



NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOUD IN DIE BANKETSAAL, MALMESBURY OP DONDERDAG, 22 SEPTEMBER 2022 OM 10:00

TEENWOORDIG:

Uitvoerende Burgemeester, rdh J H Cleophas (voorsitter)
Uitvoerende Onderburgemeester, rdl J M de Beer

Lede van die Burgemeesterskomitee:

Rdl D G Bess
Rdl N Smit
Rdh T van Essen
Rdl A K Warnick

Beamptes:

Waarnemende Munisipale Bestuurder, mnr P A C Humphreys
Direkteur: Finansiële Dienste, mnr M Bolton
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Korporatiewe Dienste, me M S Terblanche
Senior Bestuurder: Tegniese Dienste, mnr M J Swanepoel
Bestuurder: Sekretariaat en Rekordsdienste, me N Brand

1. OPENING

Die Uitvoerende Burgemeester verwelkom lede en versoek rdl D G Bess om die vergadering met gebed te open.

2. VERLOF TOT AFWESIGHEID

Dat **KENNIS GENEEM** word van die verskonings ontvang vanaf die Speaker, die Munisipale Bestuurder en die Direkteur: Elektriese Ingenieursdienste.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

3.1 AANWYS VAN RAADSLID AS VERTEENWOORDIGER VAN SWARTLAND MUNISIPALITEIT OP DIE MUNISIPALE KUSKOMITEE

Daar is 'n versoek ontvang vanaf die Weskus Distriksmunisipaliteit om 'n raadslid aan te wys om Swartland Munisipaliteit op die Munisipale Kuskomitee te verteenwoordig.

BESLUIT dat rdl A K Warnick aangewys word om Swartland Munisipaliteit te verteenwoordig op die Munisipale Kuskomitee.

3.2 WATER NOODSITUASIE AS GEVOLG VAN ESKOM BEURTKRAG

Die Uitvoerende Burgemeester versoek die Direkteur: Siviele Ingenieursdienste om die komitee op hoogte te bring insake die noodsituasie wat ontstaan het met watervoorsiening as gevolg van fase 6, en later fase 5 beurtkrag.

Die Direkteur: Siviele Ingenieursdienste noem dat, met die fases beurtkrag wat tans ervaar word, daar nie genoegsame water vanaf Voëlvllei na die grootmaat reservoirs by Kasteelberg en Glen Lily gevoer word nie. Die grootmaat reservoirs se vlakke is kritiek laag en alhoewel die verspreidingsreservoirs van Swartland Munisipaliteit se vlakke

3.2/...

tussen 70% en 80% is, is dit op hierdie stadium nodig om watervoorsiening na die verbruikers te beperk om geleentheid te gee vir die grootmaat reservoirs om aangevul te word.

Die noodsituasie kan slegs op twee wyses afgeweer word, naamlik –

- (1) Samewerking deur alle verbruikers om water spaarsamig te gebruik;
- (2) Eskom om goedkeuring te verleen om nie waterpompe se elektrisiteit af te sit nie.

In die eerste geval is daar sedert Maandag op verskeie platforms met verbruikers gekommunikeer om water spaarsamig te gebruik.

In die tweede geval het die Weskus Distriksmunisipaliteit met Eskom geskakel, maar is daar nie aan die versoek voldoen om nie die waterpompe se elektrisiteit af te skakel nie. Die Direkteur: Elektriese Ingenieursdienste het met Eskom geskakel en het lg. onderneem om die waterpompe tot en met Sondag aan te hou, die pompe is wel gisteraand om 18:00 per ongeluk afgeskakel.

Die Direkteur: Siviele Ingenieursdienste noem dat die kleinmaat verspreidingsreservoirs toegedraai moet word om die uitloop uit die grootmaat reservoirs te beperk. Dit sal dus beteken dat sekere areas beperkte watervoorsiening gaan ervaar, bv. Mount Royal, Tafelzicht, Panorama, New Clair en Ilinge Lethu.

Op navraag van die Uitvoerende Burgemeester noem die Direkteur: Siviele Ingenieursdienste dat die kragopwekker wat deur Provinsie beskikbaar gestel word nie aan die stelsel gekoppel kan word nie, weens gebrekkige kapasiteit van die kragopwekker.

Die Direkteur: Siviele Ingenieursdienste noem dat om die noodsituasie in die toekoms te voorkom moet óf deur Eskom onderneem word om nie die waterpompe se elektrisiteit af te sit nie, óf die Munisipaliteit moet voorsiening maak vir voldoende rugsteunkrag.

Die Senior Bestuurder: Tegniiese Dienste bevestig dat die beurtkrag situasie nie gaan verbeter nie, en dat dit moontlik is om sonder elektrisiteit te wees, maar nie sonder water nie.

Rdh T van Essen verwys ook na die negatiewe uitwerking wat die tekort aan water op die rioolsuiweringswerke het.

Die Direkteur: Finansiële Dienste noem dat die Wet op Munisipale Finansiële Bestuur (MFMA) voorsiening maak vir prosesse om nooduitgawes aan te gaan in 'n noodsituasie.

BESLUIT

- (a) Dat, soos versoek deur die Uitvoerende Burgemeester, daar gedurende die opkomende GOP en begrotingsproses oorweging daaraan verleen moet word om voorsiening te maak vir rugsteunkrag om volgehoue watervoorsiening te verseker gedurende 'n noodsituasie;
- (b) Dat oorweging daaraan verleen word, dat sou die noodsituasie voortduur, 'n ramp af te kondig;
- (c) Dat daar voortdurende met Eskom geskakel word in 'n poging om te verseker dat die waterpompe by Voëlvlei nie tydens beurtkrag afgeskakel word nie;
- (d) Dat die publiek op 'n gereelde basis ingelig word aangaande die water noodsituasie en daar 'n beroep op inwoners gedoen word om water spaarsamig te gebruik.

3.3 AANWYS VAN WAARNEMENDE MUNISIPALE BESTUURDER (4/8/3)

BESLUIT

(op voorstel van rdl A K Warnick, gesecondeer deur rdh T van Essen)

(a)/...

3.3

- (a) Dat kennis geneem word dat die Direkteur: Beskermingsdienste as waarnemende munisipale bestuurder deur die Munisipale Bestuurder vir die periode 20 September tot 16 Oktober 2022 (voorlopig) aangestel is en dat die aksie van die Munisipale Bestuurder dienooreenkomstig deur die Uitvoerende Burgemeesterskomitee gekondeer word.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 17 AUGUSTUS 2022

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdl J M de Beer)

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 17 Augustus 2022 goedgekeur en deur die Burgemeester onderteken word,

5.1 NOTULE VAN PORTEFEULJEKOMITEESVERGADERING GEHOU OP 14 SEPTEMBER 2022

5.1.1 MUNISIPALE BESTUUR, ADMINISTRASIE EN FINANSIES

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl D G Bess)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

5.1.2 SIVIELE EN ELEKTRIESE DIENSTE

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl D G Bess)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

5.1.3 ONTWIKKELINGSDIENSTE

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl D G Bess)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

5.1.4 BESKERMINGDIENSTE

BESLUIT

(op voorstel van rdl D G Bess, gesekondeer deur rdl N Smit)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

6. SAKE VOORTSPRUITEND UIT DIE NOTULES

6.1 NOTULE VAN 'N UITVOERENDE BURGEMEESTERSKOMITEEVERGADERING GEHOU OP 17 AUGUSTUS 2022

6.1.1 ITEM 710: AANSOEK OM VESTIGING VAN KREMATORIUM, DARLING (12/2/R)

'n Aansoek is ontvang vanaf mnr Christo Vermaak vir die verkryging van 'n gedeelte grond by Darling-begraafplaas vir die vestiging van 'n krematorium.

Besluit/...

6.1.1/...

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

- (a) Dat die vestiging van 'n krematorium in die Swartland munisipale gebied in beginsel ondersteun word, onderhewig daaraan dat die vereiste wetgewende prosesse, ingesluit die idenifisering van 'n geskikte perseel, gevolg word;
- (b) Dat die Darling-begraafplaas nie as 'n geskikte perseel beskou word vir die vestiging van 'n krematorium nie, gegewe dit geleë is aanliggend tot 'n woonbuurt, en dat die aansoek van Mnr Vermaak gevolglik nie goedgekeur word nie.

7. NUWE SAKE**7.1 VOORLEGGING VAN DIE NOTULE VAN DIE MUNISIPALE PRESTASIE- EN RISIKO OUDITKOMITEEVERGADERING GEHOU OP 24 MEI 2022 (5/15/1/3)**

Die Prestasie- en Risiko Ouditkomitee dien as 'n onafhanklike adviserende liggaam wat deur die Raad aangewys word om sy funksies in terme van Artikel 166 van die Plaaslike Regering: Munisipale Finansiële Bestuur (Wet 56 van 2003) te vervul.

Die notule van 'n vergadering van die Munisipale Prestasie- en Risiko Ouditkomitee gehou op 24 Mei 2022 is met die sakelys gesirkuleer en bevat geen aanbevelings aan die Raad vir verdere oorweging nie.

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdl D G Bess)

Dat kennis geneem word van die notule van die Munisipale Prestasie en Risiko Ouditkomitee se vergadering van 24 Mei 2022.

7.2 AANPASSING VAN DIE KOSPAKKIE VIR SLAGOFFERS VAN KLEINSKAALSE RAMPE (17/3/1/1)

Swartland Munisipaliteit beskik oor 'n beleid met riglyne om slagoffers van kleinskaalse rampe by te staan, wat onder andere insluit die voorsiening van kospakkies.

Op die onlangse Rampbestuursvergadering is daar besluit om die inhoudelike van die kospakkie te hersien, aangesien die bestanddele as onvoldoende beskou is en nie waardig genoeg vir die slagoffers nie.

BESLUIT

(op voorstel van rdl J M de Beer, gesekondeer deur rdl N Smit)

- (a) Dat die aangepaste lys van bestanddele, met beraamde bedrae, vir die uitdeel aan slagoffers van kleinskaalse rampe goedgekeur word en jaarliks hersien word om te bepaal of die bestanddele steeds van toepassing is;
- (b) Dat die bestanddele in deursigtige sakke geplaas word en dat die sakke duidelik gemerk sal word met 'n plakker waarop die Munisipaliteit se logo verskyn as aanduiding van hulpverlening deur die Munisipaliteit aan slagoffers van kleinskaalse rampe.

7.3 AANNAME VAN KONTRAKBESTUURSBELEID (8/1/B)

Die Kontrakbestuursbeleid is opgestel ter voldoening aan artikel 116(2) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur (Wet 56 van 2003).

Die doel van die beleid is om die sluiting en bestuur van kontrakte te reguleer wat voortspruit uit die verkryging van goedere en dienste of toekennings gemaak ingevolge die Munisipaliteit se Voorsieningskanaalbestuursbeleid en ook ander formele kontrakte wat aangegaan is.

Besluit/...

7.3/...

