



**NOTULE VAN 'N VERGADERING VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU IN DIE STADSAAL, MALMESBURY OP DONDERDAG, 28 JULIE 2022 OM 10:00**

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**TEENWOORDIG:**

Speaker, rdh M A Rangasamy  
Uitvoerende Burgemeester, rdh J H Cleophas  
Uitvoerende Onderburgemeester, rdl J M de Beer

**RAADSLEDE:**

|                     |                    |
|---------------------|--------------------|
| Bess, D G (DA)      | Penxa, B J (ANC)   |
| Booyesen, A M (VF+) | Pieters, C (ANC)   |
| Daniels, C (DA)     | Pypers, D C (DA)   |
| Duda, A A (EFF)     | Smit, N (DA)       |
| Fortuin, C (ANC)    | Soldaka, P E (ANC) |
| Le Minnie, I S (DA) | Stanley, B J (DA)  |
| Ngozi, M (ANC)      | Van Essen, T (DA)  |
| O'Kennedy, E C (DA) | Vermeulen, G (VF+) |
| Papier, J R (GOOD)  | Warnick, A K (DA)  |

Beampes:

Munisipale Bestuurder, mnr J J Scholtz  
Direkteur: Elektriese Ingenieursdienste, mnr R du Toit  
Direkteur: Finansiële Dienste, mnr M A C Bolton  
Direkteur: Beskermingsdienste, mnr P A C Humphreys  
Direkteur: Korporatiewe Dienste, me M S Terblanche  
Direkteur: Ontwikkelingsdienste, me J S Krieger  
Senior Bestuurder: Vaste Afval- en Handelsdienste, mnr J Venter  
Bestuurder: Sekretariaat en Rekords, me N Brand

**1. OPENING**

Die Speaker verwelkom die Uitvoerende Burgemeester, raadsdames, raadshere, raadslede en amptenare. 'n Spesiale woord van verwelkoming word gerig aan amptenare van die Kantoor van die Interne Ouditeur en die Wetstoepassing Reaksie-eenheid.

Die Direkteur: Beskermingsdienste open die vergadering met skriflesing en gebed op die versoek van die Speaker.

Die Speaker dra sy gelukwense oor aan raadslede en amptenare wat die afgelope tyd verjaar het.

**2. VERLOF TOT AFWESIGHEID**

Verlof tot afwesigheid word verleen aan rdd M van Zyl en rdl R J Jooste.

**3. AFVAARDIGINGS/VERKLARINGS EN MEDEDELINGS/VOORLEGGINGS**

Die Munisipale Bestuurder meld dat, met die aftrede van mnr P le Roux en onlangse aanstellings in die Afdeling: Interne Oudit, hy dit goedgevind het om die betrokke amptenare aan die Raad voor te stel, naamlik

- Die Senior Bestuurder: Interne Oudit, me J Erasmus
- Die Interne Ouditeur, mnr M Mseleni (afwesig)
- Die Intern betrokke by Risikobestuur, me T Howburg.



**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY ON THURSDAY, 28 JULY 2022 AT 10:00**

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**PRESENT:**

Speaker: ald M A Rangasamy  
Executive Mayor, ald J H Cleophas  
Deputy Executive Mayor, clr J M de Beer

**COUNCILLORS:**

|                     |                    |
|---------------------|--------------------|
| Bess, D G (DA)      | Pieters, C (ANC)   |
| Booyesen, A M (VF+) | Pypers, D C (DA)   |
| Daniels, C (DA)     | Smit, N (DA)       |
| Duda, A A (EFF)     | Soldaka, P E (ANC) |
| Fortuin, C (ANC)    | Stanley, B J (DA)  |
| Le Minnie, I S (DA) | Van Essen, T (DA)  |
| Ngozi, M (ANC)      | Van Zyl, M (DA)    |
| O'Kennedy, E C (DA) | Vermeulen, G (VF+) |
| Papier, J R (GOOD)  | Warnick, A K (DA)  |
| Penxa, B J (ANC)    |                    |

Officials:

Municipal Manager, mr J J Scholtz  
Director: Electrical Engineering Services, mr R du Toit  
Director: Financial Services, mr M A C Bolton  
Director: Protection Services, mr P A C Humphreys  
Director: Corporate Services, ms M S Terblanche  
Director: Development Services, ms J S Krieger  
Senior Manager: Solid Waste- and Trade Services, mr J Venter  
Manager: Secretariat and Records Services, ms N Brand

**1. OPENING**

The Speaker welcomed the Executive Mayor, the Deputy Executive Mayor, aldermen, councillors and officials. A special word of thanks is directed to officials from the Office of the Internal Auditor and the Law Enforcement Reaction Unit.

The Director: Protection Services opened the meeting with a scripture reading and prayer at the request of the Speaker.

The Speaker congratulated those who had celebrated birthdays during May.

**2. APOLOGIES**

**RESOLUTION** that apologies are accepted from alderlady M van Zyl and cllr R J Jooste.

**3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS**

The Municipal Manager mentioned that, with the retirement of mr P le Roux and new appointments, officials from the Office of the Internal Auditor were invited to the meeting to introduce them to council, namely

- The Senior Manager: Internal Auditor, ms J Erasmus
- The Internal Auditor, mr M Mseleni (absent)
- The Intern involved in Risk Management, ms T Howburg.

### **3.1 VOORLEGGING DEUR DIE KANTOOR VAN DIE OPENBARE BESKERMER**

Die Munisipale Bestuurder bevestig dat daar 'n verskoning vanaf die Kantoor van die Openbare Beskermer ontvang is vir bywoning van die Raadsvergadering en dat die voorlegging oorstaan.

## **4. NOTULES VIR BEKRAGTIGING**

### **4.1 NOTULE VAN 'N GEWONE RAADSVERGADERING GEHOU 26 MEI 2022**

#### **BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdl E C O'Kennedy)

Dat die notule van 'n Gewone Raadsvergadering gehou op 26 Mei 2022 goedgekeur en deur die Speaker onderteken word.

### **4.2 NOTULE VAN 'N SPESIALE RAADSVERGADERING GEHOU OP 15 JUNIE 2022**

#### **BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdl E C O'Kennedy)

Dat die notule van 'n Spesiale Raadsvergadering gerhou op 15 Junie 2022 goedgekeur en deur die Speaker onderteken word.

## **5. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE UITVOERENDE BURGEMEESTER**

#### **BESLUIT**

Dat kennis geneem word van die Uitvoerende Burgemeester se besluite ingevolge gedelegeerde bevoegdheid, soos vervat in die onderstaande notules:

### **5.1 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 19 MEI 2022** saamgelees met

**NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 11 MEI 2022**

### **5.2 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 15 JUNIE 2022** saamgelees met

**NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 8 JUNIE 2022**

### **5.3 NOTULE VAN 'N SPESIALE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 22 JUNIE 2022**

## **6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE MUNISIPALE BESTUURDER**

#### **BESLUIT**

Dat kennis geneem word van die Munisipale Bestuurder se besluite ingevolge gedelegeerde bevoegdheid, soos vervat in die onderstaande notules:

### **6.1 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 17 MEI 2022**

### **6.2 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 7 JUNIE 2022**

7./...

### **3.1 PRESENTATION BY THE OFFICE OF THE PUBLIC PROTECTOR**

The Municipal Manager confirmed that an apology was received from the Office of the Public Protector and that they will not be able to do the presentation – therefore the matter stands over.

## **4. MINUTES FOR APPROVAL**

### **4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 26 MAY 2022**

#### **RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr E C O’Kennedy)

That the minutes of an Ordinary Council Meeting held on 26 May 2022 are approved and signed by the Speaker.

### **4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 15 JUNE 2022**

#### **RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr E C O’Kennedy)

That the minutes of a Special Council Meeting held on 15 June 2022 are approved and signed by the Speaker.

## **5. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR**

### **RESOLUTION**

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated power in the following minutes:

### **5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR’S COMMITTEE HELD ON 19 MAY 2022**

read in conjunction with

**MINUTES OF A MEETING OF THE PORTFOLIOS COMMITTEE MEETING HELD ON 11 MAY 2022**

### **5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR’S COMMITTEE HELD ON 15 JUNE 2022**

read in conjunction with

**MINUTES OF A MEETING OF THE PORTFOLIOS COMMITTEE MEETING HELD ON 8 JUNE 2022**

### **5.3 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR’S COMMITTEE HELD ON 22 JUNE 2022**

## **6. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER**

### **RESOLUTION**

That note is taken of the decisions made by the Municipal Manager in accordance with his delegated power in the following minutes:

### **6.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 17 MAY 2022**

### **6.2 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 7 JUNE 2022**

7./...

## **7. SAKE VOORTSPRUITEND UIT DIE NOTULES**

Geen.

## **8. SAKE VIR BESPREKING**

### **8.1 HERAANNEMING VAN DIE MUNISIPALE RUIMTELIKE ONTWIKKELINGS- RAAMWERK (ROR) (2/1/4/4/1, 15/1/4/1)**

Die Ruimtelike Ontwikkelingsraamwerk (ROR) is op 30 Mei 2019 deur die voormalige Raad aanvaar en sedertdien is daar geen wysigings aan die ROR aangebring nie. Die ROR vorm 'n integrale deel van die Geïntegreerde Ontwikkelingsplan (GOP) en derhalwe is 'n opsomming daarvan vervat in die GOP soos goedgekeur deur die Raad op 26 Mei 2022.

Die Munisipale Bestuurder noem dat die GOP aan die Minister van Plaaslike Regering voorsien is en het lg. versoek dat die ROR heraangeneem word, aangesien slegs 'n opsomming daarvan in die GOP as onvoldoende beskou word.

#### **BESLUIT**

(op voorstel van rdh J H Cleophas, gesekondeer deur rdh T van Essen)

Dat die Munisipale Ruimtelike Ontwikkelingsraamwerk wat op 30 Mei 2019 deur die Raad aanvaar is en waarvan 'n opsomming by die huidige GOP (Hoofstuk 6, paragraaf 6.4) ingesluit is, weer deur die Raad aangeneem word.

### **8.2 VOORLEGGING VAN DIE 2022/2023 PRESTASIE-OOREENKOMSTE EN -PLANNE (2/4/2)**

Die prestasie-ooreenkomste en -planne vir die 2022/2023 finansiële jaar is opgestel ooreenkomstig Artikel 57 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) en dien as 'n vervangende addendum tot die aanstellingskontrakte van die Munisipale Bestuurder en direkteure.

#### **BESLUIT**

(op voorstel van rdh J H Cleophas, gesekondeer deur rdl A K Warnick)

Dat kennis geneem word van die Munisipale Bestuurder en direkteure se prestasie-ooreenkomste en -planne vir die 2020/2021 finansiële jaar.

### **8.3 AANVAARDING VAN DIE VERORDENING INSAKE DIE HOU VAN VERGADERINGS (1/1)**

Die konsep Verordening insake die Hou van Vergaderings is op 26 Mei 2022 aan die Raad voorgelê vir doeileindes om die publieke deelnameproses te deurloop.

Daar is geen kommentaar/insette ontvang teen die sperdatum van 1 Julie 2022 nie.

Die Uitvoerende Burgemeesterskomitee het op 13 Julie 2022 die verordening oorweeg vir voorlegging aan die Raad.

Die Speaker bring die aangeleentheid tot stemming en word dit beslis met 15 stemme ten gunste van die aanvaarding van die Verordening insake die Hou van Vergaderings met die res van die raadslede wat buite stemming bly.

#### **BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdl N Smit)

- (a) Dat die volgende verordening aangeneem word deur die Raad, om in werking te tree op datum van afkondiging in die Provinsiale Koerant:
  - Swartland Munisipaliteit: Verordening insake die Hou van Vergaderings
- (b) Dat boetes vir oortredings van die verordening vasgestel word deur die Departement van Justisie;

## **7. MATTERS ARISING FROM THE MINUTES**

None.

## **8. MATTERS FOR DISCUSSION**

### **8.1 RE-ADOPTION OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) AS PART OF THE IDP (2/1/4/4/1)**

Since the adoption of the Spatial Development Framework (SDF) by the former Council on 30 May 2019, no amendments were done to the SDF. The SDF forms an integral part of the Integrated Development Plan (IDP) and therefore an executive summary is included in the IDP as approved by Council on 26 May 2022.08.18

The Municipal Manager mentioned that the IDP was submitted to the Minister of Local Government and a request was received from the latter to re-adopt the SDF, as only a summary thereof in the IDP is regarded as insufficient.

#### **RESOLUTION**

(proposed by ald J H Cleophas, seconded by ald T van Essen)

That the Municipal Spatial Development Framework that was adopted by Council on 30 May 2019 and of which a summary is included in the current approved IDP (Chapter 6, paragraph 6.4), be re-adopted by Council.

### **8.2 SUBMISSION OF 2022/2023 PERFORMANCE AGREEMENTS AND PLANS (2/4/2)**

The compilation of the 2022/2023 performance agreements and plans was done in accordance with Section 57 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and serves as replacement addendum to the service contracts.

#### **RESOLUTION**

(proposed by ald J H Cleophas, seconded by cllr A K Warnick)

That the performance agreements and plans of the Municipal Manager and directors for the 2022/2023 financial year be noted.

### **8.3 ADOPTION OF BY-LAW RELATING TO THE CONDUCT OF MEETINGS (1/1)**

The draft By-law relating to the Conduct of Meetings was tabled to Council on 26 May 2022 for the purpose to initiate the public participation process.

No comments/inputs were received by the deadline of 1 July 2022.08.19

The by-law was considered by the Executive Mayoral Committee on 13 July 2022 for tabling to Council

The matter was put to vote by the Speaker and decided with 15 votes in favour of the adoption of the By-law relating to the Conduct of Meetings and the remainder of the councillors abstained.

#### **RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr N Smit)

(a) That the following by-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette:

- Swartland Municipality: By-law relating the the Conduct of Meetings

(b) That fines for offences of the by-law be determined by the Department of Justice;

(c)/...

8.3/...

- (c) Dat die Reëls vir Virtuele Vergaderings wat as aanvullend tot die bestaande verordening aangeneem was, herroep word vanaf datum van afkondiging van die nuwe verordening.

#### **8.4 KENNISNAME VAN GOEDKEURING VAN DIE ORGANISATORIESE STRUKTUUR MET INGANG VAN 1 JULIE 2022 MET IN AG NEMING VAN WYSIGINGS AAN DIE DEPARTEMENT: BESKERMINGSDIENSTE (2/6)**

Artikel 66 van die Munisipale Stelsels Wysigingswet, 2011 bepaal dat die munisipale bestuurder verantwoordelik is vir die ontwikkeling van 'n organisatoriese struktuur vir voorlegging aan die munisipale raad.

Die wysigings aan die organisatoriese struktuur met betrekking tot die Departement: Beskermingsdienste word volledig toegelig in die aanhangsels tot die verslag, soos gesirkuleer met die agenda.

Rdl B J Penxa noem dat daar opgemerk word dat die Departement: Beskermingsdienste grotendeels deur slegs een ras verteenwoordig word en dat daar 'n poging aangewend moet word om ook ander rasse te integreer.

#### **BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdl B J Penxa)

Dat die Raad kennis neem van die goedkeuring van die organisatoriese struktuur deur die Munisipale Bestuurder met in ag neming van die wysigings by die Departement: Beskermingsdienste vir implementering met ingang van 1 Julie 2022.

#### **8.5 AANSTELLING VAN LEDE OP DIE DISSIPLINÊRE RAAD (5/15/1/5)**

Die Dissiplinêre Raad is ingestel as 'n onafhanklike adviserende liggaam om ingevolge die *Financial Misconduct Regulations* die Raad by te staan in ondersoeke na finansiële wangedrag.

Die Munisipale Bestuurder noem dat die verslag slegs beoog om die nuwe Interne Ouditeur op die Dissiplinêre Raad aan te stel.

