the provincial government has to support and strengthen the capacity of local government to perform its functions and manage its own affairs. The provincial government may also intervene if a municipality fails to fulfil its constitutional functions, by assuming the municipality's functions. Intervention should however only be resorted to when monitoring and support did not result in a municipality being able to fulfil its constitutional functions.

4.6 STATE INSTITUTIONS

The constitution provides for certain state institutions to strengthen constitutional democracy. The following institutions, mentioned hereunder, may be approached in the event of the municipality not fulfilling its constitutional obligations, depending on the nature of the failure or neglect. The contact details of these institutions are as follows:

- Public Protector
Private Bag X677, Pretoria 0001
Tel nr (012) 322 2916
- Human Rights Commission
Private Bag X2700, Houghton 2041
Tel nr (021) 426 2277
- Commission on Gender Equality
Volkskas Building, Adderley Street, Cape Town 8000
Tel nr (021) 426 4080
- Auditor-General
Private Bag X96, Bellville 7550
Tel nr (021) 948 9990
- Independent Electoral Commission

Customs House (6th Floor), Foreshore, Cape Town 8000
Tel nr (021) 409 5300
Fax nr (021) 425 6410

4.7 CIVIL ACTION

Any person aggrieved by a decision of the municipality may approach the High Court for relief. Any action of the municipality that results in a person suffering damage or loss to person or property may also approach the High Court. A person who wishes to institute civil action against the municipality should consult an attorney.

4.8 CRIMINAL ACTION

Any criminal action by the municipality or any of its structures, councillors or officials may be reported to the South African Police. Any police station may be approached for assistance.