BESLUIT

(op voorstel van rdl D G Bess, gesekondeer deur rdl J M de Beer)

- (a) Dat die aangehegte Kontrakbestuursbeleid goedgekeur word vir implementering met ingang vanaf 1 Oktober 2022;
- (b) Dat kennis geneem word dat die delegasies voortspruitend uit die beleid ingesluit sal word in die Munisipale Bestuurder se stelsel van delegasies, en vir kennisname aan die Raad voorgehou sal word aan die einde van Mei 2023.

7.4 MENSLIKE HULPBRONNE: NUWE BELEIDE EN HERSIENING VAN BESTAANDE BELEID (4/2/B)

Die nuwe Munisipale Personeelregulasies noodsaak die samestelling van 'n aantal nuwe beleide, asook die hersiening van bestaande beleide om te voldoen aan die vereistes soos bepaal deur die Regulasies.

Die konsep beleide is aan die Arbeidsforum voorgelê en beide vakbonde – Imatu en Samwu – het geleentheid gehad om daarop kommentaar/insette te lewer. Die finale konsep beleide is op 21 Julie 2022 aan die vakbonde voorgelê en word die beleide aan die Uitvoerende Burgemeesterskomitee aanbeveel vir oorweging en goedkeuring.

BESLUIT

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

- (a) Dat die Uitvoerende Burgemeesterskomitee die aangehegte gewysigde Waarnemings-toelaebeleid goedkeur met ingang van 1 Oktober 2022 met inagneming van die vakbonde se besware;
- (b) Dat die Uitvoerende Burgemeesterskomitee die aangehegte nuwe Diensuitrede-bestuursbeleid goedkeur met ingang van 1 Oktober 2022;
- (c) Dat die Uitvoerende Burgemeesterskomitee die aangehegte nuwe Induksiebeleid goedkeur met ingang van 1 Oktober 2022;
- (d) Dat die Uitvoerende Burgemeesterskomitee die aangehegte nuwe Skaarsvaardigheidsbeleid goedkeur met ingang van 1 Oktober 2022;
- (e) Dat die Uitvoerende Burgemeesterskomitee die aangehegte nuwe Opvolgbeplanningsbeleid goedkeur met ingang van 1 Oktober 2022;
- (f) Dat die Uitvoerende Burgemeesterskomitee die aangehegte gewysigde Oortydbeleid goedkeur met ingang van 1 Oktober 2022;
- (g) Dat die Uitvoerende Burgemeesterskomitee die aangehegte Hervestigingsbystandbeleid vir Nuwe Werknemers goedkeur met ingang van 1 Oktober 2022;
- (h) Dat kennis geneem word dat die delegasies voortspruitend uit die betrokke beleide voorgelê sal word aan die Raad aan die einde van Mei 2023 as deel van die Delegasiestelsel.

7.5 KAAPSE/WESKUS SWARTLAND TOERISME ORGANISASIE, 2021/2022: VERSKEIE VERSLAE (9/1/3/2/1)

Die betrokke verslae van die Kaapse/Weskus Swartland Toerisme-organisasie ten opsigte van die 2021/2022 finansiële jaar word aan die Uitvoerende Burgemeesterskomitee voorgelê ingevolge die bepalings van die Raad se Diensvlakkooreenkoms met die organisasie vir die uitvoering van die toerismefunksie.

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdh T van Essen)

Dat kennis geneem/...

7.5/...

Dat kennis geneem word van:

- (a) Die inhoud van die verslag deur die voorsitter;
- (b) Die sleutelprestasie-areas, soos gemeet vanaf 1 Julie 2021 tot 30 Junie 2022;
- (c) Die inhoud van die finansiële state vir die 2021/2022 finansiële jaar.

7.6 RIEBEEK KASTEEL: "THE OUKLOOF HERITAGE LEGACY" (17/13/3)

'n Versoek is ontvang dat die Munisipaliteit die erfenisprojek – "The Oukloof Heritage Legacy" – ondersteun. Die projek behels, onder andere, die oprigting van 'n gedenkteken op die Riebeek Kasteel dorpsplein ter herdenking van daardie persone wat gedurende 1965 met geweld uit hul huise verwyder is.

BESLUIT

(op voorstel van rdl D G Bess, gesekondeer deur rdl N Smit)

Dat die Munisipaliteit sy steun vir *The Oukloof Heritage Legacy* projek uitspreek, onderhewig daaraan dat alle publieke deelname en wetlike vereistes nagekom sal word, waar toepaslik.

7.7 UITSTAANDE DEBITEURE: AUGUSTUS 2022 (5/7/1/1)

'n Volledige verslag van die stand van uitstaande debiteure is met die sakelys gesirkuleer.

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdh T van Essen)

Dat kennis geneem word van die verslag aangaande die stand van Swartland Munisipaliteit se uitstaande debiteure vir Augustus 2022.

7.8 VORDERING MET UITSTAANDE VERSEKERINGSEISE (5/14/3/5)

Ingevolge die Batebestuursbeleid moet maandeliks verslag gedoen word insake die uitstaande versekeringseise.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Dat kennis geneem word van die stand van uitstaande versekeringseise tot en met 31 Augustus 2022 soos met die sakelys gesirkuleer.

7.9 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSEDURES: DRINGENDE HERSTEL VAN 11 KV, N7 VOERDER 1, STROOMTRANSFORMATOR BY DIE KLIPFONTEIN SUBSTASIE (8/1/B/2)

Daar is vasgestel dat die 11kV stroomtransformator van die N7 voerder 1 in die Klipfontein-substasie besig was om te faal. Die stroombrekers is vervaardig en geïnstalleer deur ABB en is lg. ontbied. Daar is gevind dat die insulasie van die stroomtransformator besig was om te faal wat kon lei tot 'n kortsluiting. Herstelwerk is dringend benodig.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

- (a) Dat die Uitvoerende Burgemeesterskomitee kennis neem van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;
- (b) Dat kennis geneem word van die aksie van die Munisipale Bestuurder om nie tenders in te win nie, maar die kwotasie vir die dringende herstelwerk aan die 11kV stroomtransformator van ABB ten bedrae van R90 896.00 (VAT uitgesluit) te aanvaar;

(c)/...

7.9/...

- (c) Dat die redes vir die afwyking van die voorkeurverkrygingsprosedures ten einde 'n noodsituasie af te weet, as volg aangeteken word:
 - (i) As die herstelwerk nie gedoen word deur 'n kundige van die spesifieke stroomtransformator nie, bestaan die risiko dat aangrensende munisipale infrastruktuur beskadig sal word;
 - (ii) Die risiko dat die bestaande 11kV netwerk oorbelaai sal word;
 - (iii) Die risiko dat 'n ander 11kV voerder ook buite werking mag raak kan ontwinging van elektrisiteitstoevoer na Tafelzicht, Panorama, Mount Royl en Wesbank veroorsaak;
- (d) Dat daar voldoende fondse beskikbaar is en dat die uitgawe ten bedrae van R90 896,00 (BTW uitgesluit) teen posnommer 9/117-547-342 verreken word;
- (e) Dat die Bestuurder: Finansiële State in terme van die Voorsiening-kanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.10 AFWYKING VAN DIE VOORGESKREWE VERKRYGINGSPROSEDURES: HERSTELWERK AAN VOLVO-VOORLAAIER (8/1/B/2)

Die Volvo-voorlaaiër (FEL) is een van die belangrike komponente van die toerusting wat benodig word vir die opruiming van onwettige rommel storting in die munisipale gebied. Daar is gevind dat die remme van die voorlaaiër nie voldoende funksioneer nie en dringende herstelwerk is benodig.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

- (a) Dat die Uitvoerende Burgemeesterskomitee kennis neem van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuursbeleid;
- (b) Dat kennis geneem word van die aksie van die Munisipale Bestuurder om die herstelwerk aan die Volvo voorlaaiër deur *Babcock Equipment* ten bedrae van R49 276.12 (BTW uitgesluit) goed te keur;
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsprosedures as volg is:
 - (i) Die omvang van die werk wat *Babcock Equipment* aan die masjien gedoen het om die foutiewe komponente te kan inspekteer en 'n kwotasie op te stel;
 - (ii) Dit sal onprakties wees om die amptelike verkrygingsprosesse te volg, aangesien dit die versameling en opstelling van die foutiewe komponente en die vervoer van die FEL na 'n ander werkwinkel sal vereis; en
 - (iii) Die feit dat *Babcock Equipment* die gemagtigde diensagent vir Volvo-toerusting in die Wes-Kaap is.
- (d) Dat daar voldoende fondse beskikbaar is en dat die uitgawe ten bedrae van R49 276.12 (BTW uitgesluit) teen posnommer 9/241-1253-709 verreken word;
- (e) Dat die Bestuurder: Finansiële State in terme van die Voorsiening-kanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.11 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSESSE: DRINGENDE HERSTELWERK AAN DIE VULLISVERWYDERINGSVRAGMOTOR, CK 44823 (8/1/B/2)

Die betrokke vullisverwyderingsvoertuig, CK 44823, word gebruik vir die verwydering van vaste afval in die munisipale gebied.

Besluit/...

7.11/...

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

- (a) Dat die Uitvoerende Burgemeesterskomitee kennis neem van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;
- (b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om goedkeuring te verleen vir die herstelwerk aan die vullisverwyderingsvragmotor, CK 44823, deur *Transtech* ten bedrae van R101 624.90 (BTW uitgesluit);
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsprosedures as volg is:
 - (i) die vragmotor sou vir 'n geruime tyd buite werking wees indien die normale verkrygingsproses gevolg is;
 - (ii) voormelde sou aanleiding gegee het tot 'n onderbreking in die vullisverwyderingsdiens met gepaardgaande openbare gesondheidsrisiko's;
 - (iii) die herstelwerk aan die vragmotor is as 'n noodgeval hanteer;
- (d) Dat daar voldoende fondse beskikbaar is en dat die uitgawe ten bedrae van R101 624.90 (BTW uitgesluit) teen posnommer 9/241-1253-709 verreken word;
- (e) Dat die Bestuurder: Finansiële State in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.12 DIREKTEUR: ELEKTRIESE INGENIEURSDIENSTE: AANWYSING TOT SALGA ENERGY REFERENCE GROUP (16/2/1/1/1)

'n Skrywe is vanaf SALGA ontvang waarin kennis gebied word van die aanwysing van die Direkteur: Elektriese Ingenieursdienste tot die SALGA *Electricity Reference Group*.

Verteenwoordigers op die SALGA ERG word aangewys op grond van hulle kennis, kundigheid en ondervinding van die industrie, aangesien die hoofdoel van die SALGA ERG is om kundige advies te voorsien in die ontwikkeling van volhoubare dienslewingsmodelle vir die elektrisiteitsbedryf.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Dat daar kennis geneem word van, en goedkeuring verleen word vir die Direkteur: Elektriese Ingenieursdienste se aanwysing tot die SALGA *Electricity Reference Group*.