#### **BESLUIT**

(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdh T van Essen)

Dat paragraaf 4(3) van die *Financial Misconduct Regulations* bepaal dat die ampstermyn van lede van die Dissiplinêre Raad nie 'n termyn van drie jaar mag oorskry nie en dat die volgende goedkeuring verleen ten einde kontinuiteit in die bestaan van die Dissiplinêre Raad te verseker:

- (a) Die aanstelling van Me J Erasmus, Bestuurder Interne Oudit vanaf 1 Junie 2022 tot 31 Mei 2025.

#### **8.6 KONSTRUKSIE VAN PAAIE IN CHATSWORTH: VOORGESTELDE ONTEIENING VAN GEDEELTES PRIVAATGROND VIR HOEKAFSTOMPINGS (12/2/1-2/4)**

Die Munisipale Bestuurder noem dat dit nodig is om klokke/bellmouths te skep vir die konstruksie van strate in Chatsworth om sigbaarheid van verkeer te verseker. Chatsworth is by wyse van 'n Algemene Plan gevestig ingevolge die "ou" Ordinsie en was daar nie voldoende beplan vir die skep van strate nie.

Die onderskeie opsies om die grond te bekom vir die konstruksie van strate word aan die Raad voorgehou en die redes waarom onteiening oorweeg moet word. Daar is baie kostes vir die Munisipaliteit aan verbonde, bv. die verskuiwing van heinings en vorm hierdie projek deel van die beplanningfase vir die konstruksie van strate in die 2023/2024 finansiële jaar.

Besluit/...

- (c) That the Rules for Virtual Meetings that were adopted to supplement the existing by-law, be repealed with effect from date of publication of the new by-law.

**8.4 NOTICE OF APPROVAL OF THE ORGANISATIONAL STRUCTURE WITH EFFECT FROM 1 JULY 2022 TAKING INTO ACCOUNT AMENDMENTS TO THE DEPARTMENT PROTECTION SERVICES (2/6)**

Section 66 of the Municipal Systems Amendment Act, 2011 determines that the municipal manager is responsible for developing an organizational structure for tabling to the municipal council.

The amendments to the organisational structure in relation to the Department: Protection Services are explained in the annexures to the report, as circulated with the agenda.

Cllr B J Penxa mentioned that it is noted that the Department: Protection Services is largely represented by only one race and that an effort must be made to integrate other races as well.

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr B J Penxa)

That Council takes note of the organisational structure as approved by the Municipal Manager taking into account the amendments with regard to Protection Services for implementation with effect from 1 July 2022.

**8.5 APPOINTMENT OF DISCIPLINARY BOARD MEMBERS TO BE RECOMMENDED TO COUNCIL (5/15/1/5)**

The Disciplinary Board serves as an independent advisory body to assist the Council with investigations into financial misconduct in terms of the Financial Misconduct Regulations.

The Municipal Manager mentioned that the report only intends to appoint the new Internal Auditor to the Disciplinary Board.

**RESOLUTION**

(proposed by cllr E C O'Kennedy, seconded by cllr T van Essen)

According to Section 4(3) of the Financial Misconduct Regulations, the term of office for members of the Disciplinary Board must not exceed a period of three years. Therefore, the following appointment be approved to ensure continuity and further existence of the Disciplinary Board:

- (a) Appoint Ms J Erasmus, Manager: Internal Audit from 1 June 2022 to 31 May 2025 as she served on the Disciplinary Board

**8.6 CONSTRUCTION OF ROADS IN CHATSWORTH: PROPOSED EXPROPRIATION OF PORTIONS PRIVATE LAND FOR SPLAYS (12/2/1-2/4)**

The Municipal Manager mentioned that bellmouths must be created for the construction of streets in Chatsworth to ensure visibility for traffic. Chatsworth was established by way of a General Plan in terms of the "old" Ordinance resulting in insufficient planning for the construction of streets.

The various options to acquire the land for the construction of streets are presented to the Council and the reasons why expropriation should be considered. There are many costs involved for the Municipality, e.g. the moving of fences. The project forms part of the planning phase for the construction of streets in the 2023/2024 financial year.

Resolution

**BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdh B J Stanley)

- (a) Dat goedkeuring verleen word vir die onteining vir publieke doeleindes (paaie) van daardie gedeeltes privaatgrond wat as hoekafstompings benodig word vir die konstruksie van paaie in Chatsworth, ten einde die projek tydens die 2023/24 finansiële jaar te kan begin en te finaliseer, ook in ag genome die kompleksiteit, verhoogde kostes en ander implikasies verbonde aan die normale oordragproses soos toegelig in hierdie verslag;
- (b) Dat alle kostes verbonde aan die transaksies teen die siviele projek verreken sal word;
- (c) Dat die geaffekteerde partye vooraf op skrif in kennis gestel sal word van die stappe wat gedoen en die proses wat gevolg sal word;
- (d) Dat die Direkteur: Korporatiewe Dienste gemagtig word om alle dokumente wat met hierdie transaksies verband hou, te mag onderteken.

**8.7 VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN MUNISIPALE MEENTGROND (GEDEELTE RESTANT ERF 551) EN ERF 1119 TE DARLING (12/2/1-2/4)**

CLB Eiendomme (Pty) Ltd is die eienaar van Erf 4373, Darling en 'n aansoek is ontvang om 'n gedeelte van Restant Erf 551 en Erf 1119, Darling te bekom om met hul eiendom te konsolideer.

Die fabriek, Darling Romery, word op Erf 4373, Darling geakkommodeer en het oor die afgelope jare in so 'n mate uitgebrei dat addisionele spasie benodig word, spesifiek vir beweging van voertuie.

**BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdh J H Cleophas)

- (a) Dat die Raad goedkeuring verleen in terme van die toepaslike Verordening asook Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 dat 'n gedeelte (± 0.7148 ha groot) van Restant Erf 551, Darling asook Erf 1119, Darling (0.075 ha groot) uit-die-hand-uit vervreem en oorgedra word aan CLB Eiendomme (Pty) Ltd vir konsolidasie met Erf 4373, en wel ten bedrae van R157 460,00, BTW uitgesluit, onderhewig aan die voorwaardes hierin vermeld;
- (b) Dat kennis geneem word dat die tersaaklike eiendomme tans (as deel van die munisipale meentgrond) in geen stadium vir die verskaffing van 'n minimum of enige ander vlak van basiese munisipale dienste benodig was of word nie;
- (c) Dat die volgende redes genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om 'n openbare mededingingsproses te deurloop:
  - (i) Die tersaaklike eiendomme as 'nie-bestaansbare bates' kwalifiseer deurdat dit as gevolg van fisiese beperkings nie op hul eie as afsonderlike entiteite ontwikkel kan word nie en slegs funksioneel raak indien dit vervreem word aan 'n aangrensende eienaar vir gebruik tesame met sy of haar eiendom, soos voorgestel;
  - (ii) Die voorgestelde samesmelting van die tersaaklike eiendomme met Erf 4373 en die aanwending daarvan vir kommersiële doeleindes, aansluit by Strategiese Doelwit 3 van die 2017-2022 Geïntegreerde Ontwikkelingsplan, naamlik om ekonomiese geleenthede te ontsluit, mobiliteit en ekonomiese skakels te verstewig en om die ekonomiese potensiaal van Swartland-wyke (in hierdie geval wyk 5) te fasiliteer;
  - (iii) Die eiendomme in hul huidige formaat nie enige ekonomiese of ander voordeel vir die Munisipaliteit inhou nie, en slegs by konsolidasie met Erf 4373 bydraend sal wees tot die ekonomiese voordeel wat die huidige aanwending van Erf 4373 vir die betrokke gemeenskap inhou, wat baat uit werksgeleenthede op die eiendom;

8.6/...

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by ald B J Stanley)

- (a) That approval be granted for the expropriation for public purposes (roads) of those portions of private land required as splays for the construction of roads in Chatsworth, in order to ensure that the project can be commenced with and finalized during the 2023/24 financial year, also taking into account the complexity, increased costs and other implications of the normal transfer process, as explained in this report;
- (b) That all costs related to the transactions be reckoned against the civil project;
- (c) That the affected parties be informed in writing of the steps to be taken and the process to follow;
- (d) That the Director: Corporate Services be authorized to sign all documents related to these transactions

**8.7 PROPOSED OUT OF HAND ALIENATION OF MUNICIPAL COMMONAGE (PORTION REMAINDER ERF 551) AND ERF 1119 IN DARLING (12/2/5/2-3/2)**

As application was received from the owner of Erf 4373, Darling - CLB Eiendomme (Pty) - to acquire a portion of Remaining Erf 551, and Erf 1119, Darling to consolidate with their property.

The factory, Darling Romery, is accommodated on Erf 4373, Darling and has expanded over recent years to such an extent that additional space is required, specifically for the movement of vehicles.

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by ald J H Cleophas)

- (a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for a portion ( $\pm$  0.7148 ha in extent) of Remainder Erf 551, Darling as well as Erf 1119, Darling (0.075 ha in extent) to be alienated and transferred out of hand to CLB Eiendomme (Pty) Ltd for consolidation with Erf 4373, at the amount of R157 460,00, excluding VAT, subject to the conditions herein contained;
- (b) That cognizance be taken that the subject properties have at no stage been required for the provision of a minimum or any other level of basic municipal services;
- (c) That the following reasons be recorded for the out-of-hand alienation as above and for not undergoing a competitive process:
  - (i) The subject properties qualify as 'non-viable land' in that due to physical constraints they cannot be developed on their own and only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
  - (ii) The proposed merging of the subject properties with Erf 4373 and the use of same for commercial purposes, links up with Strategic Goal 3 of the 2017-2022 Integrated Development Plan, namely to unlock economic opportunities, to strengthen mobility and economic links and to facilitate the economic potential of Swartland wards (in this instance ward 5);
  - (iii) The properties in their existing shape do not have any economic or other benefit for the Municipality, and only by consolidation with Erf 4373 will contribute to the economic benefit derived from the present use of the Erf 4373 by means of job opportunities created for the community;

(d)/...

8.7/...

- (d) Dat die transaksie onderhewig sal wees aan die volgende voorwaardes:
  - (i) Aangesien die eienaar van Erf 3743 ook potensieel in 'n gedeelte van die tersaaklike eiendomme belang mag stel vir konsolidasie met Erf 3743, daar eers skriftelike bevestiging onder hand van die eienaar van Erf 3743 bekom word dat lg. nie belangstel om eienaarskap te bekom nie, alvorens die transaksie geadverteer word vir potensieële beswaar en/of kommentaar; Verder, indien gemelde eienaar wel belang sou stel om 'n gedeelte te bekom, die transaksie heroorweeg sal word;
  - (ii) Die koper sal, benewens die koopprys, verantwoordelik wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit, ingesluit advertensiekostes, oordragkoste en die kostes wat verband hou die relevante grondgebruiksaanse (waaronder hersonering) asook kostes van konsolidasie en padsluiting;
  - (iii) Enige verbeterings op die tersaaklike eiendomme slegs mag geskied met toestemming van die Munisipaliteit en met inagneming van bestaande serwitute en dienste-installasies;
  - (iv) Eienaarskap van die grond nie die koper vrystel van enige verpligtinge teenoor ander owerhede, en dus nie enige regte van lg. of enige ander owerhede ontnem ten opsigte van die betrokke grondgedeeltes nie;
- (e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensieële besware, en dat die uitvoerende burgemeester met volmag beklee word om in oorlegpleging met sy komitee te handel met enige besware wat ontvang sou word;
- (f) Dat alvorens die voorneme geadverteer word en onderhewig aan paragraaf (d)(i) hierbo, daar eers skriftelike bevestiging van die kopers bekom word dat hulle tot die voorwaardes soos vervat in hierdie verslag, instem;
- (g) Dat volmag verleen word aan die Direkteur: Korporatiewe Dienste om die verkoop-ooreenkoms te mag finaliseer en onderteken.

## **8.8 JAARLIKSE VERSLAGDOENING INSAKE DIE IMPLEMENTERING VAN DIE VOORSIENINGKANAALBESTUURSBELEID (8/1/B/2)**

Regulasie 6(2)(a)(i) van die *Municipal Supply Chain Management Regulations* bepaal dat daar jaarliks 'n verslag aan die Raad voorgelê moet word aangaande die implementering van die Voorsieningkanaalbestuursbeleid.

Die jaarverslag vir die periode 1 Julie 2021 tot 30 Junie 2022 is met die sakelys gesirkuleer.

### **BESLUIT**

(op voorstel van rdl A K Warnick, gesekondeer deur rdl N Smit)

- (a) Dat kennis geneem word van die jaarverslag insake die implementering van die Voorsieningkanaalbestuursbeleid gedurende die 2021/2022 finansiële jaar ingevolge artikel 6(2)(a)(i) van die Regulasies, asook die verslae van die Formele Tenders (Aanhangsel A), Informele Tenders (Aanhangsel B) en die Afwykingsverslag (Aanhangsel C);
- (b) Dat verder kennis geneem word van die dienste gelewer vir die tydperk 1 April 2022 tot 30 Junie 2022 met verwysing na die uitsonderings waar dit onprakties was om die mark te toets en dus 'n afwyking van die verkrygingsprosesse ingevolge paragraaf 2(6) van die Voorsieningkanaalbestuursbeleid genoodsaak het (Aanhangsel D). Kennis moet geneem word dat betalings nog in die 2020/2021 finansiële jaar gefinaliseer moet word en sal enige verskille ten opsigte van Kwartaal 4 ingevolge wetgewing in die volgende kwartaalverslag vermeld word, onderhewig aan die transaksies/syfers wat die volledigheid van die finansiële state mag beïnvloed.

8.7/...

- (d) That the transaction shall be subject to the following conditions:
  - (i) Considering that the owner of Erf 3743 may potentially also be interested in obtaining ownership of a portion of the subject properties for consolidation with Erf 3743, written confirmation by the owner of Erf 3743 first be obtained that the latter is not interested in obtaining ownership, before the transaction is advertised for potential objections and/or comments; Further, should said owner indeed be interested in obtaining a portion, the transaction be reconsidered;
  - (ii) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including rezoning) as well as the costs of consolidation and road closure;
  - (iii) Any improvements to the subject properties may only take place with the permission of the Municipality and by taking into account existing servitudes and services installations;
  - (iv) Ownership of the land does not exempt the purchaser from any obligations towards other authorities, and it therefore does not deprive the latter or any other authorities from any rights pertaining to the specific portions of land;
- (e) That the proposed transaction be advertised in the media for public comments and/or potential objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;
- (f) That before the intention is advertised and subject to paragraph (d)(i) above, written confirmation first be obtained from the purchasers that they agree to the conditions as provided for in this report;
- (g) That the Director: Corporate Services be authorized to finalise and sign the deed of sale.

**8.8 ANNUAL REPORT REGARDING THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE FINANCIAL YEAR ENDING 30 JUNE 2022 (8/1/B/1)**

Regulation 6(2)(a)(i) of the Municipal Supply Chain Management Regulations determines that an annual report must be submitted to the Council in respect of the implementation of the Supply Chain Management Policy.

The annual report for the period 1 July 2021 to 30 June 2022 was circulated with the agenda.

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr N Smit)

- (a) That cognisance is taken of the Annual Report regarding the implementation of the Supply Chain Management Policy in accordance with section 6(2)(a)(i) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C).
- (b) That cognisance is taken of the services rendered for the period 1 April 2022 to 30 June 2022 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D). It must be noted that payments must still be finalised for the 2021/2022 financial year. To comply with legislation in terms of quarter 4, any differences will be highlighted in the following SCM quarterly report, subject to figures/transaction that would have an impact on the completeness of the financial statements.

8.9/...

## **8.9 KWARTAALVERSLAG (ARTIKEL 52 VAN MFMA): APRIL TOT JUNIE 2021 (7/1/2/2-2)**

Die voorlegging van die kwartaalverslag aan die Raad word voorgeskryf deur Artikel 52(d) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003 (MFMA).

### **BESLUIT**

(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdl C Daniels)

Dat die raad kennis neem van die aangehegte kwartaalverslag, soos voorgeskryf deur Artikel 52 van die Wet op Munisipale Finansiële Bestuur, Wet 56 van 2003 ten opsigte van die implementering van die begroting sowel as die prestasie teenoor die Topvlak Dienslewering en Begroting Implementeringsplan van die munisipaliteit vir die periode 1 April tot 30 Junie 2022 met inagneming dat sommige prestasie-aanwysers geaffekteer sal word as gevolg van die finalisering van jaareindprosesse.

## **8.10 VERSLAGDOENING T.O.V. ARTIKEL 15(3) VAN DIE WET OP MUNISIPALE EIENDOMSBELASTING INSAKE BELASTINGVRYSTELLINGS, -KORTING EN VERMINDERING EN "REVENUE FORGONE" VIR DIE 2021/2022 FINANSIËLE JAAR (5/3/1/3)**

Ingevolge artikel 15(3) van Munisipale Eiendomsbelastingwet, 2004 (Wet 6 van 2004) is die Munisipale Bestuurder verplig om jaarliks verslag te doen aan die Raad rakende alle belasting- vrystellings, -afslag en -kortings wat in die vorige finansiële jaar toegestaan is.

Die verslag vir die periode 1 Julie 2021 tot 30 Junie 2022 is met die sakelys gesirkuleer.

### **BESLUIT**

(op voorstel van rdh J H Cleophas, gesekondeer deur rdh T van Essen)

Dat kennis geneem word van die vrystellings van munisipale eiendomsbelasting aan openbare weldaadsorganisasies/nie-regeringsorganisasies, afslag, kortings toegestaan en inkomste afgestaan (*revenue forgone*) soos gestaaf in die verslag tot die sakelys en in Aanhangsels A tot C vir die finansiële jaar geëindig 30 Junie 2022.

**GETEKEN:  
SPEAKER**

**8.9 QUARTERLY REPORT I.T.O. SECTION 52 OF THE MFMA FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022 (7/1/2/2-2)**

The submission of the quarterly report to the Council is prescribed in Section 52(d) of the Local Government: Municipal Financial Management, Act 56 of 2003 (MFMA).

**RESOLUTION**

(proposed by cllr E C O'Kennedy, seconded by cllr C Daniels)

That Council takes cognisance of the attached quarterly report, as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 April to 30 June 2022, bearing in mind that some performance indicators will be affected due to the finalisation of year-end processes.

**8.10 REPORTING IN TERMS OF SECTION 15 (3) OF THE MUNICIPAL PROPERTY TAX LEGISLATION ON PROPERTY TAX EXEMPTIONS, REBATES AND REDUCTIONS & "REVENUE FORGONE" FOR THE FINANCIAL YEAR 2021/2022 (5/3/1/3)**

Section 15(3) of the Municipal Property Tax Act, 2004 (Act 6 of 2004) determines that the Municipal Manager must report annually to the Council regarding all tax exemptions, discounts and rebates granted in the previous financial year.

The report for the period 1 July 2021 to 30 June 2022 was circulated with the agenda.

**RESOLUTION**

(proposed by ald J H Cleophas, seconded by ald T van Essen)

That cognisance be taken of the municipal property tax rates exemptions to public benefit organisations/non-governmental organisations, discounts, rebates granted and revenue forgone as per the information substantiated above and in Attachments A to C for the financial year ended 30 June 2022.

**SIGNED  
SPEAKER**



## Verslag Φ Ingxelo Φ Report

Office of the Director: Electrical Engineering Services  
03 August 2022

16/2/1/2/1  
All Wards

### ITEM 8.1 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 25 AUGUSTUS 2022

|                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ONDERWERP: NERSA GOEDKEURING VAN ELEKTRISITEITSTARIEWE VIR 2022/2023</b><br><b>SUBJECT: NERSA APPROVAL OF ELECTRICITY TARIFFS FOR 2022/2023</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|

#### 1. BACKGROUND

The National Energy Regulator of South Africa (NERSA) issued a consultation paper re *Municipal Tariff Guidelines, Benchmarks and proposed Timelines for Municipal Tariff Approval Process for the 2022/23 financial year* on 30 March 2022. Based on an Eskom increase of 8.61% for municipalities, the guideline increase for municipal electricity tariffs was 7.47% and addition, guidelines for specific tariffs and tariff categories were published.

On 01 June 2022 the final *Annual Municipal Electricity Tariff Guideline* was issued by NERSA for 2022/23 which corresponded with the NERSA consultation paper. (For 2021/22 the date of publication of the final NERSA Tariff Guideline was 15 May 2021). Based on the approval of the proposed municipal tariffs by Council, Swartland Municipality lodged the tariff increase application on 20 May 2022 and confirmed the tariff application on 06 June 2022 subsequent to receipt of the final NERSA tariff guideline for 2022/23.

On 05 July 2022 the letter of approved of the municipal electricity tariffs was received from NERSA. In terms of the NERSA letter it was requested that the tariff increase pertaining to the energy components of the industrial tariff structures, Tariff 3 and Tariff 10 be limited to 7.47% in lieu of the 8% increase that was applied for. NERSA also advised that they lack the statutory and regulatory jurisdiction over the proposed activity between the municipality and small scale embedded generators (SSEG) and therefore cannot approve the municipal tariff for SSEG's, Tariff 11 despite having approved the SSEG tariff in previous years.

All other electricity tariffs as applied for were approved by NERSA.

Swartland Municipality forthwith objected against the NERSA tariff determination with respect to the energy components of the industrial tariff structures, i.a. on the basis of the following:

- a) Due to the late receipt of the NERSA tariff approval it was not possible to obtain Municipal Council approval for the adjustment before implementation of the tariffs on 1 July 2022.

- b) The industrial tariffs with the proposed 8% increase of the energy components remain well below the NERSA benchmark for such tariffs, i.e.

| <b>NERSA kWh /mnth Benchmark</b> | <b>Munic Cost</b> | <b>Munic Cost/kWh</b> | <b>NERSA Benchmark</b> |    |         |
|----------------------------------|-------------------|-----------------------|------------------------|----|---------|
| 43800                            | R 111 949.11      | R 2.56                | R2.6241                | to | R2.7529 |
| 98550                            | R 251 885.50      | R 2.56                | R2.5757                | to | R2.6723 |

The following response was i.a. received from NERSA:

*“Unfortunately the decision the Regulator took stands and if the municipality implements tariffs that are not approved by the Regulator, they will be regarded as illegal tariffs and action will be taken against the municipality. I am unable to change anything at this stage. The Regulator took a stand to limit all tariffs increasing by above guideline to the guideline increase. Your municipality is not the only one affected.”*

## 2. FINANCIAL IMPLICATIONS

The estimated financial implication of the adjustment of the energy component tariffs of the industrial tariff structures by NERSA amounts to R346 000 or 0.083% of the total projected revenue from sales of electricity.

Although it is possible to lodge a formal appeal to NERSA to reconsider the tariff determination, the following must be considered:

- The tariffs as approved by NERSA had to be implemented as from 1 July.
- The appeal process is likely to be exceedingly time consuming.
- The financial implication of the NERSA tariff determination is not significant.
- NERSA will require a recent and updated Cost of Supply Study as part of the motivation, which will attract a significant consultancy fee.

Therefore it is recommended that the NERSA tariff determination for 2022/23 be accepted.

## 3. RECOMMENDATION (as considered by the Executive Mayoral Committee on 17 August 2022)

- That the approval of the electricity tariffs by NERSA for 2022/23 be noted and accepted.
- That the NERSA admission that that they lack the statutory and regulatory jurisdiction over the proposed activity between the municipality and small scale embedded generators be noted.
- That the following reduced energy tariffs as determined and approved by NERSA pertaining to the industrial tariff structures be accepted:

Table/...

| No        | Tariff Structure                                                                | NERSA approved Tariff<br>Excl Vat | NERSA approved increase | Tariff applied for Excl Vat | % Increase applied for |
|-----------|---------------------------------------------------------------------------------|-----------------------------------|-------------------------|-----------------------------|------------------------|
| <b>3</b>  | <b>Industrial Bulk Normal (3-phase)</b>                                         |                                   |                         |                             |                        |
| 3a        | Bulk Consumers: <b>Network Charge</b> per month                                 | R 1 853.4300                      | 7.47%                   | R 1 853.4300                | 7.47%                  |
| 3b        | Consumption: per kWh                                                            | R 0.8810                          | 7.47%                   | R 0.8854                    | 8.00%                  |
| 3c        | Maximum Demand: per kVA per month                                               | R 356.5700                        | 7.47%                   | R 356.5700                  | 7.47%                  |
| <b>10</b> | <b>Industrial Bulk 'Time Of Use'-Tariff (3-phase, Alternative for Tariff 3)</b> |                                   |                         |                             |                        |
| 10a       | Time Of Use: <b>Network Charge</b> per month                                    | R 1 853.4300                      | 7.47%                   | R 1 853.4300                | 7.47%                  |
|           |                                                                                 |                                   |                         |                             |                        |
|           | Low Consumption Season (Sep - May):                                             |                                   |                         |                             |                        |
| 10b       | * Peak (per kWh)                                                                | R 1.5277                          | 7.47%                   | R 1.5352                    | 8.00%                  |
| 10c       | * Standard (per kWh)                                                            | R 1.0513                          | 7.47%                   | R 1.0565                    | 8.00%                  |
| 10d       | * Off peak (per kWh)                                                            | R 0.6667                          | 7.47%                   | R 0.6701                    | 8.00%                  |
|           |                                                                                 |                                   |                         |                             |                        |
|           | High Consumption Season (Jun - Aug):                                            |                                   |                         |                             |                        |
| 10e       | * Peak (per kWh)                                                                | R 4.6834                          | 7.47%                   | R 4.7065                    | 8.00%                  |
| 10f       | * Standard (per kWh)                                                            | R 1.4187                          | 7.47%                   | R 1.4257                    | 8.00%                  |
| 10g       | * Off peak (per kWh)                                                            | R 0.7702                          | 7.47%                   | R 0.7741                    | 8.00%                  |
|           |                                                                                 |                                   |                         |                             |                        |
| 10h       | Maximum Demand: per kVA per month                                               | R 239.1500                        | 7.47%                   | R 239.1500                  | 7.47%                  |

(Sgd) R du Toit

**DIRECTOR: ELECTRICAL ENGINEERING SERVICES**

RDT/ma





## Verslag □ Ingxelo □ Report

Office of the Director: Development Services

Division: Built Environment  
11 August 2022

### ITEM 8.2 OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 25 AUGUST 2022

**SUBJECT: CONTRACTS HAVING FUTURE BUDGETARY IMPLICATIONS: APPOINTMENT OF VALUER BEYOND THE TERM OF THE 2022-2028 MULTI- YEAR BUDGET**

#### 1. BACKGROUND/REASONING

The Municipality intends to appoint a suitably qualified valuer for a period of six years with effect from 1 July 2022 for the compilation and maintenance of the general valuation roll (Date of valuation: 1 July 2023) and supplementary valuation rolls for all properties within the municipal area of jurisdiction, for the financial years from 1 July 2024 to 30 June 2028, and also to supply other valuation related services in compliance with the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

Tenders were invited from Experienced and Suitably Qualified Valuers for the compilation and maintenance of the General Valuation roll and the Supplementary Valuation rolls, as well as the supply of other valuation related services in compliance with Act 6 of 2004, for the financial years, 1 July 2024 to 30 June 2028.

#### A) Valuation Summary

The tender requires a valuation roll to be compiled in terms of section 34(b) of the Act together with the compilation of annual supplementary valuation rolls.

The total amount of properties situated within Swartland to be valued is ±27 384 (Values as per financial database – 1 January 2022)

#### Supplementary Valuations

Supplementary valuation rolls will be compiled on a six monthly basis for the following periods:

|                 |    |               |
|-----------------|----|---------------|
| 31 October 2024 | to | 30 April 2025 |
| 31 October 2025 | to | 30 April 2026 |
| 31 October 2026 | to | 30 April 2027 |
| 31 October 2027 | to | 30 April 2028 |

The Tenderer will be required to submit a certified supplementary valuation roll by the end of April and October of each year.

Supplementary Valuations will be compiled on an ongoing basis as they occur and supplied to the Municipality as soon as is reasonably possible.

Where the Tenderer has been appointed to supply GIS services to the Municipality, the Tenderer will be obliged to maintain the GIS and reconcile supplementary valuations made with GIS at least 30 days after the implementation of a supplementary roll.

### **Appointment of Tenderer**

HCB Valuations and Services (Pty)Ltd is the recommended Valuer to be appointed, as per the supply chain management bid committee evaluation and adjudication system.

Total costs to be incurred over the contract period:

### **Schedule**

#### **General Valuation**

| <b><u>Determination of fees (Physical Inspection of all properties)</u></b> |                       |
|-----------------------------------------------------------------------------|-----------------------|
|                                                                             | Rand / Item incl. VAT |
| <b>Description</b>                                                          | <b>HCB</b>            |
| Estimated Tender Price                                                      | R 2 125 000           |
|                                                                             |                       |
| Residential                                                                 | 80                    |
| Non-Residential                                                             | 200                   |
|                                                                             |                       |
| Agricultural holdings/farms                                                 | 200                   |
| Agricultural (Other)                                                        | 200                   |
|                                                                             |                       |
| Mining properties                                                           | 5000                  |
| RDP housing                                                                 | 80                    |
| Sectional Title                                                             | 80                    |

#### **Supplementary Valuation Roll Financial Implications beyond New MTREF**

##### **1 July 2024 - 30 June 2028**

| <b>SUPPLEMENTARY VALUATION</b> | <b>Price per item range</b> |
|--------------------------------|-----------------------------|
| Urban /Commercial properties   | R350 – R 420                |
| RDP housing                    | R200 – R 250                |
| Rural/Farms                    | R500 - R600                 |

#### **Appeal board Hearings**

- Preparation - R1050.00 per day
- Attendance - R6500.00 per day

The above minor costs are incurred pursuant to the extent of appeals received following the supplementary valuations beyond the MTREF. Total expenditure to be incurred over the 3 years not covered by the MTREF is insignificant and trivial.

At this juncture it is important that council note the fact that the 2022/23 -2024/25 MTREF already makes provision for the cost of the General Valuation and associated Supplementary Valuation Roles suffice to state that years 4, 5 and 6's costs are not included due to the nature of the years covered by the MTREF budget. Council is legally required to comply with the requirements of the Local Government: Municipal Property Rates Act which requires a general valuation and supplementary roll being implemented. Because of this legal requirement, the Financial Department ensures that the costs to be incurred beyond the MTREF, are included in the 5-year and beyond modelling exercise and to ensure that tariffs and property rates remain reasonably stable over the longer term as indicated during the MTREF. As a result of this well established longer term view of expenditure and budgeting process, **no additional impact** on tariffs will be realised beyond 2025/26 year insofar all the costs for the supplementary valuations preparation

and attendance of appeal board hearings are concerned.