7.13 GRATIS BESKIKBAARSTELLING VAN TWEE GRAFTE, MOORREESBURG (16/6/5)

Die munisipale swembaddens word gesluit gedurende die wintermaande en slegs van tyd tot tyd besoek vir roetine herstelwerk. Daar is op 9 September 2022 afgekom op die lyke van twee seuns in die Moorreesburg munisipale swembad. Die aanduiding is dat die seuns onwettig toegang tot die perseel verkry en verdink het.

'n Versoek is ontvang om die families van die oorledenes by te staan deur die gratis beskikbaarstelling van twee grafte by die Moorreesburg-begraafplaas.

BESLUIT

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

- (a) Dat kennis geneem word van die tragiese voorval by die Moorreesburg swembad waar twee jong seuns tussen 8 en 9 September 2022 verdink het;
- (b) Dat kennis geneem word van die optrede deur die Munisipale Bestuurder om twee grafte gratis aan die families van die seuns beskikbaar te stel, omrede:

7.13/(b)...

- (i) die seuns albei uit huishoudings kom wat sosio-ekonomiese probleme ervaar;
- (ii) die Munisipaliteit indirek gekoppel word aan die voorval, aangesien dit by 'n munisipale sport-/ontspanningsfasiliteit plaasgevind het;
- (c) Dat die optrede deur die Munisipale Bestuurder in hierdie verband gekondoneer word;
- (d) Dat die voormelde besluit deur die Uitvoerende Burgemeesterskomitee, geensins daarop dui dat die Munisipaliteit enige verantwoordelikheid aanvaar vir die tragiese verdrinking van die twee seuns nie.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER



NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BESTUUR-, ADMINISTRASIE EN FINANSIES PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP DINSDAG, 11 OKTOBER 2022 OM 10:00

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl I S le Minnie
Ondervoorsitter, rdl N Smit

Penxa, B J
Pypers, D C
Rangasamy, M A (rdh)
Soldaka, P E

Van Essen, T (rdh)
van Zyl, M (rdd)
Vermeulen, G
Warnick, A K

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Waarnemende Munisipale Bestuurder, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Begrotingskantoor, me H Papier
Komiteebeampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede en versoek rdl D C Pypers om die vergadering met skriflesing en gebed te open.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Munisipale Bestuurder, Administrasie en Finansies.

Verlof tot afwesigheid word verleen aan rdl E C O'Kennedy die Munisipale Bestuurder, mnr J J Scholtz en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING (MUNISIPALE BESTUUR-, ADMINISTRASIE- EN FINANSIESKOMITEE) GEHOU OP 14 SEPTEMBER 2022

BESLUIT

(voorgestel deur rdd M van Zyl, gesekondeer deur rdl N Smit)

Dat die notule van die Portefeuljekomiteevergadering (Munisipale Bestuur-, Administrasie- en Finansieskomitee) gehou op 14 September 2022 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

3.1 SKRYWES VAN DANK EN WAARDERING AAN SWARTLAND MUNISIPALITEIT

BESLUIT

Dat kennis geneem word van die skrywes van dank en waardering aan Swartland Munisipaliteit soos met die sakelys gesirkuleer.

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE M.B.T. MUNISIPALE BESTUURDER

Geen

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

7. GEDELEGEERDE SAKE M.B.T. ADMINISTRASIE

Geen

8. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

9. GEDELEGEERDE SAKE M.B.T. FINANSIES

9.1 MAANDVERSLAG: AUGUSTUS 2022

Die voorsitter lê die maandverslag ter tafel soos met die sakelys gesirkuleer en versoek die Bestuurder: Begrotingskantoor, me H Papier om belangrike aspekte uit te wys.

Rdl P E Soldaka spreek sy kommer uit, dat ten spyte van die Raad se goeie beleggings, die uitstaande skulde van die Raad baie hoog is..

Die Bestuurder: Begrotingskantoor meld dat Swartland Munisipaliteit 'n goeie betalingskoers het, wat tussen 90-100% wissel.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word van die maandverslag van die Direktoraat Finansiële Dienste vir Augustus 2022.

10. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

10.1 SALGA: MFFT WERKGROEP GEHOU OP 17 AUGUSTUS 2022

Die doel van hierdie verslag is om Raadslede in te lig oor die onderwerpe wat bespreek was by die SALGA: MFFT werkgroep gehou op 17 Augustus 2022.

BESLUIT

Dat kennis geneem word van die verslag oor gemeenskap ontwikkeling / veiligheid / gesondheid / nooddienste en rampbestuur werkgroep van SALGA.

**(GET) RDL I S LE MINNIE
VOORSITTER**



**NOTULE VAN 'N VERGADERING VAN DIE SIVIELE- EN ELEKTRIESE DIENSTE
PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP DINSDAG, 11
OKTOBER 2022 OM 10:12**

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl R J Jooste
Ondervoorsitter, rdh T van Essen

Bess, D G
Duda, A A
Fortuin, C
Pieters, C

Smit, N
Stanley, B J (rdh)
Van Zyl, M (rdd)
Warnick, A K

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Waarnemende Munisipale Bestuurder, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Begrotingskantoor, me H Papier
Komiteebeampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom almal teenwoordig.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Siviele en Elektriese Dienste.

Verlof tot afwesigheid word verleen aan rdl E C O'Kennedy die Munisipale Bestuurder, mnr J J Scholtz en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (SIVIELE- EN ELEKTRIESE DIENSTEKOMITEE) GEHOU OP 14 SEPTEMBER 2022

5.1.1 MAANDVERSLAG: JULIE 2022: SIVIELE INGENIEURSDIENSTE

Rdl C Fortuin bedank die munisipaliteit vir die ondersteuning vir die gesin van die twee skoliere, wie se lyke in die munisipale swembad gevind is, in hul tyd van hartseer.

Verder vra rdl C Fortuin hoe ver die ondersoek is oor bovermelde insident.

Die Direkteur: Siviele Ingenieursdienste meld dat owerhede steeds besig is met bogenoemde ondersoek.

BESLUIT

(voorgestel deur rdl D G Bess, gesekondeer deur rdl N Smit)

Dat die notule van die Portefeuljekomiteevergadering (Siviele- en Elektriese Dienste) gehou op 14 September 2022 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: AUGUSTUS 2022

5.1.1 SIVIELE INGENIEURSDIENSTE

Die voorsitter lê die maandverslag, soos met die sakelys gesirkuleer, ter tafel.

Die Direkteur: Siviele Ingenieursdienste meld dat die huidige vlak van die Voëlvleidam bly op 72%. Verlede jaar hierdie tyd was die vlak van die dam 99%, so daar was 'n groot daling in vergelyking met die vorige jaar.

Rdh B J Stanley spreek sy kommer uit oor klagtes wat ingedien was by die munisipaliteit oor oortollige watergebruik, veral vir boerdery in Chatsworth en dat geen terugvoerig vanaf die munisipaliteit gekry is nie.

Op navraag deur rdl D G Bess oor die volume van die kragopwekker wat nodig is vir die waterpompe om te funksioneer tydens beurtkrag, meld die Direkteur: Siviele Ingenieursdienste dat hy nog besig is om die berekeninge te voltooi om die kapasiteit van die kragopwekker te bepaal.

Rdl C Fortuin spreek haar kommer uit oor die oorfloei van rioolwater in Sentrumweg, Moorreesburg, waarna sy die verliese beklemtoon wat die inwoners in die genoemde area lei en versoek dat oplossings gekry word vir die probleem.

Die Direkteur: Siviele Ingenieursdienste meld dat die munisipaliteit al verbeteringe aan die rioolstelsel aangebring het. Die inwoners moet opgevoed word oor hoe om die stelsel te implementeer en om nie die stelsel te misbruik nie.

Rdl A A Duda spreek sy kommer uit oor die installering van elektrisiteit by blok A en B in Illinge Lethu.

Die Direkteur: Siviele Ingenieursdienste meld dat die munisipaliteit elektrisiteit daar geïnstalleer het om die inwoners basiese dienste te gee, wat 'n kapitaalprojek is.

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdh T van Essen)

- (a) Dat kennis geneem word van die maandverslag van die Direktoraat Siviele Ingenieursdienste vir Augustus 2022;
- (b) Dat die Direkteur: Siviele Ingenieursdienste 'n ondersoek doen rakende die oorfloei van riool in Moorreesburg, sodat die kwessie aangespreek kan word; en
- (c) Dat die Direkteur: Siviele Ingenieursdienste terugvoering aan die komitee gee, nadat die ondersoek afgehandel is.

5.1.2 ELEKTRIESE INGENIEURSDIENSTE

Die voorsitter lê die maandverslag ter tafel soos met die sakelys gesirkuleer en versoek die Direkteur: Elektriese Ingenieursdienste, mnr T Möller, om belangrike aspekte uit te wys.

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdh T van Essen)

Dat kennis geneem word van die maandverslag van die Direktoraat Elektriese Ingenieursdienste vir Augustus 2022.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL R J JOOSTE
VOORSITTER



**NOTULE VAN 'N VERGADERING VAN DIE ONTWIKKELINGSDIENSTE PORTEFEULJEKOMITEE
VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP DINSDAG, 11 OKTOBER 2022 OM 11:00**

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl G Vermeulen
Ondervoorsitter, rdl D G Bess

Booyesen, A M
De Beer, J M
Le Minnie, I S
Ngozi, M

Pypers, D C
Rangasamy, M A (rdh)
Smit, N
Soldaka, P E

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Waarnemende Munisipale Bestuurder, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Begrotingskantoor, me H Papier
Komiteebeampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom almal teenwoordig.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee:
Ontwikkelingsdienste.

Verlof tot afwesigheid word verleen aan rdl C Daniels die Munisipale Bestuurder, mnr J J Scholtz en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

**2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (ONTWIKKELINGS-
DIENSTE) GEHOU OP 14 SEPTEMBER 2022**

Rdl P E Soldaka spreek sy ontevredenheid uit oor sy insette nie verskyn op die vorige notule nie, nl:
Dat hy versoek dat die bouinspekteur se verslag beskikbaar gestel moet word.

Die Direkteur: Ontwikkelingsdienste, me J S Krieger meld dat daar by die vorige vergadering, 'n versoek was om 'n werkswinkel met raadslede te hou, wat fokus op behuising. Die werkswinkel sal plaasvind op 26 Oktober 2022 om 14:00. Die werkswinkel sal op al die behuisingsskewessies fokus.

Ten slotte meld die Direkteur: Ontwikkelingsdienste dat die informasie met betrekking tot die bouinspekteur se verslag, nie beskikbaar gestel mag word in terme van die POPIA beleid nie. Daar sal in die volgende verslag 'n voorbeeld van 'n dokument wees wat deur die bouinspekteur afgeten word.

BESLUIT

(voorgestel deur rdl I S le Minnie, gesekondeer deur rdl J M de Beer)

Dat die notule van die Portefeuljekomiteevergadering (Ontwikkelingsdienste) gehou op 14 September 2022 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1 MAANDVERSLAG: AUGUSTUS 2022

Die Voorsitter lê die maandverslag ter tafel.

Die Direkteur: Ontwikkelingsdienste, gee inligting deur insake die vordering met die onderskeie behuisingsprojekte en die verskeie projekte wat in Swartland Munisipaliteit aangebied word deur Gemeenskapsontwikkeling.

Rdh M A Rangasamy spreek sy kommer uit oor die GBV- ambassadeurs program, waarvan die Wykskomiteede bekommerd is dat hulle geen aksies mag implementeer nie en net werksinkels moet bywoon.

Die Direkteur: Ontwikkelingsdienste gee agtergrond oor die doel van die GBV-ambassadeur opleiding. 'n Plan van aksie sal ook gedurende die werksinkel bepaal word.

Rdl A M Booyen spreek haar dank uit insake die SMME Besigheidsondersteuningsessie wat deur Ontwikkelingsdienste gehou was en dat die inligting baie behulpsaam was.

Op navraag deur rdl D C Pypers oor die hoeveelheid huise wat by De Hoop gebou gaan word, meld die Direkteur: Ontwikkelingsdienste dat daar altesaam 395 huise gebou gaan word.

Rdl P E Soldaka lewer kommentaar oor die oorstroming van rioolwater in Moorreesburg, waarna hy verwys na die verliese van die inwoners en versoek dat die munisipaliteit die inwoners moet bystaan.

Die waarnemende Munisipale Bestuurder, mnr P A C Humphreys meld dat die inwoners gewoonlik versoek dat hulle meubels vervang moet word. Dit word gewoonlik gedek deur die munisipaliteit se versekering.

BESLUIT

(op voorstel van rdl D C Pypers, gesekondeer deur rdl I S le Minnie)

Dat kennis geneem word van die maandverslag van die Direktoraat Ontwikkelingsdienste vir Augustus 2022.

6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR

6.1 DIE MUNISIPALE BEPLANNINGSTRIBUNAAL

Dat **KENNIS GENEEM** word van die inhoud van die notule van 'n vergadering van die Munisipale Beplanningstribunaal gehou op 14 September 2022.

7. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

7.1 VERSLAG OOR GEMEENSKAP ONTWIKKELING / VEILIGHEID / GESONDHEID / NOODDIENSTE EN RAMPBESTUUR WERKGROEP - SALGA

Hierdie verslag het ten doel om verslag te doen betreffende die aangeleenthede wat bespreek en aangebied was tydens bogenoemde werkgroep.

BESLUIT

Dat kennis geneem word van die verslag oor gemeenskap ontwikkeling / veiligheid / gesondheid / nooddienste en rampbestuur werkgroep van SALGA.

7.2 SALGA : GESAMENTLIKE MENSLIKE NEDERSETTING & STEDELIKE AGENDA EN OMGEWINGSBESTUUR EN KLIMAATVEERSTANDIGHEID WERKSGROEP 18 AUGUSTUS 2022

Hierdie verslag handel oor prosedurele aangeleenthede en die agenda van die Werkgroep vir Menslike Nedersetting en Stedelike Agenda en Omgewingsbestuur en Klimaatveerkragtigheidsbeplanning.

BESLUIT

Dat kennis geneem word van die van die inligting wat gedeel is by die Gesamentlike Menslike Nedersettings en Stedelike Agenda en Omgewingsbestuur en Klimaatweerbearheidsgroepe wat op 18 Augustus 2022 gehou is.

**(GET) RDL G VERMEULEN
VOORSITTER**



NOTULE VAN 'N VERGADERING VAN DIE BESKERMINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP DINSDAG, 11 OKTOBER 2022 OM 11:30

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdd M van Zyl

Ondervoorsitter, rdl A K Warnick

Bess, D G

De Beer, J M

Fortuin, C

Jooste, R J

Le Minnie, I S

Papier, J R

Pieters, C

Stanley, B J (rdh)

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Waarnemende Munisipale Bestuurder, mnr P A C Humphreys

Direkteur: Korporatiewe Dienste, me M S Terblanche

Direkteur: Ontwikkelingsdienste, me J S Krieger

Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann

Direkteur: Elektriese Ingenieursdienste, mnr T Möller

Bestuurder: Begrotingskantoor, me H Papier

Komiteebeampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Beskermingsdienste.

Verlof tot afwesigheid word verleen aan rdl C Daniels die Munisipale Bestuurder, mnr J J Scholtz en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (BESKERMINGSDIENSTE) GEHOU OP 14 SEPTEMBER 2022

BESLUIT

(voorgestel deur rdl J M de Beer, gesekondeer deur rdl I S le Minnie)

Dat die notule van die Portefeuljekomiteevergadering (Beskermingsdienste) gehou op 14 September 2022 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: AUGUSTUS 2022

5.1.1 VERKEER- EN WETSTOEPASSINGSDIENSTE

5.1.2 BRANDBESTRYDING

Die voorsitter lê die maandverslag, soos met die sakelys gesirkuleer, ter tafel en gee geleentheid aan die Direkteur: Beskermingsdienste om die belangrikste aspekte uit die maandverslag aan raadslede uit te wys.

Rdl R J Jooste versoek dat die identiteit van die k9-eenheid beskerm word om sodoende hulle veiligheid kan beskerm.

Rdh B J Stanley versoek dat die k9-eenheid na dorpe soos Chatsworth en Kalbaskraal moet patroleer, aangesien die misdaad toeneem in die kleiner dorpe.

Die Direkteur: Beskermingsdienste verduidelik dat die K9-eenheid kan slegs suksesvol funksioneer in samewerking met die SAPD. Daar is nie 'n goeie werksverhouding tussen die k9-eenheid en SAPD Malmesbury nie.

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl I S le Minnie)

Dat kennis geneem word van die verslae van die onderskeie afdelings in die Direktoraat Beskermingsdienste, nl. Verkeer- en Wetstoepassing en Brandbestryding vir Augustus 2022.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDD M VAN ZYL
VOORSITTER

ITEM 7.1 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING WAT GEHOU SAL WORD OP 18 OKTOBER 2022

ONDERWERP: AANVAARDING VAN VERORDENING INSAKE BEHEER OOR ONDERNEMINGS WAT DRANK AAN DIE PUBLIEK VERKOOP
SUBJECT: ADOPTION OF BY-LAW RELATING TO CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC

1. BACKGROUND

1.1 The following draft by-law (attached hereto) was introduced in Council on 25 August 2022:

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

1.2 The draft by-law was published on the municipal website and in the local newspapers in both Afrikaans and English. No comments and/or objections were received by the closing date of 23 September 2022.

2. LEGISLATION

2.1 National legislation

2.1.1 The Constitution, Municipal Structures Act and Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws.

2.1.2 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.

2.1.3 The following steps were taken in considering the draft by-law:

		Proposed timeframes
Step 1	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, introduced in Council on 25 August 2022
Step 2	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. 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.
Step 3	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).
Step 4	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
Step 5	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

2.2 **Compliance with the By-law relating to the Conduct of Meetings**

The by-law is tabled for adoption by Council in accordance with paragraph 60 of the Swartland Municipality: By-law relating to the Conduct of Meetings (PG 8649 dated 19 August 2022).

2.3 Paragraph 60(1) determines that the following must be submitted by the Municipal Manager to the Executive Mayor –

Paragraph 60(1)(a) – (d)		Comments
(a)	A copy of the draft by-law	See attached – Annexure A
(b)	Copies of the advertisements in which the public was invited to make representations	See attached – Annexure B
(c)	Any comment received from the public	None
(d)	Any other comments or recommendations by the municipal manager	None

In accordance with paragraph 60(2)(a) the executive mayor must consider the report by the municipal manager and must submit a report to the council which sets out the following:

Paragraaf 60(2)(a)		Kommentaar
(i)	An executive summary of the draft by-law	See below
(iv)	Any relevant comments or proposals	None
(v)	A recommendation	See below

2.4 **Executive Summary of the draft by-law** (as was submitted in Council on 25 August 2022)

2.4.1 The 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.

2.4.2 The by-law gives effect to the Municipality's mandate in terms of section 156(1)(a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, i.e. to regulate undertakings that sell liquor to the public, as well as section 59 of the Western Cape Liquor Act, 2008 (Act 4 of 2008) that deals with municipalities' power to determine different trading days and hours for licensed businesses. 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.

2.4.3 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.

3. **RECOMMENDATION**

(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 to Control of Undertakings that sell Liquor to the Public

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

AANBEVELING

(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 Beheer oor Ondernemings wat Drank aan die Publiek verkoop

(b) Dat boetes vir oortredings van die verordening vasgestel word deur die Departement van Justisie.

(get) M S Terblanche

MUNICIPAL MANAGER

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
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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 enkelgesinwone huise 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 gebruiksontwikkeling 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 Vrydag – Saterdag : 09h00 – 24h00 Sondag : 11h00 -23h00
Sakeperseel	
Sport- en gemeenskapsklub met die uitsondering van spesiale geleenthede	
2. Woonbuurtsakegebied met inbegrip van gemengde gebruiksuurareas	
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 Vrydag – Saterdag : 09h00 -02h00 volgende dag Sondag : 09h00 – 24h00
Sakeperseel	
Vermaaklikheidsplek	
Sport en gemeenskapsklub met die uitsondering van spesiale geleenthede	
Hotel	
4. Nywerheidsgebied	
Sakeperseel	Maandag – Donderdag : 09h00 -24h00 Vrydag – Saterdag : 09h00 - 02h00 volgende dag Sondag : 09h00 – 24h00
Vermaaklikheidsplek	
Sport en gemeenskapsklub met die uitsondering van spesiale geleenthede	
5. Landbougebied / Kleinboes	
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	
Spesiale geleenthede of tydelike lisensies	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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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 Friday – Saturday : 09h00 – 02h00 next day 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

Special events or temporary licenses	As determined by the authorisation issued by the Authority in terms of section 48 of the Act after consultation with the municipality.
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Swartland Ternaal



KENNISGEWING 19/2022/2023

**GELEENTHEID OM KOMMENTAAR TE LEWER:
KONSEP VERORDENING INSAKE BEHEER OOR ONDERNEMINGS WAT DRANK AAN DIE
PUBLIËK VERKOOP**

Kennis geskied hiermee in terme van artikel 12(3)(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000 dat die Swartland Munisipaliteit van voorneme is om die volgende konsep verordening te aanvaar en te implementeer:

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

Gemelde verordening het ten doel om sowel gelisensieerde as ongelisensieerde persele wat drank aan die publiek verkoop, te reguleer.

Die konsep verordening is in terme van die voormelde wetgewing gedurende kantoorure ter insae beskikbaar vir die publiek by die munisipale kantore en/of biblioteke in Malmesbury, Moorreesburg, Darling, Abbotsdale, Chatsworth, Riebeeck-Wes, Riebeeck Kasteel en Yzerfontein. Die konsep verordening is ook ter insae beskikbaar op die munisipale webtuiste by www.swartland.org.za.

Belangstellendes word genooi om skriftelike kommentaar met betrekking tot die konsep verordening aan die ondergetekende te rig teen nie later nie as Vrydag, 23 September 2022.