## 2. LEGISLATION

The envisaged term of appointment goes beyond the three years covered in the Municipality's multi-year budget with effect from 1 July 2012. In this regard Section 33 of the Municipal Finance Management Act, 2003 (MFMA) becomes applicable and determines that – section 33(1)(a) – the municipal manager, at least 60 days before the meeting of the municipal council at which the contract is to be approved, must –

|                                          |                                                                                                                                                                  | <b>Adherence/Comments</b>                                                                                                                        |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 33(1)(a)(i)(aa) and (bb)</b>  | <i>Make public the intention and invite the local community and other interested persons to submit comments or representations</i>                               | Notice 09/2022/2023 was published in the local media on 29 June 2022 requesting comments by 20 July 2022. No comments were received.             |
| <b>Section 33(1)(a)(ii)(aa) and (bb)</b> | <i>Solicit the views and recommendations of National and Provincial Treasury, the national department of local government</i>                                    | Letters dated 28 June 2022 were addressed to all applicable authorities, with a request for comments by 20 July 2022. No comments were received. |
| <b>Section 33(1)(b)(iii) and (iv)</b>    | <i>Consider the comments or representations received from the local community, interested persons or state departments</i>                                       | As indicated, no comments were received for consideration.                                                                                       |
| <b>Section 33(1)(b)(i)(ii)</b>           | <i>Council to take into account the financial obligations for each financial year covered by the contract and impact on future municipal tariffs and revenue</i> | See financial implications under point 4 and recommendations                                                                                     |

## 3. ALIGNMENT TO THE IDP

By complying with the legal prescripts pertaining to contractual obligations beyond the multi- year budget, the Municipality is exercising –

- o Sound long-term financial planning (in terms of **Strategic Objective 4.7**); and
- o Sound financial management, budgeting and expenditure control (in terms of **Strategic Objective 4.8**) as per **Strategic Goal 4**: Caring, competent and responsive institutions, organisations and business.

## 4. FINANCIAL IMPLICATION

Sufficient budget exists for purposes of giving effect to the Local Government: Municipal Property Rates Act No 6 of 2004 and Regulations over the MTREF. Section 33 in this regard really only applies to the outer years being the period from 2025/26 – 2027/28 with a total approximate cost implication of R 1,325 million ( CPI adjustments excluded) for the supplementary valuations over the 3 outer years and other minor costs for appeals preparation and attendance. The expenditure referred to above with specific reference to years 4-6 is not material whether in aggregate or individual and will not impact the property rates or tariffs beyond the Cent in the Rand and R-value provided for in the 2022/2023 - 2024/2025 MTREF.

5./...

## 5. RECOMMENDATION

In compliance with section 33(c) of the MFMA it is **RECOMMENDED THAT** –

- (a) approval be granted for a six year agreement to be concluded for the appointment of **HCB Valuations and Services Pty Ltd** as the Municipal Valuer for the period 1 July

2022 to 30 June 2028 which will result in the following financial implications as per the requirements of the Local Government Municipal Property Rates Act, 2004:

- R2 475 000 for General Valuation (cost already covered in the new MTREF)
  - R1050.00 per day – Preparation for Appeal board Hearings
  - R6500.00 per day – Attendance of Appeal board Hearings
  - R340,000.00 + CPI per year for Supplementary Valuations (costs for years 1, 2.& 3 already covered in the new MTREF with years 4, 5 & 6 not covered)
- (b) Council takes note that the costs for years 4 to 6 (detail under 1 (B)) are not material in aggregate or individual in relation to the total expenditure budget and more importantly will not impact tariff increases beyond the rates communicated during the 2022/23-2024/25 MTREF;
- (c) cognisance further be taken that the Municipal Manager has complied with the requirements in terms of Section 33 of the MFMA, and that no comments were received from the public or any state institution;
- (d) Council also notes that all the required supply chain procedures were adhered to;
- (e) the Municipal Manager be authorised to sign all contracts which may arise from the award of the tender to Suid Kaap Waardeerders.

(get) J S Krieger

**MUNICIPAL MANAGER**

AMZ/ds



## Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager  
2022-08-25

2/1/4/4/1  
WARD: N/a

### ITEM \_8.3\_ OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 25 AUGUST 2022

**SUBJECT: PROCESS PLAN FOR THE COMPILATION OF THE IDP AND AMENDMENT OF THE SDF**

*The process plan is circulated under separate cover.*

#### 1. BACKGROUND AND DISCUSSION

The Municipal Systems Act (No 32 of 2000) stipulates the following regarding the IDP compilation process:

##### **Section 28. Adoption of process.**

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

##### **Section 29. Process to be followed.**

- (1) The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must -
  - (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
  - (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for -
    - (i) the local community to be consulted on its development needs and priorities;
    - (ii) the local community to participate in the drafting of the integrated development plan; and
    - (iii) organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan;
  - (c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
  - (d) be consistent with any other matters that may be prescribed by regulation.
- (2) [district municipality]
- (3) A local municipality must -
  - (a) align its integrated development plan with the framework adopted in terms of section 27; and
  - (b) draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the district municipality.

#### 2. INPUTS AND COMMENTS

The Process Plan was advertised in the local newspapers on 21 and 22 June 2022 for inputs and comments with a closing date of 15 July 2022. No inputs were received.

### 3. LEGISLATION

The following legislation is applicable:

- Municipal Systems Act, No 32 of 2000, Sections 28 and 29
- Municipal Finance Management Act, No 56 of 2003, Section 21

### 4. AANBEVELING / RECOMMENDATION

- (a) Dat die Prosesplan vir die opstel van die nuwe GOP vir Swartland in terme van Artikel 28 van die Wet op Munisipale Stelsels (Nr 32 van 2000) goedgekeur word.
- (b) Dat die program met tydraamwerke / tydskedule wat as Aanhangsel A by die Prosesplan ingesluit is, in terme van artikel 29(1)(a) van die Wet op Munisipale Stelsels asook artikel 21(1)(b) van die Wet op Munisipale Finansiële Bestuur goedgekeur word.
- (c) Dat die Prosesplan ook die hersiening van die Swartland Ruimtelike Ontwikkelingsraamwerk rig.
- (a) *That the Process Plan for the compilation of the new IDP for Swartland be approved in terms of Section 28 of the Municipal Systems Act (No 32 of 2000).*
- (b) *That the programme with timeframes / time schedule that is included in the Process Plan as Annexure A be approved in terms of section 29(1)(a) of the Municipal Systems Act as well as section 21(1)(b) of the Municipal Finance Management Act.*
- (c) *That the Process Plan also guide the revision of the Swartland Spatial Development Framework.*

(get) J J Scholtz

**MUNICIPAL MANAGER**

**DATE:** 25 August 2022

**ITEM 8.4 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 25 AUGUSTUS 2022**

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>ONDERWERP: VOORLEGGING VAN KONSEP VERORDENING INSAKE BEHEER OOR ONDERNEMINGS WAT DRANK AAN DIE PUBLIEK VERKOOP</b></p> <p><b>SUBJECT: TABLING OF DRAFT BY-LAW RELATING TO CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC</b></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**1. BACKGROUND**

- 1.1 The Municipality's predecessors adopted by-laws to provide for the control of undertakings selling liquor to the public, and to provide for days and hours of trade in liquor by licensed undertakings and related matters. The first by-law was adopted and published in 2012 (Provincial Gazette No 6986 of 20 April 2012), which by-law was later repealed and replaced with the Swartland Municipality: By-law relating to Control of Undertakings that sell Liquor to the Public, published in Provincial Gazette No 7394 on 22 May 2015.
- 1.2 Following the unfortunate events in the country at both licensed and unlicensed premises in the recent past, it is deemed necessary that certain amendments be made to the existing by-law to ensure that it also regulates unlicensed premises, and provides for safety and security measures on all premises where liquor is sold to the public.
- 1.3 The following draft by-law is hereby submitted in terms of paragraphs 56 and 57 of the Swartland Municipality: By-Law relating to the Rules for the Conduct of Meetings as promulgated in Provincial Gazette Extraordinary, No. 7501 dated 2 October 2015 (in respect of which the replacement by-law has not yet been published):
  - Swartland Municipality: Draft By-law relating to Control of Undertakings that Sell Liquor to the Public

**2. LEGISLATION**

**2.1 Empowering legislation to regulate premises selling liquor to the public**

- 2.1.1 The Municipality, in terms of section 156(1)(a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, has the power to regulate undertakings that sell liquor to the public.
- 2.1.2 Section 59 of the Western Cape Liquor Act, 2008 (Act 4 of 2008) that deals with trading hours, provides as follows:

Section 59(2): A municipality may by by-law determine different trading days and hours for licensed businesses selling liquor for consumption on the licensed premises and for those selling liquor for consumption off the licensed premises, but may not prescribe different trading days and hours for individual licensed businesses: Provided that the trading hours determined by the municipality may not exceed the trading hours set out in subsection (3)(a) and (b);

Section 59(3)(a): Subject to conditions imposed by the Liquor Licensing Tribunal in terms of subsection (1), if the municipality has not determined the trading days and hours as provided for in subsection (2), a licensee of premises in which liquor may be sold for consumption off the licensed premises may sell liquor on any day between 09:00 and 18:00;

Section 59(3)(b): Subject to conditions imposed by the Liquor Licensing Tribunal in terms of subsection (1), if the municipality has not determined the trading days and hours as provided for in subsection (1), a licensee of premises on which liquor may be sold for consumption on the licensed premises may sell liquor on any day between 11:00 and 02:00 the next day.

## 2.2 Legislation regulating the making of by-laws by municipalities

### 2.2.1 National legislation

- (1) The Constitution, Municipal Structures Act and Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws.
- (2) The Constitution sets two basic requirements for municipal law-making:
  - First, a by-law must have the support of the majority of all the councillors;
  - Second, the community must have enjoyed the opportunity to have its say with regard to that by-law.

### 2.2.2 Municipal legislation

Sections 56 and 57 of the Municipality's existing By-Law relating to the Rules for the Conduct of Meetings determine as follows:

**“56. Submission of draft by-law**

*A by-law may only be introduced by a member or the executive mayor.*

**57. First submission to council**

*(1) A draft by-law submitted by a member or the mayor, must be submitted to the council in the following form –*

- (a) an executive summary of the by-law;*
- (b) the need to regulate the conduct addressed by the draft by-law;*
- (c) the content of the draft by-law;*
- (d) any other by-law that must be repealed or amended if the draft is adopted;*
- (e) any relevant comments or proposals; and*
- (f) a recommendation.*

*(1) After consideration of the report contemplated in sub rule (1) the council must resolve to reject the draft or to adopt it in principle.*

*(2) When a proposed by-law is adopted in principle, it must be advertised for public comment in terms of rule 59.”*

2.3 The making of a by-law entails the following steps:

|               |                                                                                                                                                                                                                                              | Proposed timeframes                                                                                       |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Step 1</b> | A draft by-law is prepared by a councillor or a Committee of the council and must be introduced in the council.                                                                                                                              | Executive Mayoral Committee Meeting of 17 August 2022, to be introduced in Council on 25 August 2022      |
| <b>Step 2</b> | The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public.<br>Note: the municipality may use the ward committees to discuss the merits of a draft by-law.   | Placement of media advertisement on 31 August 2022. Period of comment until 23 September 2022.            |
| <b>Step 3</b> | The by-law is introduced in and debated by the council. Before passing a by-law, a council that has an executive committee or executive mayor, must first require that committee or mayor to give a report and recommendation on the by-law. | To be tabled in Council on 27 October 2022, via Executive Mayoral Committee (meeting on 18 October 2022). |
| <b>Step 4</b> | The Municipal council votes on the by-law, which – in terms of the Constitution – is to be carried by the majority of all councillors.                                                                                                       | Council meeting 27 October 2022                                                                           |
| <b>Step 5</b> | If passed by council, the by-law is published in the Provincial Gazette and becomes law on that date or a later date set in the by-law.                                                                                                      | By .....                                                                                                  |

3./...

3. **COMPLIANCE WITH BY-LAW RELATING TO THE RULES FOR THE CONDUCT OF MEETINGS**

3.1 **Draft By-law relating to the Conduct of Meetings**

(1) Executive summary of the by-law

The draft by-law is to provide for the control of undertakings selling liquor to the public, also including unlicensed premises, in order to ensure a safe and healthy environment in the Swartland. Furthermore, to provide for days and hours of trade in liquor by licensed undertakings, and to provide for matters related thereto.

(2) The need to regulate the conduct addressed by the by-law

The by-law gives effect to the Municipality's mandate as explained in paragraph 2.1 above. Following recent events implying the improper control of undertakings that sell liquor outlets, especially on consumption premises, it is deemed essential to amend the existing by-law to also regulate all premises that sell liquor, especially in terms of safety measures.

(3) The content of the draft by-law – refer **Annexure A**

(4) Any other by-law that must be repealed or amended if the draft is adopted

Upon publication in the Provincial Gazette, the existing Swartland Municipality: By-law relating to Control of Undertakings that sell Liquor to the Public, as promulgated in Provincial Gazette No 7394 of 22 May 2015 will be repealed and replaced with the new by-law.

(5) Any relevant comments or proposals

None

(6) Recommendation: - refer paragraph 4 below

4. **RECOMMENDATION**

(following a resolution taken by the Executive Mayoral Committee on 17 August 2022)

(a) That the following draft by-law be adopted in principle:

- Swartland Municipality: By-law relating to Control of Undertakings that sell Liquor to the Public

(b) That the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

**AANBEVELING**

(voortspruitend uit 'n besluit van die Uitvoerende Burgemeesterskomitee op 17 Augustus 2022)

(a) Dat die volgende konsepverordening in beginsel aangeneem word:

- Swartland Munisipaliteit: Verordening insake Beheer oor Ondernemings wat Drank aan die Publiek verkoop

(b) Dat die konsep verordening vir publieke kommentaar geadverteer word in terme van artikel 12(3)(b) van die Stelselwet, 2000, in die plaaslike media sowel as op die munisipale webtuiste.

(get) M S Terblanche

**MUNISIPALE BESTUURDER**

Mst/raadsitems, SM5/Augustus 2022 Voorlegging van konsepverordening insake drankhandel\_Raad

## SWARTLAND MUNISIPALITEIT

### KONSEPVERORDENING INSAKE BEHEER OOR ONDERNEMINGS WAT DRANK AAN DIE PUBLIEK VERKOOP

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland Munisipaliteit as volg:-

#### Inhoud

1. Woordomskrywing
2. Doel van verordening en toepassing
3. Handelsdae en -ure vir verkoop en verbruik van drank op gelisensieerde persele
4. Handelsdae en -ure vir verkoop van drank vir verbruik buite gelisensieerde persele.
5. Handelsdae en -ure vir die verkoop en verbruik van drank op en weg van gelisensieerde persele
6. Spesiale geleenthede en tydelike lisensies
7. Aanstelling van gemagtigde beamptes
8. Bepaling van tipe gelisensieerde perseel
9. Nakoming en afdwinging
10. Aansoek om verlengde handelsure
11. Voorkoming van onwettige drankverkope, en beslaglegging op drank
12. Vertoon van naamborde, en ander verpligtinge van lisensiehouer
13. Veiligheid en sekuriteit
14. Drankpersele moet wapenvry wees
15. Stoornisse
16. Beswaar teen hernuwing van lisensies
17. Appèl
18. Oortredings en boetes
19. Herroeping
20. Kort titel en inwerkingtrede

#### 1. Woordomskrywing

In hierdie verordening, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenisse-

**“algemene sakegebied”** 'n gebied hoofsaaklik gesoneer as algemene sake of enige ander ekwivalente gebruik, met die doel om ekonomiese aktiwiteit in 'n sakegebied en ontwikkelingskorridor te bevorder, en sluit 'n wye reeks grondgebruike soos sake-, residensiële en gemeenskapsgebruike in;

**“die Wet”** die Wes-Kaapse Drankwet, 2008 (Wet No. 4 van 2008), soos gewysig, saamgelees met relevante Regulasies;

**“drank”** drank soos gedefinieer in artikel 1 van die Wet;

**“gelisensieerde”** enige persoon wat gelisensieer is om drank ingevolge die Wet te verkoop en sluit enige gelisensieerde perseel, sakeonderneming, afsetpunt of grondgebruiksaktiwiteit van waar drank verkoop word, in;

**“gelisensieerde perseel”** ’n plek, grond, gebou of deel van ’n gebou ten opsigte waarvan ’n lisensie om drank te verkoop ingevolge die Wet uitgereik is en sluit ’n voertuig of vaartuig wat hoofsaaklik vir die vervoer van toeriste of passasiers gebruik word in;

**“geslote dae”** Kersdag en Goeie Vrydag;

**“hotel”** ’n eiendom gebruik as tydelike residensiële huisvesting vir verbygaande gaste waar verblyf of maaltye teen vergoeding verskaf word, en sluit in–

- (a) ’n restaurant of restaurante wat deel uitmaak van die hotel;
- (b) konferensie- en vermaakfasiliteite wat ondergeskik is aan en bykomstig is tot die hoofgebruik van die perseel as ’n hotel;
- (c) persele wat gelisensieer is om alkoholiese drank te verkoop vir verbruik op die eiendom,

maar sluit ’n buiteverbruikfasiliteit, instelling vir gaste-akkommodasie, woonhuis of wooneenheid uit;

**“instelling vir gaste-akkommodasie”** perseel gebruik as tydelike residensiële huisvesting vir, en sluit die voorsiening van maaltye aan, verbygaande gaste teen vergoeding in, en sluit ’n oorblyplek vir rugsakstappers, ’n bed-en-ontbyt-instelling, gastehuis en gasteplaas of lodge, asook fasiliteite vir besigheidsvergaderings, konferensies, byeenkomste of opleidingssessies van inwonende gaste in, maar sluit ’n hotel uit;

**“kleinhoewe”** ’n gebied hoofsaaklik as landelik gesoneer of enige ander ekwivalente sonering, met die doel om kleiner landelike eiendomme wat vir landboudoeleindes gebruik kan word te akkommodeer;

**“landbougebied”** ’n gebied hoofsaaklik vir landbou gesoneer of enige ander ekwivalente gebruik, met die doel om landbou aktiwiteit op ’n plaas as ’n belangrike ekonomiese, omgewings- en kulturele hulpbron te bevorder en te beskerm, waar beperkte voorsiening gemaak word vir nie-landbougebruike om aan eienaars ’n geleentheid te bied om die ekonomiese potensiaal van hulle eiendomme te vergroot, sonder om ’n beduidend negatiewe uitwerking op die primêre landbouhulpbron te veroorsaak;

**“nywerheidsgebied”** ’n gebied hoofsaaklik gesoneer as algemene nywerheid of enige ander ekwivalente gebruik, met die doel om alle vorme van nywerheid te huisves met inbegrip van vervaardiging en verwante verwerking, maar sluit skadelike of gevaarlike risiko-aktiwiteit uit;

**“oorlas”** enige handeling, versuim of toestand op ’n perseel, openbare plek of straat met inbegrip van enige gebou, struktuur, voertuig of vaartuig wat aanstootlik of gevaarlik is of wat inbreuk maak op die gewone gerief, gemak of vrede van ander persone of wat die veiligheid of gerief van persone nadelig kan beïnvloed;

**”Owerheid”** die Wes-Kaapse Drankowerheid ingestel ingevolge die Wet;

**“residensiële gebied”** ’n gebied hoofsaaklik gesoneer as residensieel of algemene residensiële of enige ander ekwivalente gebruik, met die doel om hoofsaaklik enkelgesinwoninghuise in lae- tot mediumdigtheidsbuurte te huisves, asook woongebiede van hoër digtheid en wat insluit beheerde geleenthede vir werkverskaffing van die huis af, addisionele wonings en gemengde gebruiksentwikkeling van lae intensiteit;

**“sakeperseel”** ’n gebou of eiendom vanwaar sake bedryf word en sluit dit ’n winkel, supermark, restaurant, kantoor, finansiële instelling en geboue vir dergelike gebruike in, maar nie ’n plek van samekoms, plek van vermaak, inrigting, diensstasie, openbare garage, nywerheid, nywerheidskorf, hinderbedryf, risiko-aktiwiteit, volwassevermaaklikheidsbedryf of drankwinkel in nie;

**“sonering”** wanneer dit as ’n selfstandige naamwoord gebruik word, ’n kategorie van riglyne wat die ontwikkeling van grond reguleer en wat die doel waarvoor die grond gebruik mag word en die grondgebruike of ontwikkelingsbestuurbepalings wat van toepassing is op die gemelde kategorie van riglyne, soos deur die Soneringskema bepaal word, uiteensit;

**“soneringskema”** ’n soneringskema wat ingevolge die Grondgebruikordonnansie 15 van 1985 Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning, soos gepubliseer in Provinsiale Kennisgewing No. 8226 van 2020 goedgekeur is asook die soneringskaart en register;

**“spesiale geleentheid”** ’n fondsinsamelingsgeleentheid ten bate van ’n opvoedkundige- of welsynsorganisasie, enige vertoning, sportbyeenkoms, kulturele byeenkoms of kunsuitvoering;

**“sport- en gemeenskapsklub”** ’n perseel of ’n fasiliteit gebruik vir die byeenkom van gemeenskaps- of burgerlike organisasies of verenigings, sportklubs of ander sosiale of ontspanningsklubs wat meestal nie vir wins bedryf word nie en gemeenskapsdiensklubs en gemeenskapsentrums of soortgelyke geriefsfasiliteite kan insluit, maar ’n nagklub uitsluit;

**“Swartland Munisipaliteit”** die Swartland Munisipaliteit gestig deur die Instellingskennisgewing gepubliseer in Provinsiale Kennisgewing No. 5589 van 2000, soos gewysig, en **“Munisipaliteit”** het ’n ooreenstemmende betekenis;

**“tydelike lisensie”** ’n tydelike lisensie wat deur die Owerheid uitgereik word aan-

- (a) die houer van 'n binneverbruiklisensie; of
- (b) in buitengewone omstandighede, aan die houer van 'n lisensie vir verbruik op en weg van die perseel;

**“vermaaklikheidsplek”** 'n plek hoofsaaklik gebruik vir kommersiële vermaak wat moontlik 'n relatief groot aantal mense kan lok, buite normale sake-ure bedryf word of op 'n gereelde grondslag musiek speel of joligheid veroorsaak, en sluit in 'n bioskoop, teater, pretpark, danssaal, gimnasium, totalisator of fasiliteit vir weddenskappe, dobbelsaal, karaoke-kroeg en nagklub;

**“vonkelwyn”** 'n bruiswyn verkry deur die gis van druiwe, hetsy deur natuurlike of kunsmatige proses, en wat sjampanje insluit;

**“weeksdag”** 'n dag van die week, uitgesonderd Saterdag en Sondag;

**“woonbuurt sakegebied”** 'n gebied hoofsaaklik gesoneer as plaaslike sake of gemengde gebruik of enige ander ekwivalente gebruik, met die doel om kommersiële en gemengde gebruiksentwikkeling van lae intensiteit te akkommodeer wat in plaaslike behoeftes aan geriefsgoedere, persoonlike diens of klein sakeondernemings voorsien of as 'n koppelvlak tussen algemene sakeonderneming, aanliggende residensiële gebied dien;

**“wynmakery”** sluit in persele of fasiliteite wat gebruik word by die vervaardiging van wyn en sodanige persele of fasiliteite sluit in fasiliteite vir die pars van druiwe en gis en veroudering van wyn, wynverkope en proelokale, vat- en stoorkamers, botteleerlokale, tenklokale, laboratoriums of kantore en ander bykomende of bykomstige fasiliteite verbonde aan die vervaardiging van wyn, wat kan insluit –

- (a) restaurante en ander voedseldienste; of
- (b) ondergeskikte handelsfasiliteite vir toergroepe of besoekers.

**“wynwinkel”** 'n plek waar verpakte drank verkoop word vir verbruik van die perseel af.

## **2. Doel van verordening en toepassing**

(1) Om voorsiening te maak vir die beheer van ondernemings wat drank aan die publiek verkoop ten einde 'n veilige en gesonde omgewing in die Swartland te verseker; om voorsiening te maak vir dae en ure vir drankhandel deur gelisensieerde ondernemings wat drank aan die publiek verkoop; en om voorsiening te maak vir sake wat daarmee verband hou.

(2) Hierdie verordening is van toepassing op alle ~~gelisensieerde persele binne die jurisdiksie van die munisipaliteit.~~ persele wat binne die regsgebied van die munisipaliteit geleë is en waarop 'n drankhandelonderneming bedryf word, wat insluit:

- (a) ondernemings wat drank aan die publiek verkoop vir verbruik op die gelisensieerde perseel;

- (b) ondernemings wat drank aan die publiek verkoop vir verbruik weg van die gelisensieerde perseel; en
- (c) ondernemings wat drank aan die publiek verkoop vir verbruik op en weg van die gelisensieerde perseel.

### **3. Handelsdae en -ure vir verkoop en verbruik van drank op gelisensieerde persele**

(1) 'n Gelisensieerde mag drank vir verbruik op die gelisensieerde perseel op die onderstaande dae en ure verkoop-

- (a) op enige dag van die week; en
- (b) gedurende die handelsure soos in die Bylae uiteengesit

(2) Ondanks subartikel (1), mag 'n hotel of instelling vir gaste-akkommodasie wat gelisensieer is om drank te verkoop, 'n kamerdiensfasiliteit te enige tyd van die dag aanbied.

(3) Ondanks die bepalings van hierdie verordening, mag 'n gelisensieerde soos bedoel in subartikel (1), vonkelwyn bedien –

- (a) van 08:00 vir sewe dae per week;
- (b) as deel van 'n maaltyd; en
- (c) aan gaste wat deel uitmaak van 'n georganiseerde funksie waar toegang beheer word.

(4) 'n Lisensiehouer wat drank vir verbruik op die gelisensieerde perseel verkoop, mag nie enige drankverbruik op die gelisensieerde perseel toelaat gedurende die tye wat drankverkope verbode is nie.

### **4. Handelsdae en -ure vir verkoop van drank vir verbruik buite weg van gelisensieerde persele**

(1) 'n Gelisensieerde, met die uitsondering van wynmakerye en wynwinkels, mag drank vir verbruik buite die gelisensieerde perseel verkoop vanaf Maandag tot Saterdag vanaf 09h00 tot 20h00, maar nie op Sondag en geslote dae nie.

(1) Gelisensieerde wynmakerye en wynwinkels mag drank vir verbruik buite die perseel op die onderstaande dae en ure verkoop-

- (a) vanaf Maandag tot Saterdag vanaf 09:00 tot 20:00; en
- (b) op Sondag vanaf 09:00 tot 17:00, maar nie op geslote dae nie.

### **5. Handelsdae en -ure vir die verkoop en verbruik van drank op en weg van gelisensieerde persele**

'n Lisensiehouer van 'n perseel waar drank vir verbruik op en weg van die gelisensieerde perseel verkoop mag word, mag drank gedurende die handelsure in artikel (3) en (4) verkoop.

## **56. Spesiale geleenthere en tydelike lisensies**

Waar die Owerheid 'n aansoek om 'n spesiale geleentheidslisensie of 'n tydelike lisensie ingevolge artikel 48 van die Wet na die munisipaliteit verwys vir kommentaar of aanbeveling, mag die munisipaliteit 'n afwyking van die handelsure soos bepaal in die Bylae tot hierdie verordening, aanbeveel.

## **67. Aanstelling van gemagtigde beamptes**

Die munisipaliteit mag enige beampte aanstel om die bepalings van hierdie verordening te implementeer en af te dwing.

## **78. Bepaling van tipe gelisensieerde perseel**

Waar die definisie of kategorie van enige gelisensieerde perseeltipe, soos weerspieël in items 1 tot 6 van die Bylae tot hierdie verordening, onseker is of moeilik bepaal kan word, mag 'n gemagtigde beampte, soos bedoel in artikel 6, die definisie daarvan bepaal ten einde die handelsure wat daarop van toepassing is, te bepaal.

## **89. Nakoming en afdwinging**

(1) 'n Gemagtigde beampte mag, vir die doeleindes om nakoming te verseker van die handelsure soos bepaal in hierdie verordening, op redelike tye enige gelisensieerde perseel of enige perseel ten opsigte waarvan 'n aansoek ingevolge hierdie verordening ingedien is, betree.

(2) Wanneer die gemagtigde beampte 'n perseel ingevolge hierdie artikel binnegaan, moet hy of sy hom- of haarself aan die persoon in beheer van die perseel identifiseer.

(3) 'n Gemagtigde beampte mag 'n voldoeningskennisgewing aan die gelisensieerde of enige persoon in beheer van 'n gelisensieerde of ongelisensieerde perseel bedien en 'n beroep op sodanige persoon doen om die bepalings van hierdie verordening na te kom.

(4) 'n Voldoeningskennisgewing moet die volgende stipuleer-

(a) die bepalings van die verordening wat oortree word;

(b) die handeling of versuim wat op nie-nakoming neerkom;

(c) die stappe wat geneem moet word om die bepalings na te kom;

(d) die datum of tyd waarop die bepalings nagekom moet word, waar van toepassing;  
en

(e) die moontlike gevolge van nie-nakoming.

## **910. Aansoek om verlengde handelsure**

(1) Ondanks die bepalings van artikel 3, mag die houer van 'n binneverbruiklisensie teen betaling van die voorgeskrewe fooi by die munisipaliteit aansoek doen om op 'n weeksdag (wat 'n publieke vakansiedag voorafgaan, uitgesonderd geslote dae) handel te dryf gedurende die ure soos neergelê in die Bylae vir 'n Vrydag en 'n Saterdag.

- (2) Die bepalings van subartikel (1) is nie van toepassing op houers van binneverbruik lisensies op persele in kategorieë 1 en 2 van die Bylae nie;
- (3) Aansoeke moet op die voorgeskrewe wyse ingedien word en moet ten minste 14 dae voor die datum waarop verlengde ure benodig word, ingedien word. Laat aansoeke sal nie oorweeg word nie.
- (4) Hoogstens drie aansoeke om verlengde handelsure sal per perseel per kalenderjaar sal oorweeg word.
- (5) Geen aansoek ingevolge subartikel (1) sal oorweeg of geprosesseer word gedurende die tydperk 1 Desember tot 15 Januarie van die volgende jaar nie.
- (6) Geen regte word verkry deur die gelisensieerde wat aansoek gedoen het om verlengde handelsure alvorens skriftelike goedkeuring deur hom of haar ontvang is nie.
- (7) Die munisipaliteit moet tydens oorweging van 'n aansoek vir verlengde handelsure oorweging skenk aan tersaaklike faktore wat die volgende mag insluit-
- (a) die geldigheid van die dranklisensie;
  - (b) waar van toepassing, die geldigheid van 'n besigheidslisensie wat ingevolge die Wet op Besighede van 1991 (Wet 71 van 1991) uitgereik is;
  - (c) liggingskategorie volgens die Bylae;
  - (d) vorige rekords van klagtes wat ondersoek en bevestig is ten opsigte van die twaalf maande wat 'n aansoek vir verlenging voorafgaan;
  - (e) die nabyheid van die gelisensieerde perseel aan omliggende residensieel-gesoneerde areas, kulturele-, godsdienstige- en opvoedkundige fasiliteite;
  - (f) die potensiële impak op die omliggende omgewing;
  - (g) of dit in die openbare belang is om 'n verlenging van handelsure goed te keur;
  - (h) 'n motivering van die aansoeker wat aandui –
    - (i) die moontlike risiko's vir die omliggende gemeenskap en die veroorsaking van geraas en ander oorlaste;
    - (ii) maatreëls om moontlike risiko's en oorlaste te beheer of te verminder; en
    - (iii) moontlike voordele wat verlengde handelsure vir die omliggende gemeenskap mag inhou;
- (8) By oorweging van die aansoek bedoel in subartikel (1) mag die munisipaliteit insette verkry vanaf-
- (i) die betrokke wykskomitee;
  - (ii) omliggende inwoners wat geaffekteer mag word;
  - (iii) die plaaslike Gemeenskapspolisiëringsforum;
  - (iv) die aangewese drankoffisier van die S.A. Polisiediens; en
  - (v) enige gemeenskapsorganisasie soos kerkgroepe, belastingbetalers-, of sakeforums.
- (9) Die munisipaliteit mag 'n goedkeuring vir verlengde handelsure goedkeur onderhewig aan voorwaardes en die grondslag van en beweegrede vir alle besluitneming moet genotuleer word.