Persone wat nie kan lees of skryf nie, kan me Nicolette Brand gedurende gewone kantoorure by die munisipale hoofkantoor in Malmesbury nader vir bystand om hulle vertoë op skrif te stel.

MUNISIPALE KANTORE
PRIVAATSAK X52
MALMESBURY
E-POS: swartlandmun@swartland.org.za
30 Augustus 2022

J J SCHOLTZ
MUNISIPALE BESTUURDER

Swartland Gazette.



NOTICE 19/2022/2023

OPPORTUNITY TO SUBMIT REPRESENTATIONS: DRAFT BY-LAW RELATING TO CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC

Notice is hereby given in terms of section 12(3)(b) of the Local Government: Municipal Systems Act, Act 32 of 2000 that the Swartland Municipality intends to adopt and implement the following draft by-law:

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

Said by-law aims to regulate both licensed and unlicensed premises that sell liquor to the public.

The draft by-law is available in terms of the aforesaid legislation for public inspection during normal office hours at the municipal offices and/or libraries in Malmesbury, Moorreesburg, Abbotsdale, Darling, Chatsworth, Riebeek West, Riebeek Kasteel and Yzerfontein. The draft by-law is also available on the municipal website at www.swartland.org.za.

Interested parties are invited to lodge written comment with reference to the draft by-law with the undersigned by no later than Friday, 23 September 2022.

Persons who cannot read or write can visit Ms Nicolette Brand during normal office hours at the municipal offices in Malmesbury for assistance to put their representations in writing.

J J SCHOLTZ
Municipal Manager
30 August 2022

Municipal Office
1 Church Street
MALMESBURY, 7300



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste

5 Oktober 2022

1/1/1/34

WYK: Nvt

ITEM 7.2 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING WAT GEHOU SAL WORD OP 18 OKTOBER 2022

ONDERWERP:	BEVORDERING VAN TOEGANG TOT INLIGTING (PAIA): HERSIENING VAN HANDLEIDING
SUBJECT:	PROMOTION OF ACCESS TO INFORMATION (PAIA): REVISION OF MANUAL

1. AGTERGROND/BEREDENERING / BACKGROUND/DISCUSSION

Section 14 of the Promotion of Access to Information Act, PAIA, (Act 2 of 2000) required of all municipalities to compile a manual of the municipality's functions, the services it renders, records held by the municipality and how to obtain access to the information– the so-called Section 14 PAIA Manual.

Swartland Municipality's Section 14 PAIA Manual was compiled and submitted to the South African Human Rights Commission (SAHRC) in 2003 in compliance with the Act.

As from 30 June 2021 the Information Regulator, appointed in accordance with the Protection of Personal Information Act, POPIA, (Act 4 of 2013) took over the regulatory mandate functions relating to PAIA, i.e. the functions performed by the SAHRC.

In relation to PAIA Manuals, the scope of information that the manual must cover has been widened to include matters relating to the processing of personal information in terms of POPIA. PAIA was amended accordingly by means of the Promotion of Access to Information Amendment Act, (Act 31 of 2019) and section 51(4) determines that all public and private bodies must have their PAIA Manual available at their principal place of business or on their website, if any.

Further, in terms of section 51(1) of PAIA, as amended, all previously developed PAIA Manuals must be updated to include provisions relating to the processing of personal information in terms of POPIA.

A PAIA Manual-template was made available by the Information Regulator and used to compile the attached updated PAIA Manual of Swartland Municipality.

2. WETGEWING / LEGISLATION

Promotion of Access to Information Act (Act 2 of 2000)
Protection of Personal Information Act (Act 4 of 2013)
Promotion of Access to Information Amendment Act (Act 31 of 2019)

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

N/a

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

N/a

5. AANBEVELING / RECOMMENDATION

- (a) Dat die PAIA-handleiding soos opgestel ingevolge artikels 14 en 51 van PAIA, soos gewysig, goedgekeur word;
- (b) Dat kennis geneem word dat dit nie wetlik verplig is om die goedgekeurde PAIA-handleiding aan die Inligtingsreguleerder te voorsien nie, maar dat dit op die webtuiste geplaas moet word en beskikbaar wees by die hoofkantoor van die Munisipaliteit;

- (c) Dat die goedgekeurde PAIA-handleiding aan al die Adjunk-Inligtingsbeamptes gesirkuleer word om enige versoeke tot inligting wat deur die Munisipaliteit gehou word te hanteer.

RECOMMENDATION

- (a) *That the PAIA Manual as compiled in accordance with sections 14 and 51 of PAIA, as amended, be approved;*
- (b) *That cognisance be taken that it is not a legislative requirement to submit the PAIA Manual to the Information Regulator, but it must be placed on the municipal website and be made available at the Head Office of the Municipality;*
- (c) *That the PAIA Manual be circulated to all Deputy Information Officers in order to assist with requests for access to information that are held by the Municipality.*

(get) M S Terblanche

MUNISIPALE BESTUURDER



PAIA MANUAL

Compiled in terms of the provisions of the

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

Municipal Manager:
Street address:
Postal address:
Telephone number:
Fax number:
E-mail address:

Mr JJ Scholtz
c/o Church and Rainier Street, Malmesbury, 7300
Private Bag X52, Malmesbury, 7299
022 – 4879400
022 – 4879440
swartlandmun@swartland.org.za

Reviewed, September 2022

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1. INTRODUCTION

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

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

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

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

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

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

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

The manual was prepared in accordance with section 51 of the Act and to address requirements of the Protection of Personal Information Act, 2013 (Act 4 of 2013). The purpose of the manual is to gain a better understanding of the municipality's functions, the services it renders and to explain in easily comprehensible form how to go about to access information held by the Municipality. If the reader still requires further information on how to exercise his or her rights, the deputy information officers will gladly assist.

The manual may also be inspected at any of our municipal officers and on our website, www.swartland.org.za.

J J SCHOLTZ

Information Officer

2. DEFINITIONS

“Access fee” means a fee prescribed for the purpose of section 22(6);

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“Data subject” means the person to whom personal information relates;

“Deputy Information Officer” means the designated individual in the public body who is responsible for assisting the Information Officer with PAIA Requests;

“Guide” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (**PAIA**) and the Protection of Personal Information Act, 2013 (Act 4 of 2013) (**POPIA**), as contemplated in section 10 of PAIA;

“Human Rights Commission” means the South African Human Rights Commission (SAHRC) referred to in section 181(1)(b) of the Constitution;

“Information Officer” means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such;

“Information Regulator” means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013 and regulates both PAIA and POPIA;

“Internal appeal” means an internal appeal to the relevant authority in terms of section 74;

“Minister” means the Cabinet member responsible for the administration of justice;

“Municipality” the Municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or subdelegated to such political structure, political office bearer, councillor, agent or employee;

“PAIA” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000) as amended, including any regulation made and in force in terms of section 92.

“Person” means a natural person or a juristic person;

“Personal Information” means information relating to an identifiable natural person, including, but not limited to –

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of

- the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;

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

“POPIA” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) as amended, including any regulation made and in force in terms of section 112;

“Record” means any recorded information –

- (a) regardless of form or medium;
- (b) in the possession or under the control of the Municipality; and
- (c) whether or not is was created by the Municipality;

“Request for access” means a request for access to a record in terms of section 11;

“Responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

“The Act” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000) as amended, including any regulation made and in force in terms of section 92.

“Third party”, in relation to a request for access to –

- (a) a record of the Municipality, means any person (including, but not limited to, the government of a foreign state, an international organization or an organ of that government or organization) other than the requester concerned;

3. PURPOSE OF THE PAIA MANUAL

The PAIA manual is useful to the public to –

- 3.1** check the nature of the records which may already be available at the Municipality, without the need for submitting a formal PAIA request;
- 3.2** understand how to make a request for access to a record of the Municipality;

- 3.3** obtain all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 3.4** obtain all the remedies available from the Municipality regarding a request for access to the records, before approaching the Information Regulator or the Courts;
- 3.5** obtain a description of the services available to members of the public from the Municipality and how to gain access to those services;
- 3.6** obtain a description of the Guide how to use PAIA, as updated by the Information Regulator and how to obtain access to it;
- 3.7** know if the Municipality will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8** know if the Municipality has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9** know whether the Municipality has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. ESTABLISHMENT OF THE SWARTLAND MUNICIPALITY

Swartland Municipality (WC015) was established in terms of Sections 12 and 14 of the Structures Act (Act 117 of 1998) with effect from 5 December 2000 by means of Provincial Notice 5589 dated 22 September 2000.

4.1 OBJECTIVES OF LOCAL GOVERNMENT

The municipality derives its powers from the Constitution and in terms of section 152 of the Constitution –

- (1) The objects of local government are –
 - (a) to provide democratic and accountable government for local communities;
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

The powers of municipalities in the non-metropolitan areas are divided between local and district municipalities. The Local Government: Municipal Structures Act ('Structures Act') regulates the division of powers between these two municipalities.

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

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

4.2 The municipality has the following powers:

4.2.1 In terms of section 84 of the Structures Act

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

4.2.2 Balance of powers in terms of Part B of Schedule 4 of the Constitution

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

4.2.3 Balance of powers in terms of Part B of Schedule 5 of the Constitution

Billboards and display of adverts in public places
 Cleansing
 Control of public nuisances
 Control of undertakings that sell liquor to the public
 Facilities for the accommodation, care and burial of animals
 Fencing and fences
 Licensing of dogs
 Licensing and control of undertakings that sell food to the public
 Local amenities
 Local sport facilities
 Markets (local)
 Municipal abattoirs (local)
 Municipal parks and recreation
 Noise pollution
 Pounds
 Public places
 Refuse removal
 Street trading
 Street lighting
 Traffic and parking

4.2.4 Powers assigned by or as agent of other spheres of government

Ambulance services
 Libraries
 Museums
 Sport
 Disaster management
 Housing

Vehicle and driver's licensing
Welfare services

4.2.5 Fiscal powers in terms of the Constitution

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

4.2.6 Powers related to Legal Personality

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

4.2.7 Civic Powers

Entering into twinning agreements with towns abroad
Granting of civic honours

5. DESCRIPTION OF STRUCTURE

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

5.1 POLITICAL STRUCTURE



5.1.1 Council

The council is the supreme structure of the municipality and consists of 23 (twenty three) members, i.e. 12 (twelve) representing wards and 11 (eleven) proportional members, elected during November 2021.

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

The council meets quarterly in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 10:00. For more information about the dates on which council meetings take place see our website or please contact any municipal office.

5.1.2 Executive mayoral committee

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

The executive mayoral committee normally meets monthly in the Banqueting Hall, Church Street, Malmesbury. Meeting times may vary due to circumstances. For more information see our website or please contact any municipal office.

5.1.3 Committees

The council has established a further 4 (four) committees to assist it in the effective and efficient performance of its functions and exercise of its powers. Each committee has (i) a specific functional area and a few (ii) sub-committees, and are named as follows:-

Municipal Manager, Administration and Finance

- (i) Demarcation and elections, strategic services, internal audit, risk management, performance management, legal services, administration, records management, secretariat services and ward committees, public affairs, property management, contract administration, communication and client services, libraries, halls, tourism (museums and monuments), publicity and information (e.g. newsletters), fleet management, asset and store management, budget, income and expenditure control, credit control/debt collection, financial services, insurance, local economic development
- (ii) Labour Relations Forum / Appointment Committee / Employment Equity Committee / Training Committee / Regional Tourism Organisation / Asset and Fleet Management Committee / Liquor Committee / Museum Committees (in various towns) / Bid committees

Technical Services (Civil and Electrical)

- (i) Electricity, radio communication, information technology and data management (including GIS), water, sewerage, roads, streets and stormwater, parks and amenities, buildings (new and maintenance), cemeteries, planning: civil services, sanitation (refuse removal, public toilets, etc.), sport and recreation (sports facilities, etc.)
- (ii) Highlands Landfill Site Audit Committee / Computer Committee / Sport Committees (in various towns) / Funeral Undertakers Forum

Development Services

- (i) Social services and welfare (e.g. indigent relief), housing (needs assessment), housing administration and rental housing, community development and capacity, caravan parks, occupational health and safety, spatial development planning (regional and local), town planning and land use control, nature conservation, GIS-management, property valuations, building control
- (ii) Housing Committee / Occupational Safety Committee / Municipal Planning Tribunal

Protection Services

- (i) Fire and protection services (disaster management, neighbourhood watch, etc.), law enforcement, informal trade, traffic services, permits (fun runs, races, processions, fundraising), taxis and public transport, control over animals, squatter control; community policing (in collaboration with SAPS, etc.)
- (ii) Taxi/Informal Traders Committee / Disaster Management Committee

The committees meet monthly in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 10:00. For more information see our website or please contact any municipal office.

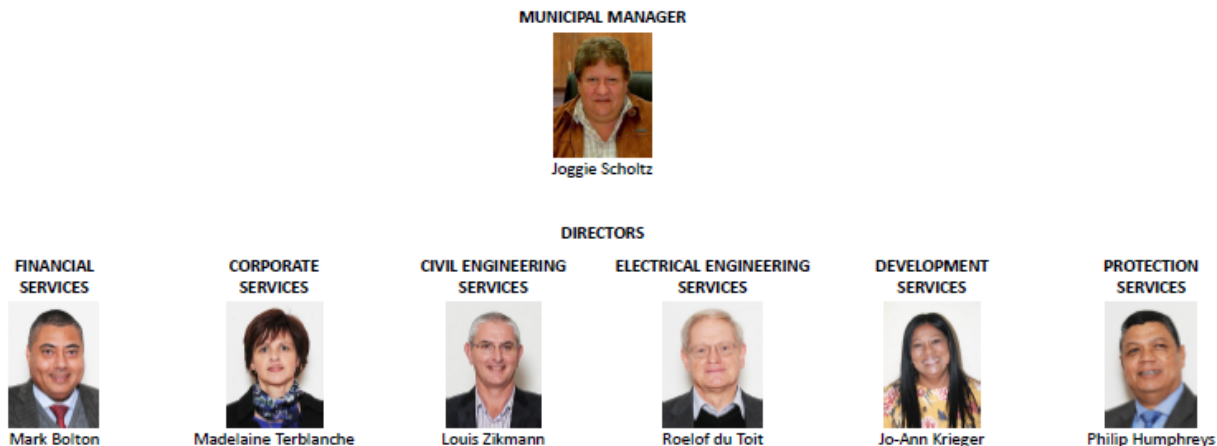
5.1.4 Speaker

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

5.1.5 Executive Mayor

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

5.2 ADMINISTRATIVE STRUCTURE



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

5.2.1 Municipal Manager

Transformation / Audit / Integrated Development Planning / Risk Management / Performance Management

5.2.2 Director: Corporate Services

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

5.2.3 Director: Development Services

Community Development and Housing (including Welfare and Sport) / Planning and Development / Building Control Services

5.2.4 Director: Financial Services

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

5.2.5 Director: Protection Services

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

5.2.6 Director: Civil Engineering Services

Civil Services, i.e. sewerage, water, streets and stormwater, parks, amenities and street sweeping, cleansing services / Building services (new buildings and maintenance) / Parks and recreation / Sports

5.2.7 Director: Electrical Engineering Services

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

6. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

6.1 INFORMATION OFFICER

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

6.2 DEPUTY INFORMATION OFFICER

Name: Ms MS Terblanche
 Designation: Director: Corporate Services
 E-mail: MadelaineT@swartland.org.za

6.3 DEPUTY INFORMATION OFFICER

Name: Ms N Brand
 Designation: Manager: Secretariat and Records Services
 E-mail: NicoletteBrand@swartland.org.za

6.4 DEPUTY INFORMATION OFFICER

Name: Ms S de Jongh
 Designation: Manager: Human Resources
 E-mail: DejonghS@swartland.org.za

6.5 DEPUTY INFORMATION OFFICER

Name: Mr M A C Bolton
 Designation: Director: Financial Services
 E-mail: BoltonM@swartland.org.za

6.6 DEPUTY INFORMATION OFFICER

Name: Mr P Sheldon
 Designation: Manager: Credit Control
 E-mail: SheldonP@swartland.org.za

6.7 DEPUTY INFORMATION OFFICER

Name: Ms J S Krieger
 Designation: Director: Development Services
 E-mail: KriegerJ@swartland.org.za

6.8 DEPUTY INFORMATION OFFICER

Name: Mr P A C Humphreys
 Designation: Director: Protection Services
 E-mail: HumphreysP@swartland.org.za

6.9 DEPUTY INFORMATION OFFICER

Name: Mr L D Zikmann
 Designation: Director: Civil Engineering Services
 E-mail: ZikmanL@swartland.org.za

7. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY

7.1 INTERNAL APPEAL - sections 74¹ and 75²

7.1.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access;
- pay a fee;
- extend the period to give access.

7.1.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party.

7.1.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (Form 4 attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

¹ Section 74 of PAIA - (1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1—

(a) to refuse a request for access; or
 (b) taken in terms of section 22, 26 (1) or 29 (3),
 in relation to that requester with the relevant authority.
 (2) A third party may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1 to grant a request for access.

² Section 75 of PAIA - (1) An internal appeal—

(a) must be lodged in the prescribed form—
 (i) within 60 days;
 (ii) if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken;
 (b) must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;
 (c) must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
 (d) if, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
 (e) if applicable, must be accompanied by the prescribed appeal fee referred to in subsection (3); and
 (f) must specify a postal address or fax number.
 (2) (a) If an internal appeal is lodged after the expiry of the period referred to in subsection (1) (a), the relevant authority must, upon good cause shown, allow the late lodging of the internal appeal.
 (b) If that relevant authority disallows the late lodging of the internal appeal, he or she must give notice of that decision to the person that lodged the internal appeal.
 (3) (a) A requester lodging an internal appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).
 (b) If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.
 (4) As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority—
 (a) the internal appeal together with his or her reasons for the decision concerned; and
 (b) if the internal appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified in terms of section 47 (1) of the request.

7.2 COMPLAINT TO INFORMATION REGULATOR- sections 77A³ and 77B⁴

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal, a complaint may be lodged with the Information Regulator.

7.2.1 Requester

- A requester may complain to the Information Regulator in respect of:
 - o an unsuccessful internal appeal;
 - o a disallowed late appeal;
 - o a refusal of a request for access to information;
 - o a decision about fees;
 - o a decision to extend the time to deal with a request; or
 - o a decision to provide access in a particular form.

7.2.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - o an unsuccessful internal appeal,
 - o any grant of a request for access to information.

7.2.3 Formal

A complaint to the Information Regulator must be made in writing in the prescribed form (Form 5 attached) within **180 days** of the decision giving rise to the complaint.

³ Section 77A of PAIA - (1) A requester or third party referred to in section 74 may only submit a complaint to the Information Regulator in terms of this section after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.

(2) A requester—

- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
- (b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);
- (c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1—
 - (i) to refuse a request for access; or
 - (ii) taken in terms of section 22, 26 (1) or 29 (3); or
- (d) aggrieved by a decision of the head of a private body—
 - (i) to refuse a request for access; or
 - (ii) taken in terms of section 54, 57 (1) or 60, may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this Act, to the Information Regulator in the prescribed manner and form for appropriate relief.

(3) A third party—

- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
- (b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access; or
- (c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body, may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this Act, to the Information Regulator in the prescribed manner and form for appropriate relief.

⁴ Section 77B of PAIA - (1) A complaint to the Information Regulator must be made in writing.

(2) The Information Regulator must give such reasonable assistance as is necessary in the circumstances to enable a person, who wishes to make a complaint to the Information Regulator, to put the complaint in writing.

7.3 APPLICATION TO COURT - section 78⁵

7.3.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

7.3.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

8. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide is available in each of the official languages.

The aforesaid Guide contains the description of –

- (i) the objects of PAIA and POPIA;
- (ii) the postal and street address, phone and fax number and, if available, electronic mail address of –
 - the Information Officer of every public body, and
 - every Deputy Information Officer of every public body and private body designated in terms of section 17(1)⁶ of PAIA and section 56⁷ of POPIA;

⁵ Section 78 of PAIA - (1) A requester or third party may only apply to a court for appropriate relief in terms of section 82 in the following circumstances:

- (a) after that requester or third party has exhausted the internal appeal procedure referred to in section 74; or
- (b) after that requester or third party has exhausted the complaints procedure referred to in section 77A.
- (2) A requester—
 - (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
 - (b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);
 - (c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1—
 - (i) to refuse a request for access; or
 - (ii) taken in terms of section 22, 26 (1) or 29 (3);
 - (d) aggrieved by a decision of the head of a private body—
 - (i) to refuse a request for access; or
 - (ii) taken in terms of section 54, 57 (1) or 60; or
 - (e) that is aggrieved by any decision of the Information Regulator, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.
- (3) A third party—
 - (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
 - (b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access;
 - (c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body; or
 - (d) that is aggrieved by any decision of the Information Regulator, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82
- (4) An information officer or relevant authority of a public body or the head of a private body, as the case may be, aggrieved by a decision of the Information Regulator in terms of section 77E (2) (b) or (c) may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

⁶ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

- (iii) the manner and form of a request for access to a record of a public body contemplated in section 11⁸ of PAIA; and
- (iv) the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- (v) the assistance available from the Information Regulator in terms of PAIA and POPIA;
- (vi) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
 - an internal appeal;
 - a complaint to the Information Regulator; and
 - an application with a court against a decision by the information officer of a public body, a decision of internal appeal or a decision by the Information Regulator or a decision of the head of a private body.
- (vii) the provisions of section 14⁹ of PAIA requiring a public body to compile a manual, and how to obtain access to a manual;
- (viii) the provisions of section 15¹⁰ of PAIA providing for the voluntary disclosure of categories of records by a public and private body, respectively;
- (ix) the notices issued in terms of section 22¹¹ of PAIA regarding fees to be paid in relation to request for access; and
- (x) the regulations made in terms of section 92¹² of PAIA.