## **11. Voorkoming van onwettige drankverkope, en beslaglegging op drank**

(1) 'n Gemagtigde beampte kan die onwettige verkoop van drank voorkom of op drank beslag lê:

- (a) waar drank verkoop word vanaf 'n perseel waar drankverkope nie ingevolge die munisipale soneringskema toegelaat word nie; of
- (b) waar drank in stryd met hierdie verordening verkoop word; of
- (c) waar drank verkoop word buite die ure en dae wat in hierdie verordening neergelê word, of in stryd met die voorwaardes wat die Wes-Kaapse Drankowerheid of die munisipaliteit met betrekking tot daardie onderneming vasgestel het; en
- (d) deur die tydelike sluiting van die perseel en/of beslaglegging op enige drank op die perseel ingevolge die munisipaliteit se standaardbedryfsprosedure vir beslaglegging en die bepalinge oor deursoeking en beslaglegging in die Strafproseswet, 1977 (Wet 51 van 1977).

(2) Waar die verkoop van drank voorkom word en daar beslag gelê word op drank ingevolge subartikel (1), kan die munisipaliteit enige koste wat die munisipaliteit hiervoor moes aangaan, van die lisensiehouer of persoon in beheer van die perseel verhaal.

## **12. Vertoon van naamborde, en ander verpligtinge van lisensiehouer**

(1) Die lisensiehouer of persoon in beheer moet toesien dat 'n sertifikaat wat deur die munisipaliteit uitgereik is en wat die sonering of grondgebruik vir die doeleinde van hierdie verordening sowel as die goedgekeurde handelsure bepaal, op 'n opvallende plek binne-in die onderneming en tot bevrediging van die munisipaliteit vertoon word.

(2) Die lisensiehouer of persoon in beheer moet toesien dat die volgende opvallend en in letters van minstens vyf sentimeter hoog buite die perseel op die voordeur of –venster vertoon word, tot die bevrediging van die munisipaliteit:

- (i) die handelsure van die onderneming, soos wat die Munisipaliteit dit goedgekeur het; en
- (ii) die dranklisensienommer waaronder die onderneming handel dryf

## **13. Veiligheid en sekuriteit**

(1) Lisensiehouers moet toesien dat die gelisensieerde perseel aan alle omgewings-, beplannings- en veiligheidswette voldoen en dat die voorwaardes wat die munisipaliteit neerlê, nagekom word.

(2) Die lisensiehouer of persoon in beheer moet toesien dat redelike en voldoende veiligheid- en sekuriteitsmaatreëls getref word vir die beskerming van die publiek/klante van die betrokke perseel, deur onder meer te verseker dat:

- (a) die berging van goedere en toerusting en die toestand van die perseel en enige struktuur daarop nie 'n gevaar vir die veiligheid van klante binne die perseel inhou nie;
- (b) die perseel voldoen aan die vereistes van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977) en enige ander toestemming of verordening wat die Munisipaliteit toestaan of uitvaardig; en
- (c) daar voldoende verligting buite die perseel is waar die publiek/klante en personeel die gelisensieerde perseel binnegaan of verlaat.

#### **14. Drankpersele moet wapenvry wees**

Die reg van toegang tot drankpersele word voorbehou, en enige wapens of skerp voorwerpe is verbode op binneverbruikpersele. 'n Kluis behoort te alle tyd beskikbaar te wees op binneverbruikpersele indien persone wat in besit is van wapens of skerp voorwerpe toegang tot die perseel moet verkry.

#### **15. Stoornisse**

(1) Enige persoon wat drank aan die publiek verkoop, moet alle redelike stappe doen om toe te sien dat geraas vanaf die drankperseel te alle tye binne die mure van sodanige drankperseel bly.

(2) Enige persoon wat drank aan die publiek verkoop, moet redelike stappe doen om toe te sien dat geraas of ander stoornisse vanaf die perseel nie die inwoners van die omliggende gemeenskap op onredelike wyse raak en verontrief nie.

(3) Die lisensiehouer bly aanspreeklik en verantwoordelik vir alle grondbesoedeling en rommelstrooiing binne die drankperseel. Die lisensiehouer is ook verantwoordelik vir alle grondbesoedeling en rommelstrooiing buite die drankperseel wat uit die gelisensieerde perseel spruit. Die drankperseel en omliggende gebiede moet te alle tye skoongehou word.

(4) Die lisensiehouer is verantwoordelik om toe te sien dat geen klante buite die drankperseel rondhang nie en dat drankverkope en drankverbruik tot die drankperseel beperk word.

#### **1016. Beswaar teen hernuwing van lisensies**

(1) Die munisipaliteit, of enige van die instansies of persone vermeld in artikel 9(9), sal die reg hê om verhoë te rig teen die outomatiese hernuwing van 'n dranklisensie binne sy jurisdiksiegebied-

- (a) waar die gelisensieerde perseel nie gesoneer is vir sodanige gebruik ingevolge die munisipaliteit se soneringskema-regulasies nie; of

- (b) waar die gelisensieerde perseel, sedert die laaste hernuwing van sodanige lisensie, die onderwerp was van 'n klagte of klagtes wat deur die munisipaliteit ontvang is.

(2) Die munisipale bestuurder moet die vertoë voor 31 Julie van die jaar voor die jaar ten opsigte waarvan die hernuwing van toepassing sal wees, skriftelik by die Owerheid indien.

#### **1117. Appèl**

'n Persoon of regsentiteit wie se regte deur 'n besluit van die munisipaliteit ingevolge 'n gedelegeerde gesag geraak word, mag appèl aanteken teen daardie besluit deur binne 21 dae van die datum van kennisgewing van die besluit skriftelik aan die munisipale bestuurder kennis te gee van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 32 van 2000.

#### **1218. Oortredings en boetes**

(1) 'n Gelisensieerde wat artikel 3, 4 of 5 van hierdie verordening oortree, of versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 9, pleeg 'n misdryf.

(2) 'n Persoon wat 'n gemagtigde beampte in die uitvoering van pligte verhinder of belemmer, pleeg 'n misdryf.

(3) Enige persoon wat die bepalings van hierdie verordening oortree, sal by skuldigbevinding blootgestel wees aan-

- (a) 'n boete of gevangenisstraf, of aan òf sodanige boete òf gevangenisstraf, of aan sodanige boete sowel as sodanige gevangenisstraf;
- (b) in die geval van 'n voortgaande oortreding, aan 'n addisionele boete of aan 'n addisionele tydperk van gevangenisstraf of aan sodanige addisionele gevangenisstraf sonder die opsie van 'n boete, of aan sodanige addisionele boete en gevangenisstraf vir elke dag waarop sodanige oortreding voortgaan; en
- (c) 'n verdere bedrag gelyk aan enige kostes en uitgawes wat deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

#### **1319. Herroeping**

Die Verordening insake Beheer oor Ondernemings wat Drank aan die Publiek verkoop soos gepubliseer in Provinsiale Koerant No. ~~6986 op 20 April 2012~~ 7394 op 22 Mei 2015 word hiermee herroep.

#### **1420. Kort titel**

Hierdie Verordening word genoem die Swartland Munisipaliteit se Verordening insake Beheer oor Ondernemings wat Drank aan die Publiek verkoop en neem 'n aanvang op die datum van publikasie hiervan in die Provinsiale Koerant.

## BYLAE

### Handelsure vir verbruik van drank op gelisensieerde perseel

| Liggingskategorie & tipe gelisensieerde perseel                                                                                                                                                      | Maksimum toegelate handelsure                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1. Residensiële gebied                                                                                                                                                                               |                                                                                                                |
| Instelling vir gaste-akkommodasie                                                                                                                                                                    | Maandag – Donderdag : 09h00 – 23h00<br>Vrydag – Saterdag : 09h00 – 24h00<br>Sondag : 11h00 -23h00              |
| Sakeperseel                                                                                                                                                                                          |                                                                                                                |
| Sport- en gemeenskapsklub met die uitsondering van spesiale geleenthede                                                                                                                              |                                                                                                                |
| 2. Woonbuurtsakegebied met inbegrip van gemengde gebruiksuareas                                                                                                                                      |                                                                                                                |
| Instelling vir gaste-akkommodasie                                                                                                                                                                    | 09h00 – 24h00                                                                                                  |
| Sakeperseel                                                                                                                                                                                          |                                                                                                                |
| Vermaaklikheidsplek                                                                                                                                                                                  |                                                                                                                |
| Sport- en gemeenskapsklub met die uitsondering van spesiale geleenthede                                                                                                                              |                                                                                                                |
| 3. Algemene sakegebied                                                                                                                                                                               |                                                                                                                |
| Instelling vir gaste-akkommodasie                                                                                                                                                                    | Maandag – Donderdag : 09h00 -24h00<br>Vrydag – Saterdag : 09h00 -02h00 volgende dag<br>Sondag : 09h00 – 24h00  |
| Sakeperseel                                                                                                                                                                                          |                                                                                                                |
| Vermaaklikheidsplek                                                                                                                                                                                  |                                                                                                                |
| Sport en gemeenskapsklub met die uitsondering van spesiale geleenthede                                                                                                                               |                                                                                                                |
| Hotel                                                                                                                                                                                                |                                                                                                                |
| 4. Nywerheidsgebied                                                                                                                                                                                  |                                                                                                                |
| Sakeperseel                                                                                                                                                                                          | Maandag – Donderdag : 09h00 -24h00<br>Vrydag – Saterdag : 09h00 - 02h00 volgende dag<br>Sondag : 09h00 – 24h00 |
| Vermaaklikheidsplek                                                                                                                                                                                  |                                                                                                                |
| Sport en gemeenskapsklub met die uitsondering van spesiale geleenthede                                                                                                                               |                                                                                                                |
| 5. Landbougebied / Kleinboewes                                                                                                                                                                       |                                                                                                                |
| Instelling vir gaste-akkommodasie                                                                                                                                                                    | 09h00 – 02h00 volgende dag                                                                                     |
| Vermaaklikheidsplek                                                                                                                                                                                  |                                                                                                                |
| Sport- en gemeenskapsklub met die uitsondering van spesiale geleenthede                                                                                                                              |                                                                                                                |
| Wynmakery                                                                                                                                                                                            |                                                                                                                |
| Hotel                                                                                                                                                                                                |                                                                                                                |
| 6. Ander ad hoc-liggings                                                                                                                                                                             |                                                                                                                |
| Voertuie of mobiele ondernemings gebruik vir toeriste of vermaak of ontspanningsdoeleindes ooreenkomstig die definisie van ‘perseel’ in artikel 1 van die Wet, tensy enige ander Verordening van die | 09h00 – 24h00                                                                                                  |

|                                                   |                                                                                                                                               |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Swartland Munisipaliteit anders bepaal            |                                                                                                                                               |
| <b>Spesiale geleenthede of tydelike lisensies</b> | Soos bepaal ingevolge die goedkeuring uitgereik deur die Owerheid in terme van artikel 48 van die Wet na oorlegpleging met die munisipaliteit |

## SWARTLAND MUNICIPALITY

### DRAFT BY-LAW RELATING TO CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC

Under section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows:-

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1. Definitions
2. Purpose of by-law and application
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4. Trading days and hours for sale of liquor and consumption off licensed premises
5. Trading days and hours for sale and consumption on and off the licensed premises
6. Special events and temporary licenses
7. Appointment of authorised officers
8. Determination of type of licensed premises
9. Compliance and enforcement
10. Application for extended trading hours
11. Prevention of illegal sale of liquor and seizure of liquor
12. Display of signage and other obligations of the licensee
13. Safety and security
14. Liquor premises must be weapon free
15. Nuisances
16. Objection to renewal of licenses
17. Appeal
18. Offences and penalties
19. Repeal
20. Short title and commencement

#### 1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context indicates otherwise—

**“agricultural area”** means an area predominantly zoned agriculture or any other equivalent use, with the purpose to promote and protect agricultural activity on a farm as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

**“Authority”** means the Western Cape Liquor Authority established in terms of the Act;

**“business premises”** means a building or land from which business is conducted and includes a shop, supermarket, restaurant, office, financial institution and buildings for

similar uses, but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industrial hive, noxious trade, risk activity, adult entertainment or bottle store;

**“closed days”** means Christmas Day and Good Friday;

**“general business area”** means an area predominantly zoned general business or any other equivalent use, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

**“guest accommodation establishment”** means premises used as temporary residential accommodation for, and includes the provision of meals to, transient guests for compensation and includes a backpacker’s lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

**“hotel”** means a property used as a temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes –

- (a) a restaurant or restaurants forming part of the hotel;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as a hotel;
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property,

but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

**“industrial area”** means an area predominantly zoned general industry or any other equivalent use, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

**“licensee”** means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

**“licensed premises”** means any place, land, building or part of a building in respect of which a license has been issued by the Authority in terms of the Act and includes a vehicle or vessel which is mainly used for the conveyance of tourists or passengers;

**“liquor”** means liquor as defined in section 1 of the Act;

**“neighbourhood business area”** means an area predominantly zoned neighbourhood business or mixed use or any other equivalent use, with the purpose to accommodate low intensity commercial and mixed use development serving local needs of convenience goods, personal service or small scale business nature or serve as an interface between general business, industrial and adjacent residential area;

**“nuisance”** means any act or omission or condition on any premises, vehicle, street or public place, including any building, structure, vehicle or vessel which is offensive or dangerous, or which interferes with the ordinary comfort, convenience, peace or quiet of other people or which may adversely affect the safety or comfort of people;

**“place of entertainment”** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub;

**“residential area”** means an area predominantly zoned residential or general residential or any other equivalent use, with the purpose to accommodate predominantly single-family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

**“small holding”** means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural purposes;

**“sparkling wine”** means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process, and includes champagne;

**“special event”** means a fundraising event in aid of an educational or welfare organisation, any exhibition, sports meeting, cultural meeting or artistic performance;

**“sports and community club”** means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club;

**“temporary license”** means a temporary license issued by the Authority to-

- (a) the holder of an on consumption license; or
- (b) in exceptional circumstances, the holder of an on and off consumption license;

**“Swartland Municipality”** means the Swartland Municipality established by the Establish Notice published in Provincial Notice No. 5589 of 2000, as amended, and **“Municipality”** has a corresponding meaning;

**“the Act”** means the Western Cape Liquor Act, 2008 (Act No. 4 of 2008), as amended, read together with relevant Regulations;

**“weekday”** a day of the week, excluding Saturday and Sunday;

**“winery”** includes premises or facilities which are used in the production of wine and such premises or facilities include facilities for crushing grapes and fermentation and aging of wine, wine sales and tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine, which may include –

- (a) restaurants and other food services; or
- (b) subsidiary retail facilities to tours or visitors

**“wine shop”** means a place to sell packaged liquor for consumption off the premises;

**“zoning”**, when used as a noun, means a category of directions regulating the development of land and setting out the purposes for which the land may be used and the land use or land use provisions applicable in respect of the said category of directions, as determined by the Zoning Scheme;

**“zoning scheme”** means zoning scheme regulations which have been approved in terms of the Landuse Planning Ordinance, Ordinance 15 of 1985 Swartland Municipality: Land Use Planning By-law published in Provincial Notice Nr. 8226 of 2020 ~~and the zoning map and register.~~

## **2. Purpose of by-law and application**

(1) To provide for the control of undertakings selling liquor to the public in order to ensure a safe and healthy environment in the Swartland; to provide for days and hours of trade in liquor by licensed undertakings that sell liquor to the public; and to provide for matters related thereto.

(2) This by-law applies to all ~~licensed premises within the jurisdiction of the municipality~~ premises, situated within the area of jurisdiction of the municipality, on which a business trading in liquor is operated, including:

- (a) undertakings selling liquor to the public for consumption on the licenced premises;
- (b) undertakings selling liquor to the public for consumption off the licensed premises;
- (c) undertakings selling liquor to the public for consumption on and off the licensed premises.