⁷ Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

⁸ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁹ Section 14(1) of PAIA- (1) The information officer of a public body must, in at least three official languages.

(3) The manual referred to in subsection (1), or the updated version thereof as referred to in subsection (2) must be made available—

- (a) on the web site, if any, of the public body;
- (b) at the head office of the public body for public inspection during normal business hours;
- (c) to any person upon request and upon the payment of a reasonable amount; and
- (d) to the Information Regulator upon request.

¹⁰ Section 15(1) of PAIA- (1) The information officer of a public body, referred to in paragraph (a) or (b) (i) of the definition of “public body” in section 1, must make available in the prescribed manner a description of—

- (a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act, including such categories available—
 - (i) for inspection in terms of legislation other than this Act;
 - (ii) for purchase or copying from the body; and
 - (iii) from the body free of charge; and
- (b) how to obtain access to such records.

¹¹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹² Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Information Regulator, during normal working hours. The Guide can also be obtained –

- (i) upon request from the Information Officer;
- (ii) from the website of the Information Regulator (<https://www.inforegulator.org.za>). The contact details of the Information Regulator are in the table below.

The Office of the Information Regulator	
Telephone	Not available
Fax	Not available
E-Mail Address	General inquiries: enquiries@inforegulator.org.za
	Complaints: PAIAComplaints@inforegulator.org.za POPIAComplaints@inforegulator.org.za
Postal Address	P O Box 31533 Braamfontein JOHANNESBURG, 2017
Street Address	J.D. House 27 Stiemens Street Braamfontein JOHANNESBURG, 2001
Website	https://www.inforegulator.org.za

9. DESCRIPTION OF THE SUBJECT ON WHICH THE MUNICIPALITY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD

In this part subjects of records held by the Municipality are first recorded and the various categories of records in respect of each subject follow thereafter –

9.1 Legislation

Parliamentary legislation and regulations
Provincial legislation
Municipal by-laws

9.2 Organisation and control

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

9.3 Own Council, Committees of Council and matters regarding Councillors

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

9.4 Personnel

Posts control, which includes grading, evaluations and post descriptions
Conditions of service

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

9.5 Financial

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

9.6 Domestic Stock and Services

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

9.7 Reports, Returns and Statistics

Quarterly, monthly and annual returns
 Returns of departments
 Statistics

9.8 Quotations, Tenders and Contracts

Preferential procurement policy
 Annual tenders
 Quotations
 Tenders
 Contracts

9.9 Advertisement and information

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

9.10 Events and Social Matters

Official speeches
 Protocol, address and birthday lists
 Particulars regarding participation in feasts

Own receptions and social gatherings
 Letters of thanks, condolence and congratulation
 Friendly visits and agreements

9.11 Composition and Meetings of bodies and other meetings

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

9.12 Buildings and Grounds

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

9.13 Legal matters

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

9.14 Licenses, Permits and Approvals

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

9.15 Town Planning and Control

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

9.16 Essential Services

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

9.17 Community Services

Community development (projects, needs analysis and socio-economic surveys)
 Social Services
 Housing (provision and maintenance, waiting lists, allocation policy, self-building schemes, low cost housing)
 Protection services (civil protection services, emergency and contingency planning, co-operation with other bodies fire brigade services, provision of services, protection measures, hydrants and firefighting equipment)
 Traffic control (road safety measures, traffic volume assessments, speed traps, direction signs, traffic signs and traffic lights, vehicle control, vehicle testing, issue of drivers` licenses)
 Public transport (determination of routes, stops and loading zones for busses and taxis, provision, maintenance and management of termini)
 Library services (procurement of library material, particulars regarding outstanding and lost material)
 Public amenities and services (provision, maintenance and management of halls, swimming baths, picnic places and camping sites, applications for the use of amenities)
 Parks, gardens, open spaces and playgrounds (provision and maintenance, applications for use)
 Harbour and coastal control (harbour facilities and fish market, pollution control measures, applications for use)

Nature conservation (provision and maintenance of reserves and footpaths)
 Trade and commerce (promotion of local commerce, relations with local business sector, provision, management and maintenance of core industries and informal trade zones)
 Museums, monuments and memorials: provision, maintenance and management
 Post and telecommunication services (communications in regard to the provision of post offices and postal services, erection of overhead facilities and laying of cables and piping)
 Control of animals (provision, maintenance and management of pounds, impoundment and disposal of animals, relations with animal welfare organisations, aid to animal welfare organisations, aid to public bodies and organisations)
 Elections (communications in regard to delimitation of wards and polling districts and special arrangements during elections)

10. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the municipal website at www.swartland.org.za free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.

Records may be obtained from the Deputy Information Officers, who are trained and authorised to furnish the information that is included in the list.

10.1 BUSINESS DETAILS

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

10.2 AGENDAS AND MINUTES

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

10.3 COUNCILLORS

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

Information regarding each councillor's

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

10.4 STRUCTURES (including council, executive committee, and other committees)

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

10.5 MUNICIPAL BY-LAWS AND BUDGET RELATED POLICIES

All documents in this regard*

10.6 DELEGATIONS to-

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

10.7 DECISIONS BY INDIVIDUALS

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

10.8 BUDGET – document relating to-

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

10.9 FINANCIAL RECORDS

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

10.10 REGISTERS regarding-

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

10.11 TARIFFS, FEES, SURCHARGES, ETC.

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

10.12 PERSONAL INFORMATION OF MEMBERS OF STAFF in terms of section 34(2)(f) of the Act relating to-

- the fact that the individual is or was an official

10.13 STATISTICS (excluding personal details of individuals)

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

10.14 PERSONAL INFORMATION OF PERSONAL REQUESTER

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

10.15 RESEARCH

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

10.16 PUBLICATIONS

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

10.17 HOUSING – records containing-

- houses and land available for housing

10.18 TENDERS

Tenders and proposal calls after public opening (excluding evaluations and recommendations to the municipal manager)

10.19 SERVICE PROVIDERS

Details of providers of services to the municipality

10.20 PLANNING

- zoning and structure plans
- individual zonings and conditions
- register of approved departures and consent uses
- land use applications
- decisions by the Municipal Planning Tribunal

10.21 LAND

- valuation rolls*

10.22 ORGANISATIONAL STRUCTURE

- organigrams*
- staff structure

11. DESCRIPTION OF HOW TO OBTAIN ACCESS TO A RECORD HELD BY THE MUNICIPALITY OTHER THAN THE RECORDS IN CHAPTER 10

11.1 Section 18¹³ of PAIA prescribes the procedure to be followed in making a request for access to information held by the Municipality. Section 23(1)¹⁴ of POPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.

11.2 A requester or data subject must use the prescribed form (Form 2 attached), when requesting access to a record or personal information.

11.3 A requester is any person making a request for access to a record of the Municipality and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester.

11.3.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, the Municipality will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, in any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information requested will be charged by the Municipality.

11.3.2 A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the Municipality is not obliged to grant

¹³ Section 18 of PAIA - (1) A request for access must be made in the prescribed form to the information officer of the public body concerned at his or her address or fax number or electronic mail address.

(2) The form for a request of access prescribed for the purposes of [subsection \(1\)](#) must at least require the requester concerned—

- (a) to provide sufficient particulars to enable an official of the public body concerned to identify—
 - (i) the record or records requested; and
 - (ii) the requester;
- (b) to indicate which applicable form of access referred to in section 29 (2) is required;
- (c) to state whether the record concerned is preferred in a particular language;
- (d) to specify a postal address or fax number of the requester in the Republic;
- (e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- (f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

(3) (a) An individual who because of illiteracy or a disability is unable to make a request for access to a record of a public body in accordance with [subsection \(1\)](#), may make that request orally.

(b) The information officer of that body must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

¹⁴ Section 23(1) of PAIA - A data subject, having provided adequate proof of identity, has the right to—

- (a) request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about the data subject; and
- (b) request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information—
 - (i) within a reasonable time;
 - (ii) at a prescribed fee, if any;
 - (iii) in a reasonable manner and format; and
 - (iv) in a form that is generally understandable.

access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

11.4 The Form 2 must be addressed and submitted to the Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 6 above.

11.5 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, in any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- 11.5.1 the identity of the requester;
- 11.5.2 particulars of records requested;
- 11.5.3 type of record;
- 11.5.4 form of access; and
- 11.5.5 manner of access.

11.6 Some additional important points to remember when completing the request form:

- 11.6.1 each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;
- 11.6.2 if the records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;
- 11.6.3 a detailed description of the records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify it accurately.

11.7 The requester must indicate, as per section 29(2)¹⁵ of PAIA, the form of access that is required.

11.8 The requester must indicate whether the requested record(s) is preferred in any particular language.

11.9 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.

¹⁵ Section 29(2) of PAIA - *The forms of access to a record in respect of which a request of access has been granted, are the following:*

- (a) *If the record is in written or printed form, by supplying a copy of the record or by making arrangements for the inspection of the record;*
- (b) *if the record is not in written or printed form—*
 - (i) *in the case of a record from which visual images or printed transcriptions of those images are capable of being reproduced by means of equipment which is ordinarily available to the public body concerned, by making arrangements to view those images or be supplied with copies or transcriptions of them;*
 - (ii) *in the case of a record in which words or information are recorded in such manner that they are capable of being reproduced in the form of sound by equipment which is ordinarily available to the public body concerned—*
 - (aa) *by making arrangements to hear those sounds; or*
 - (bb) *if the public body is capable of producing a written or printed transcription of those sounds by the use of equipment which is ordinarily available to it, by supplying such a transcription;*
 - (iii) *in the case of a record which is held on computer, or in electronic or machine-readable form, and from which the public body concerned is capable of producing a printed copy of—*
 - (aa) *the record, or a part of it; or*
 - (bb) *information derived from the record, by using computer equipment and expertise ordinarily available to the public body, by supplying such a copy;*
 - (iv) *in the case of a record available or capable of being made available in computer readable form, by supplying a copy in that form; or*
 - (v) *in any other case, by supplying a copy of the record.*

- 11.10** The requester will receive the information in such manner as indicated. Section 29(3) of PAIA indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Municipality, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 11.11** An oral request for access to a record(s) may be made, if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 11.12** The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further.
- 11.13** The request for information will, in terms of Section 25¹⁶ of PAIA, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 11.14** Section 26¹⁷ of PAIA prescribes the instances where the period of thirty (30) days referenced in

¹⁶ Section 25 of PAIA - (1) Except if the provisions regarding third party notification and intervention contemplated in Chapter 5 of this Part apply, the information officer to whom the request is made or transferred, must, as soon as reasonably possible, but in any event within 30 days, after the request is received—

- (a) decide in accordance with this Act whether to grant the request; and
 - (b) notify the requester of the decision and, if the requester stated, as contemplated in section 18 (2) (e), that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner if it is reasonably possible.
- (2) If the request for access is granted, the notice in terms of subsection (1) (b) must state—
- (a) the access fee (if any) to be paid upon access;
 - (b) the form in which access will be given; and
 - (c) that the requester may lodge an internal appeal, a complaint to the Information Regulator or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.
- (3) If the request for access is refused, the notice in terms of subsection (1) (b) must—
- (a) state adequate reasons for the refusal, including the provisions of this Act relied upon;
 - (b) exclude, from such reasons, any reference to the content of the record; and
 - (c) state that the requester may lodge an internal appeal, complaint to the Information Regulator or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.