## **3. Trading days and hours for sale and consumption of liquor on licensed premises**

(1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:

- (a) on any day of the week; and
- (b) during the hours of trade as set out in the Schedule.

(2) Despite subsection (1), a hotel or guest accommodation establishment licensed to sell liquor may offer a room service facility at any time of the day.

(3) Despite the provisions of this by-law, a licensee as contemplated in subsection (1), may serve sparkling wine –

- (a) from 08:00 for seven days a week;
- (b) as part of a meal; and
- (c) to guests who are part of an organised function where admittance is controlled.

(4) A licensee who sells liquor for consumption on licensed premises may not allow any consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted.

#### **4. Trading days and hours for sale of liquor and consumption off licensed premises**

(1) A licensee, excluding wineries and wine shops, may sell liquor for consumption off the licensed premises from Monday to Saturday from 09:00 to 20:00, but not on Sundays and closed days.

(2) Licensed wineries and wine shops may sell liquor for consumption off the premises on the following days and hours:

- (a) from Monday to Saturday from 09:00 to 20:00; and
- (b) on Sundays from 09:00 to 17:00, but not on closed days.

#### **5. Trading days and hours for sale and consumption on and off the licensed premises**

A licensee of premises upon which liquor may be sold for consumption on and off the licensed premises may sell liquor in terms of the trading hours prescribed in section 4 and 5.

#### **56. Special events and temporary licenses**

Where the Authority refers an application for a special events license or a temporary license in terms of section 48 of the Act to the municipality for comments or recommendation, the municipality may recommend a deviation from the trading hours as determined in the Schedule to this by-law.

#### **67. Appointment of authorised officials**

The municipality may appoint any official to implement and enforce the provisions of this by-law.

## **78. Determination of licensed premises type**

Where the definition or category of any licensed premises type as reflected in items 1 to 6 of the Schedule to this by-law is uncertain or difficult to determine, an authorised official as contemplated in section 6 may determine the definition thereof in order to determine the trading hours applicable thereto.

## **89. Compliance and enforcement**

(1) An authorised official may, for the purposes of ensuring compliance with the trading hours determined in terms of this by-law, at reasonable times enter any licensed premises or any premises in respect of which an application in terms of this by-law has been submitted;

(2) When entering premises in terms of this section, the authorised official must identify himself or herself to the person in charge of the premises.

(3) An authorised official may issue and serve a notice of compliance on the licensee or any person in control of licensed or unlicensed premises, calling upon such person to comply with the provisions of this by-law.

(4) A compliance notice must stipulate-

- (a) the provisions of the by-law that is contravened;
- (b) the act or omission constituting non-compliance;
- (c) the measures which must be taken to comply;
- (d) the date or time by which compliance must be achieved, where applicable; and
- (e) the possible consequences of non-compliance.

## **910. Application for extended trading hours**

(1) Notwithstanding the provisions of sections 3, the holder of an on-consumption license may, upon payment of the required fee, apply to the municipality to trade on weekdays preceding a public holiday, excluding closed days, during the hours set in the Schedule for trading on a Friday and a Saturday.

(2) The provisions of subsection (1) shall not apply to holders of on-consumption licenses on premises located in categories 1 en 2 of the Schedule.

(3) Applications must be made in the prescribed manner and must be submitted at least fourteen days prior to the date on which extended hours are needed. Late applications shall not be considered.

(5) Applications for extended trading hours shall be restricted to a maximum of three per premises per calendar year.

(6) No application in terms of sub section (1) shall be considered or processed during the period 1 December and 15 January of the following year.

(6) No rights shall accrue to any licensee who has submitted an application for extension of trading hours before the written proof approval is received from the municipality by such licensee.

(7) The municipality must, when considering an application for the extension of trading hours, consider applicable factors which may include –

- (a) the validity of the liquor licence;
- (b) where applicable, the validity of a business licence issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991);
- (c) location category as per the Schedule;
- (d) previous records of complaints in respect of the twelve months preceding the application for extension of hours;
- (e) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
- (f) the potential impact on the surrounding environment;
- (g) whether it is in the public interest to approve and grant an extension of trading hours;
- (h) a motivation from the applicant dealing with–
  - (i) the possible risks to the surrounding community and the creation of noise or other nuisances ;
  - (ii) measures to control or alleviate possible risks and nuisances; and
  - (iii) possible benefits of extended liquor trading hours on the surrounding community.

(8) The municipality, in considering the application, may request input from –

- (a) the relevant ward committee;
- (b) adjacent residents which may be affected;
- (c) the local Community Policing Forum;
- (d) the designated liquor officer of the S A Police Service; and
- (e) any relevant community organisation such as church groups, ratepayers or business forums’

(9) The municipality may issue an approval for extended trading hours subject to any conditions and the basis and rational behind all decision-making must be recorded.

## **11. Prevention of illegal sale of liquor and seizure of liquor**

(1) An authorized official may prevent or seize the illegal sale of liquor –

- (a) where liquor is sold from a premises where the sale of liquor is not permitted in terms of the municipal zoning scheme; or
- (b) where liquor is sold in contravention of this By-law;

- (c) where liquor is sold outside the hours and days as specified by this By-law or the conditions, imposed by the Western Cape Liquor Authority of the municipality, in respect of that business; and
- (d) cause the temporary closure of the premises and/or seize any liquor on the premises in accordance with the Standard Operating Procedure on Impoundment of the municipality and the Search and Seizure provisions as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(2) Where the sale of liquor is prevented and liquor is seized as contemplated in subsection (1), the municipality may recover any costs incurred by the municipality from the licensee or person in control of the premises.

## **12. Display of signage and other obligations of the licensee**

(1) The licensee or person in charge must ensure that inside the business, to the satisfaction of the municipality, a certificate issued by the municipality stating the zoning or land use for purposes of this By-law and stating the approved hours of trade, are prominently displayed.

(2) The licensee or person in charge must ensure that on the outside of the business, to the satisfaction of the municipality, the following are prominently displayed on the front door or window of the premises in characters not less than five centimeters in height;

- (i) the hours of trade of the business as approved by the municipality; and
- (ii) the liquor license number under which the business trade.

## **13. Safety and security**

(1) Licensees must ensure that the licensed premises meets and complies with all environmental, planning and safety laws and that the conditions imposed by the municipality are adhered to.

(2) The licensee or person in charge must ensure that reasonable and adequate safety and security measures are in place for the protection of the public/clients of the likened premises by ensuring, amongst others but not limited to, that –

- (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;
- (b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and any other permission granted or by-law promulgated by the municipality; and
- (c) there is adequate lighting on the outside of the premises where the public/clients and staff access and exit the licensed premises.

#### **14. Liquor premises must be weapon free**

Right of admission to liquor premises is reserved and no weapons or sharp objects are permitted inside on consumption liquor premises. A safe should be available at all times on on consumption liquor premises in case persons in possession of guns or sharp objects need access to the premises.

#### **15. Nuisances**

(1) Any person selling liquor to the public must take all reasonable steps to ensure that noise from the liquor premises remain within the walls of such liquor premises at all times.

(2) Any person selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonable affected and inconvenienced by noise or other nuisances emanating from the premises.

(3) The licensee remains liable and responsible for all land pollution and littering within the liquor premises. The licensee is also responsible for all land pollution and littering outside the liquor premises flowing from the licensed premises. The liquor premises and surrounding areas must be kept clean at all times.

(4) The licensee is responsible to ensure that there shall be no loitering by patrons outside the liquor premises and that all sales and consumption of liquor shall be confined to the liquor premises.

#### **~~10~~16. Objection against renewal of licenses**

(1) The municipality or any of the institutions or persons contemplated in section 9(9) shall have the right to lodge representations against the automatic renewal of a liquor license within its jurisdictional area-

- (a) where the licensed premises is not zoned for such use in terms of the municipality's town planning scheme regulations; or
- (b) where the licensed premises has, since the last renewal of such license, been the subject of a complaint or complaints received by the municipality.

(2) The municipal manager must lodge such representations in writing with the Authority before 31 July of the year preceding the year in respect of which the renewal will apply.

#### **~~11~~17. Appeal**

A person or judicial entity whose rights are affected by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

## **1218. Offences and penalties**

- (1) A licensee who contravenes sections 3, 4 or 5 of this by-law or fails to comply with a notice issued in term of section 89, commits an offence.
- (2) A person who hinders or obstructs an authorised official in the execution of his or her duties commits an offence.
- (3) Any person contravening the provisions of this by-law shall upon conviction be liable to-
  - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (c) a further amount equal to any costs and expenses that have been incurred by the municipality as result of such contravention or failure.

## **1319. Repeal**

The By-law relating to Control of Undertakings that sell Liquor to the Public as published in Provincial Gazette No ~~6986 on 20 April 2012~~ 7394 on 22 May 2015 is hereby repealed.

## **1420. Short title**

This by-law shall be known as the Swartland Municipality By-law Relating to the Control of Undertakings that sell Liquor to the Public and shall come into operation on the date of publication hereof in the Provincial Gazette.

## SCHEDULE

### Trading hours for consumption of liquor on licensed premises

| Location category & licensed premises type                                                                                                                                                                                    | Maximum permitted trading hours                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1. Residential area                                                                                                                                                                                                           |                                                                                                           |
| Guest accommodation establishment                                                                                                                                                                                             | Monday – Thursday : 09h00 – 23h00                                                                         |
| Business premises                                                                                                                                                                                                             | Friday – Saturday : 09h00 – 24h00                                                                         |
| Sports and community club excluding special events                                                                                                                                                                            | Sunday : 11h00 – 23h00                                                                                    |
| 2. Neighbourhood business area including mixed use areas                                                                                                                                                                      |                                                                                                           |
| Guest accommodation establishment                                                                                                                                                                                             | 09h00 – 24h00                                                                                             |
| Business premises                                                                                                                                                                                                             |                                                                                                           |
| Place of entertainment                                                                                                                                                                                                        |                                                                                                           |
| Sports and community club excluding special events                                                                                                                                                                            |                                                                                                           |
| 3. General business area                                                                                                                                                                                                      |                                                                                                           |
| Guest accommodation establishment                                                                                                                                                                                             | Monday – Thursday : 09h00 – 24h00<br>Friday – Saturday : 09h00 – 02h00 next day<br>Sunday : 09h00 – 24h00 |
| Business premises                                                                                                                                                                                                             |                                                                                                           |
| Place of entertainment                                                                                                                                                                                                        |                                                                                                           |
| Sports and community club excluding special events                                                                                                                                                                            |                                                                                                           |
| Hotel                                                                                                                                                                                                                         |                                                                                                           |
| 4. Industrial area                                                                                                                                                                                                            |                                                                                                           |
| Business premises                                                                                                                                                                                                             | Monday – Thursday : 09h00 – 24h00                                                                         |
| Place of entertainment                                                                                                                                                                                                        | Friday – Saturday : 09h00 – 02h00 next day                                                                |
| Sports and community club excluding special events                                                                                                                                                                            | Sunday : 09h00 – 24h00                                                                                    |
| 5. Agricultural area / Small holdings                                                                                                                                                                                         |                                                                                                           |
| Guest accommodation establishment                                                                                                                                                                                             | 09h00 – 02h00 next day                                                                                    |
| Place of entertainment                                                                                                                                                                                                        |                                                                                                           |
| Sports and community club excluding special events                                                                                                                                                                            |                                                                                                           |
| Winery                                                                                                                                                                                                                        |                                                                                                           |
| Hotel                                                                                                                                                                                                                         |                                                                                                           |
| 6. Other ad-hoc locations                                                                                                                                                                                                     |                                                                                                           |
| Vehicles or mobile undertakings used for tourist or entertainment or recreational purposes as per definition of ‘premises’ in section 1 of the Act, except where any other Swartland Municipality By-law determines otherwise | 09h00 – 24h00                                                                                             |

|                                             |                                                                                                                                        |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Special events or temporary licenses</b> | As determined by the authorisation issued by the Authority in terms of section 48 of the Act after consultation with the municipality. |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|

**ITEM 8.5 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 25 AUGUSTUS 2023**

|                                                                   |
|-------------------------------------------------------------------|
| <b>ONDERWERP: 2023 VERGADERINGSKEDULE / 2023 MEETING SCHEDULE</b> |
|-------------------------------------------------------------------|

**1. BACKGROUND**

Attached is the proposed 2023 schedule for meetings of council, the executive mayoral committee, portfolio committees, the municipal public accounts committee (MPAC), the municipal planning tribunal (MPT) and ward committees.

The schedule has been prepared in conjunction with the IDP Process Plan – see elsewhere in the agenda.

**2. LEGISLATION**

Section 29, Municipal Structures Act, 1998:

“Meetings of municipal councils.—(1) The speaker of a municipal council decides when and where the council meets subject to section 18(2), but if a majority of the councillors requests the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request.”

By-law regulating the Conduct of Meetings, PN 7501 dated 2 October 2015

It is the Speaker's prerogative in terms of the By-law to resolve where and when the Council meets.

**3. ALIGNMENT TO THE IDP – None**

**4. RECOMMENDATION**

- (a) That the proposed meeting schedule for 2023 be accepted;
- (b) That the dates be published bi-annually in the local media for public cognisance, as well as on the municipal website;
- (c) That each councillor be furnished with a copy of the final schedule;
- (d) That the meeting schedule be forwarded to the West Coast District Municipality, SALGA and the Provincial Department of Local Government to use for planning purposes.

**AANBEVELING**

- (a) Dat die voorgestelde vergaderingskedule vir 2023 aanvaar word;
- (b) Dat die datums vir publieke insae in die plaaslike media gepubliseer word, asook op die munisipale webtuiste op 'n halfjaarlikse basis;
- (c) Dat elke raadslid van die finale skedule voorsien word;
- (d) Dat die vergaderingskedule ook aan die Weskus Distriksmunisipaliteit, SALGA en die Provinsiale Departement van Plaaslike Bestuur voorsien word vir beplanningsdoeleindes.

**VERGADERDATUMS, 2023 (1STE SEMESTER) / MEETING SCHEDULE, 2023 (1ST SEMESTER)**

| DAG | JAN |                                           | FEB |                                                       | MRT |                                                                           | APR |                                                                                  | MEI |                                                              | JUN |                                                                                           | DAG |
|-----|-----|-------------------------------------------|-----|-------------------------------------------------------|-----|---------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------|-----|--------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------|-----|
| Sa  |     |                                           |     |                                                       |     |                                                                           | 1   |                                                                                  |     |                                                              |     |                                                                                           | Sa  |
| So  | 1   | Nuwejaarsdag /<br>New Year's Day          |     |                                                       |     |                                                                           | 2   |                                                                                  |     |                                                              |     |                                                                                           | So  |
| Ma  | 2   | Publieke Vakansiedag / Public<br>Holiday  |     |                                                       |     |                                                                           | 3   |                                                                                  | 1   | Werkersdag / Worker's Day                                    |     |                                                                                           | Ma  |
| Di  | 3   |                                           |     |                                                       |     |                                                                           | 4   |                                                                                  | 2   | Wykskomitees / Ward committees (5, 6)                        |     |                                                                                           | Di  |
| Wo  | 4   |                                           | 1   | Wykskomitee / Ward committee (9)                      | 1   | Wykskomitee / Ward committee (9)                                          | 5   |                                                                                  | 3   | Wykskomitee / Ward committee (9)                             |     |                                                                                           | Wo  |
| Do  | 5   |                                           | 2   | Wykskomitees / Ward committees (3, 4)                 | 2   | Wykskomitees / Ward committees (3, 4)                                     | 6   |                                                                                  | 4   | Wykskomitees / Ward committees (3, 4, 7)                     | 1   |                                                                                           | Do  |
| Vr  | 6   |                                           | 3   |                                                       | 3   |                                                                           | 7   | Goeie Vrydag / Good Friday                                                       | 5   |                                                              | 2   |                                                                                           | Vr  |
| Sa  | 7   |                                           | 4   |                                                       | 4   |                                                                           | 8   |                                                                                  | 6   |                                                              | 3   |                                                                                           | Sa  |
| So  | 8   |                                           | 5   |                                                       | 5   |                                                                           | 9   |                                                                                  | 7   |                                                              | 4   |                                                                                           | So  |
| Ma  | 9   |                                           | 6   | Wykskomitees / Ward committees (8, 10)                | 6   | Wykskomitees / Ward committees (8, 10)                                    | 10  | Gesinsdag / Family Day                                                           | 8   | Wykskomitees / Ward committees (1, 2, 8, 10)                 | 5   | Wykskomitees / Ward committees (1, 2, 8, 10)                                              | Ma  |
| Di  | 10  |                                           | 7   | Wykskomitees / Ward committees (11, 12)               | 7   | MPAC, 09:00 (Oversight Report)<br>Wykskomitees / Ward committees (11, 12) | 11  |                                                                                  | 9   | Wykskomitees / Ward committees (11, 12)                      | 6   | Wykskomitees / Ward committees (5, 6, 11, 12)                                             | Di  |
| Wo  | 11  |                                           | 8   | PORTEFEULJEKOM/<br>PORTFOLIO COM, 10:00<br>MPT, 14:00 | 8   | PORTEFEULJEKOM/<br>PORTFOLIO COM, 10:00<br>MPT, 14:00                     | 12  | Skole open/Schools open<br>PORTEFEULJEKOM/<br>PORTFOLIO COM, 10:00<br>MPT, 14:00 | 10  | PORTEFEULJEKOM/<br>PORTFOLIO COM, 10:00<br>MPT, 14:00        | 7   | PORTEFEULJEKOM/<br>PORTFOLIO COM, 10:00<br>MPT, 14:00<br>Wykskomitee / Ward committee (9) | Wo  |
| Do  | 12  |                                           | 9   | Wykskomitee / Ward committee (7)                      | 9   | Wykskomitee / Ward committee (7)                                          | 13  | Wyke-terugvoersessie, 14:00                                                      | 11  | Wyke-terugvoersessie, 14:00                                  | 8   | Wykskomitees / Ward committees (3, 4, 7)                                                  | Do  |
| Vr  | 13  |                                           | 10  |                                                       | 10  |                                                                           | 14  |                                                                                  | 12  |                                                              | 9   |                                                                                           | Vr  |
| Sa  | 14  |                                           | 11  |                                                       | 11  |                                                                           | 15  |                                                                                  | 13  |                                                              | 10  |                                                                                           | Sa  |
| So  | 15  |                                           | 12  |                                                       | 12  |                                                                           | 16  |                                                                                  | 14  |                                                              | 11  |                                                                                           | So  |
| Ma  | 16  |                                           | 13  |                                                       | 13  |                                                                           | 17  |                                                                                  | 15  |                                                              | 12  |                                                                                           | Ma  |
| Di  | 17  |                                           | 14  |                                                       | 14  |                                                                           | 18  |                                                                                  | 16  |                                                              | 13  |                                                                                           | Di  |
| Wo  | 18  | Skole open/Schools open<br>UBK/EMC, 10:00 | 15  | UBK/EMC, 10:00                                        | 15  |                                                                           | 19  | UBK/EMC, 10:00                                                                   | 17  | UBK/EMC, 10:00                                               | 14  | UBK/EMC, 10:00                                                                            | Wo  |
| Do  | 19  |                                           | 16  | Wyke-terugvoersessie, 14:00                           | 16  | Wyke-terugvoersessie, 14:00                                               | 20  |                                                                                  | 18  |                                                              | 15  | Wyke-terugvoersessie, 14:00                                                               | Do  |
| Vr  | 20  |                                           | 17  |                                                       | 17  |                                                                           | 21  |                                                                                  | 19  |                                                              | 16  | Jeugdag / Youth day                                                                       | Vr  |
| Sa  | 21  |                                           | 18  |                                                       | 18  |                                                                           | 22  |                                                                                  | 20  |                                                              | 17  |                                                                                           | Sa  |
| So  | 22  |                                           | 19  |                                                       | 19  |                                                                           | 23  |                                                                                  | 21  |                                                              | 18  |                                                                                           | So  |
| Ma  | 23  |                                           | 20  |                                                       | 20  | Skool vakansiedag/School Holiday                                          | 24  |                                                                                  | 22  |                                                              | 19  |                                                                                           | Ma  |
| Di  | 24  | MPAC, 09:00                               | 21  |                                                       | 21  | Menseregtedag / Human Rights Day                                          | 25  | MPAC, 09:00                                                                      | 23  |                                                              | 20  |                                                                                           | Di  |
| Wo  | 25  |                                           | 22  |                                                       | 22  | UBK/EMC, 10:00                                                            | 26  | RAAD/COUNCIL, 10:00 (MFMA, SEC 52)                                               | 24  |                                                              | 21  |                                                                                           | Wo  |
| Do  | 26  | RAAD/COUNCIL, 10:00 (MFMA, SEC 52)        | 23  |                                                       | 23  |                                                                           | 27  | Vryheidsdag / Freedom Day                                                        | 25  | RAAD/COUNCIL, 10:00<br>Wykskomitees / Ward committees (3, 4) | 22  |                                                                                           | Do  |
| Vr  | 27  |                                           | 24  |                                                       | 24  |                                                                           | 28  | Skool vakansiedag/School<br>Holiday                                              | 26  |                                                              | 23  | Skole sluit/Schools close                                                                 | Vr  |
| Sa  | 28  |                                           | 25  |                                                       | 25  |                                                                           | 29  |                                                                                  | 27  |                                                              | 24  |                                                                                           | Sa  |
| So  | 29  |                                           | 26  |                                                       | 26  |                                                                           | 30  |                                                                                  | 28  |                                                              | 25  |                                                                                           | So  |
| Ma  | 30  | Wykskomitees / Ward committees (1, 2)     | 27  | Wykskomitees / Ward committees (1, 2)                 | 27  | Wykskomitees / Ward committees (1, 2, 8, 10)                              |     |                                                                                  | 29  |                                                              | 26  |                                                                                           | Ma  |
| Di  | 31  | Wykskomitees / Ward committees (5, 6)     | 28  | Wykskomitees / Ward committees (5, 6)                 | 28  | Wykskomitees / Ward committees (5, 6, 11, 12)                             |     |                                                                                  | 30  |                                                              | 27  |                                                                                           | Di  |
| Wo  |     |                                           |     |                                                       | 29  | Wykskomitee / Ward committee (9)                                          |     |                                                                                  | 31  |                                                              | 28  |                                                                                           | Wo  |
| Do  |     |                                           |     |                                                       | 30  | RAAD/COUNCIL, 10:00<br>Wykskomitees / Ward committees (3, 4, 7)           |     |                                                                                  |     |                                                              | 29  |                                                                                           | Do  |
| Vr  |     |                                           |     |                                                       | 31  | Skole sluit/Schools close                                                 |     |                                                                                  |     |                                                              | 30  |                                                                                           | Vr  |
| Sa  |     |                                           |     |                                                       |     |                                                                           |     |                                                                                  |     |                                                              |     |                                                                                           | Sa  |
| So  |     |                                           |     |                                                       |     |                                                                           |     |                                                                                  |     |                                                              |     |                                                                                           | So  |

**VERGADERDATUMS, 2023 (2DE SEMESTER) / MEETING SCHEDULE, 2023 (2ND SEMESTER)**

| DAG | JUL |                                                                               | AUG |                                                                | SEP |                                                        | OKT |                                                        | NOV |                                                        | DES |                                              | DAG |
|-----|-----|-------------------------------------------------------------------------------|-----|----------------------------------------------------------------|-----|--------------------------------------------------------|-----|--------------------------------------------------------|-----|--------------------------------------------------------|-----|----------------------------------------------|-----|
| Sa  | 1   |                                                                               |     |                                                                |     |                                                        |     |                                                        |     |                                                        |     |                                              | Sa  |
| So  | 2   |                                                                               |     |                                                                |     |                                                        | 1   |                                                        |     |                                                        |     |                                              | So  |
| Ma  | 3   |                                                                               |     |                                                                |     |                                                        | 2   |                                                        |     |                                                        |     |                                              | Ma  |
| Di  | 4   |                                                                               | 1   | Wykskomitees / Ward committees (11, 12)                        |     |                                                        | 3   |                                                        |     |                                                        |     |                                              | Di  |
| Wo  | 5   |                                                                               | 2   |                                                                |     |                                                        | 4   |                                                        | 1   | Wykskomitee / Ward committee (9)                       |     |                                              | Wo  |
| Do  | 6   |                                                                               | 3   | Wykskomitee / Ward committee (7)                               |     |                                                        | 5   |                                                        | 2   | Wykskomitees / Ward committees (3, 4)                  |     |                                              | Do  |
| Vr  | 7   |                                                                               | 4   |                                                                | 1   |                                                        | 6   |                                                        | 3   |                                                        | 1   |                                              | Vr  |
| Sa  | 8   |                                                                               | 5   |                                                                | 2   |                                                        | 7   |                                                        | 4   |                                                        | 2   |                                              | Sa  |
| So  | 9   |                                                                               | 6   |                                                                | 3   |                                                        | 8   |                                                        | 5   |                                                        | 3   |                                              | So  |
| Ma  | 10  |                                                                               | 7   |                                                                | 4   | Wykskomitees / Ward committees (8, 10)                 | 9   |                                                        | 6   | Wykskomitees / Ward committees (8, 10)                 | 4   | Wykskomitees / Ward committees (8, 10)       | Ma  |
| Di  | 11  |                                                                               | 8   | PORTEFEULJEKOM/<br>PORTFOLIO COM , 10:00<br>MPT, 14:00         | 5   | Wykskomitees / Ward committees (11, 12)                | 10  | Skole open/Schools open                                | 7   | Wykskomitees / Ward committees (11, 12)                | 5   | Wykskomitees / Ward committees (11, 12)      | Di  |
| Wo  | 12  |                                                                               | 9   | Nasionale Vrouedag / National Women's Day                      | 6   |                                                        | 11  | PORTEFEULJEKOM/<br>PORTFOLIO COM , 10:00<br>MPT, 14:00 | 8   | PORTEFEULJEKOM/<br>PORTFOLIO COM , 10:00<br>MPT, 14:00 | 6   |                                              | Wo  |
| Do  | 13  |                                                                               | 10  | Wyke-terugvoersessie, 14:00                                    | 7   | Wykskomitee / Ward committee (7)                       | 12  | Wyke-terugvoersessie, 14:00                            | 9   | Wykskomitee / Ward committee (7)                       | 7   | Wykskomitee / Ward committee (7)             | Do  |
| Vr  | 14  |                                                                               | 11  |                                                                | 8   |                                                        | 13  |                                                        | 10  |                                                        | 8   |                                              | Vr  |
| Sa  | 15  |                                                                               | 12  |                                                                | 9   |                                                        | 14  |                                                        | 11  |                                                        | 9   |                                              | Sa  |
| So  | 16  |                                                                               | 13  |                                                                | 10  |                                                        | 15  |                                                        | 12  |                                                        | 10  |                                              | So  |
| Ma  | 17  |                                                                               | 14  |                                                                | 11  |                                                        | 16  |                                                        | 13  |                                                        | 11  |                                              | Ma  |
| Di  | 18  | Skole open/Schools open                                                       | 15  |                                                                | 12  |                                                        | 17  |                                                        | 14  |                                                        | 12  |                                              | Di  |
| Wo  | 19  | UBK/EMC , 10:00                                                               | 16  | UBK/EMC , 10:00                                                | 13  | PORTEFEULJEKOM/<br>PORTFOLIO COM , 10:00<br>MPT, 14:00 | 18  | UBK/EMC , 10:00                                        | 15  | UBK/EMC , 10:00                                        | 13  | Skole sluit/Schools close<br>UBK/EMC , 10:00 | Wo  |
| Do  | 20  |                                                                               | 17  |                                                                | 14  | Wyke-terugvoersessie, 14:00                            | 19  |                                                        | 16  | Wyke-terugvoersessie, 14:00                            | 14  | Wyke-terugvoersessie, 14:00                  | Do  |
| Vr  | 21  |                                                                               | 18  |                                                                | 15  |                                                        | 20  |                                                        | 17  |                                                        | 15  |                                              | Vr  |
| Sa  | 22  |                                                                               | 19  |                                                                | 16  |                                                        | 21  |                                                        | 18  |                                                        | 16  | Versoeningsdag / Day of Reconciliation       | Sa  |
| So  | 23  |                                                                               | 20  |                                                                | 17  |                                                        | 22  |                                                        | 19  |                                                        | 17  |                                              | So  |
| Ma  | 24  | Wykskomitees / Ward committees (1, 2)                                         | 21  |                                                                | 18  |                                                        | 23  |                                                        | 20  |                                                        | 18  |                                              | Ma  |
| Di  | 25  | MPAC, 09:00<br>Wykskomitees / Ward committees (5, 6)                          | 22  |                                                                | 19  |                                                        | 24  | MPAC, 09:00                                            | 21  |                                                        | 19  |                                              | Di  |
| Wo  | 26  | Wykskomitee / Ward committee (9)                                              | 23  |                                                                | 20  | UBK/EMC , 10:00                                        | 25  |                                                        | 22  |                                                        | 20  |                                              | Wo  |
| Do  | 27  | RAADI/COUNCIL , 10:00 (MFMA, SEC 52)<br>Wykskomitees / Ward committees (3, 4) | 24  |                                                                | 21  |                                                        | 26  | RAADI/COUNCIL , 10:00                                  | 23  |                                                        | 21  |                                              | Do  |
| Vr  | 28  |                                                                               | 25  |                                                                | 22  |                                                        | 27  |                                                        | 24  |                                                        | 22  |                                              | Vr  |
| Sa  | 29  |                                                                               | 26  |                                                                | 23  |                                                        | 28  |                                                        | 25  |                                                        | 23  |                                              | Sa  |
| So  | 30  |                                                                               | 27  |                                                                | 24  | Erfenisdag / Heritage Day                              | 29  |                                                        | 26  |                                                        | 24  |                                              | So  |
| Ma  | 31  | Wykskomitees / Ward committees (8, 10)                                        | 28  | Wykskomitees / Ward committees (1, 2)                          | 25  | Wykskomitees / Ward committees (1, 2, 8, 10)           | 30  | Wykskomitees / Ward committees (1, 2)                  | 27  | Wykskomitees / Ward committees (1, 2)                  | 25  | Kersdag / Christmas Day                      | Ma  |
| Di  |     |                                                                               | 29  | Wykskomitees / Ward committees (5, 6)                          | 26  | Wykskomitees / Ward committees (5, 6, 11, 12)          | 31  | Wykskomitees / Ward committees (5, 6)                  | 28  | Wykskomitees / Ward committees (5, 6)                  | 26  | Welwillendheidsdag / Day of Goodwill         | Di  |
| Wo  |     |                                                                               | 30  | Wykskomitee / Ward committee (9)                               | 27  | Wykskomitee / Ward committee (9)                       |     |                                                        | 29  | Wykskomitee / Ward committee (9)                       | 27  |                                              | Wo  |
| Do  |     |                                                                               | 31  | RAADI/COUNCIL , 10:00<br>Wykskomitees / Ward committees (3, 4) | 28  | Wykskomitees / Ward committees (3, 4, 7)               |     |                                                        | 30  | Wykskomitees / Ward committees (3, 4)                  | 28  |                                              | Do  |
| Vr  |     |                                                                               |     |                                                                | 29  | Skole sluit/Schools close                              |     |                                                        |     |                                                        | 29  |                                              | Vr  |
| Sa  |     |                                                                               |     |                                                                | 30  |                                                        |     |                                                        |     |                                                        | 30  |                                              | Sa  |
| So  |     |                                                                               |     |                                                                |     |                                                        |     |                                                        |     |                                                        | 31  |                                              | So  |