¹⁷ Section 26 of PAIA - (1) The information officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25 (1) (in this section referred to as the "original period") once for a further period of not more than 30 days, if—

- (a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the public body concerned;
 - (b) the request requires a search for records in, or collection thereof from, an office of the public body not situated in the same town or city as the office of the information officer that cannot reasonably be completed within the original period;
 - (c) consultation among divisions of the public body or with another public body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
 - (d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
 - (e) the requester consents in writing to such extension.
- (2) If a period is extended in terms of subsection (1), the information officer must, as soon as reasonably possible, but in any event within 30 days, after the request is received or transferred, notify the requester of that extension.
- (3) The notice in terms of subsection (2) must state—
- (a) the period of the extension;
 - (b) adequate reasons for the extension, including the provisions of this Act relied upon; and
 - (c) that the requester may lodge an internal appeal, complaint to the Information Regulator or an application with a court, as the case may be, against the extension, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.

Section 25 of PAIA, may be extended once for a further 30 days.

11.15 If the period has been extended, the Information Officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.

11.16 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74¹⁸ of PAIA.

11.17 According to Section 78 of PAIA, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 32¹⁹ of PAIA, after having exhausted the internal appeal procedure against a decision of the Information Officer.

12. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

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

12.1 CIVIL ENGINEERING SERVICES

Sewerage: connections, blockages, emptying of conservancy tanks

Solid Waste: removal, recycling, domestic and limited garden refuse removal

Water: provision, reticulation, connection, testing of meters .

Streets and roads: grading of gravel roads and patching of tar streets; construction of driveways; clearing of storm water drainage.

Parks: trimming of trees on sidewalks & parks

Sportsfields

Cemeteries

Swimming Pools

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

All towns: Malmesbury office, tel (022) 487 9400 / (022) 487 9732

Moorreesburg and Koringberg: Moorreesburg office, tel (022) 433 2246

Darling and Yzerfontein: Darling office, tel (022) 492 2237

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

¹⁸ Section 74 of PAIA - (1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1—

(a) to refuse a request for access; or

(b) taken in terms of section 22, 26 (1) or 29 (3), in relation to that requester with the relevant authority.

(2) A third party may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1 to grant a request for access.

¹⁹ Section 32 of PAIA - The information officer of each public body must annually submit to the Information Regulator a report stating in relation to the public body—

(a) the number of requests for access received;

(b) the number of requests for access granted in full;

(c) the number of requests for access granted in terms of section 46;

(d) the number of requests for access refused in full and refused partially and the number of times each provision of this Act was relied on to refuse access in full or partial;

(e) the number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1);

(f) the number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record;

(g) the number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27;

(h) the number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7); and

(i) such other matters as may be prescribed.

Landfill sites are located in Malmesbury, Moorreesburg and Darling. There are transfer stations at Moorreesburg and Darling landfills, Yzerfontein, Chatsworth, Kalbaskraal, Riebeek West and Riebeek Kasteel. A permit is required for the disposal of refuse. Refuse coupons may be obtained at all municipal cashier points. Big tree branches and building rubble may not be delivered to transfer stations. For more information contact the Director: Civil Engineering Services at Malmesbury, tel (022) 487 9400 / (022) 487 9732.

12.2 ELECTRICAL SERVICES

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

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

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

12.3 COMMUNITY SERVICES

12.3.1 Community Development

Initiating and co-ordinating community development projects focussing on promoting of: Early Childhood Development and legalisation of ECD facilities, Child Development, Youth Development, Collaboration and Co-ordination, Access to economy, Lobbying for the vulnerable

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

12.3.2 Housing

Facilitating, planning and coordination of housing development

Maintaining a housing waiting list

Dealing with complaints and enquiries

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

12.3.3 Environmental Health and Safety

Air Quality

Noise Control

Overgrown Erven

Issuing of Business License

Pest control

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

12.4 PROTECTION SERVICES

12.4.1 Law Enforcement and Traffic Services

Testing: Learners and drivers' licences

Vehicle registrations

Roadworthiness tests

Licence renewals

Conversion of drivers licences

Escorting of abnormal loads and processions

Road safety education

Law enforcement: traffic

Crime prevention

Enforcement of municipal by-laws

Application and registration as a driving license instructor

Application and renewal of PDP's

Film and Still Shoot applications

Issuing of beach wedding permits

Event applications

Applications for Disabled Stickers

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

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

12.4.2 Fire Services

Fire prevention
 Fire fighting
 Fire safety
 Rescue services: accidents
 Fire safety & awareness
 Humanitarian services
 Event application
 Disaster Management
 Evaluation of Building plans
 The emergency number for these services (all areas) is (022) 487 9479.

12.5 AMENITIES

12.5.1 Yzerfontein harbour and fish market

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

12.5.2 Halls

For booking of halls or enquiries phone the following numbers:

Darling: Community Hall: (022) 492 2237
Chatsworth: Community Hall: (022) 487 9400
Malmesbury: Town Hall, Westbank, Abbotsdale and Ilinge Lethu community halls: (022) 487 9400
Moorreesburg: Town Hall and Rosenhof Community Hall: (022) 433 2246
Riebeek Kasteel: Community Hall: (022) 448 1258
Riebeek West: Town Hall: (022) 461 2324
Yzerfontein: Community Hall: (022) 451 2366

12.5.3 Swimming Pools

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

12.5.4 Caravan Parks

The Yzerfontein public caravan park is located in Dolfyn Street

12.5.5 Sport facilities

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

Malmesbury

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

Riebeek West

Rugby field

Riebeek Kasteel

Sports fields (rugby and netball)

Abbotsdale

Sports fields (rugby, netball and tennis)

Kalbaskraal

Rugby field

Chatsworth

Sport field

Darling

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

Moorreesburg

Rosenhof sports fields (rugby, cricket, soccer, netball, tennis and athletics)
 Gene Louw sports fields (rugby, cricket, netball and athletics)
 Bowling greens

Tennis courts
Golf course
Squash courts
Gimnasium

Yzerfontein

Sports fields (tennis, bowls and jukskei)

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

12.6 LIBRARIES

Libraries may be visited at the following centres:

Abbotsdale

Public Library, Roosmaryn Street

Malmesbury

Public Library, Voortrekker Road

Westbank Library, Akasia Avenue

Moorreesburg

Public Library, Main Road

Darling

Public Library, Church Street

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

Riebeek Kasteel

Public Library, Plain Street

Riebeek West

Public Library, Voortrekker Road

Chatsworth

Public Library, c/o 1st and Hutchinson Street

12.7 TRADING

Issuing of licences for the sale of food to the public

Permits to hawk

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

12.8 TOWN PLANNING AND LAND AFFAIRS

Granting authority for land use, eg. rezonings, special consents and departures

Sale and lease of municipal property

Approval of building plans

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

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

12.9 TOURISM

Maps and brochures

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

Malmesbury

C/o Voortrekker Road and Church Street

Darling

C/o Hill & Pastorie Streets

Riebeek Kasteel

Church Street

Yzerfontein

46 Main Street

Koringberg

C/o Impala and Sonderend Streets

12.10 CASHIER AND ENQUIRY DESKS

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

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

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

Malmesbury: Saverite (Dorp)
Malmesbury: Superspar (Dorp)
Malmesbury: Pick 'n Pay (Dorp)
Malmesbury: Piet Kemp Motors (Dorp)
Malmesbury: Spar The Bank (Wesbank)
Malmesbury: Mike Nzongana (Ilinge Lethu)
Malmesbury: Nazrana's Superette (Wesbank)
Darling: Dinkie's Kafee (Darling-Noord)
Darling: Nicky's Shop (Darling-Wes)
Darling: AJ Houseshop (Darling-Oos)
Moorreesburg: Swartland Motors
Moorreesburg: Achmed Cash & Carry
Moorreesburg: Hester Cloete
Yzerfontein: KwikSpar

Payment of services accounts can also be made by means of –

- the -facility linked to various business groups;
- internet payments
 - o **Your Swartland Municipality account number (12 digits) must accompany such payment.**
 - o Clients effecting payment by way of **electronic bank, as well as Internet transfer to bank account:**
Account name: Swartland Municipality; Standard Bank. Account number: 372865119; Branch code: 051001 – use your Municipal account number with hyphens, as reference. Please be aware of the time lapse between the date a transaction is initiated and the date the relevant amount is credited to the Municipality's bank account, that is **2/3** days. If payment is initiated only on due date the supply of electricity to the relevant property, as a consequence of late payment, **may** be terminated.
 - o Deposit slips **must be faxed to 086 555 1118** OR emailed to swartlandmun@swartland.org.za
- Direct depositing
 - o **Direct depositing** of Municipal Account moneys in the Municipality's bank account; **Account name: Swartland Municipality; Standard Bank, Account Number: 372865119; Branch code: 051001 – use your Municipal account number with the hyphens, as reference.**
 - o For any other payments for **Sundry transactions** via Internet and/or direct bank deposit, the correct bank reference number must be obtained from the official that provided the amount to you.
 - o **Traffic fines payments:** When fine payments are made in Standard bank: Account Name: Swartland Municipality; **Standard Bank**, Account number: 372865127, Branch Code: 051001, please quote reference number in Section "A".
- Alternative payment facilities
 - o Electronic bank transfers: "ACB"-system (upon request at municipal offices);
 - o **Internet transfers:** Through the website of a client's personal bank as arranged by him/her – **use your municipal account number with hyphens, as reference.**

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

The Constitution directs local government to encourage the involvement of communities and community organisations in the matters of local government. In more direct terms the Local Government: Municipal

Systems Act requires each municipality to develop a culture of community participation that complements formal representative government with a system of participatory governance.

13.1 STATUTORY OBLIGATION

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

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

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

13.2 MECHANISMS, PROCESSES AND PROCEDURES

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

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

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

13.3 COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION

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

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

13.4 COMMUNICATIONS TO LOCAL COMMUNITY

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

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

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

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

14. PROCESSING OF PERSONAL INFORMATION

14.1 Purpose of processing of personal information of data subject by the Municipality

Personal information is collected by the Municipality for various reasons in order to fulfil its mandate as government institution in terms of the Constitution of the Republic of South Africa.

14.2 Personal information is used for, inter alia:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting;
- Risk management which includes physical and electronic security and access control;
- Procurement of goods and services;
- Rendering of services;
- Complying with other relevant legislation.

14.3 Description of the categories of data subjects, information processed and recipients thereof

DATA SUBJECTS	INFORMATION	RECIPIENTS
Prospective employees, current employees, councillors, consultants, interns, volunteers and contract workers	Name, identification number, biographical information; contact details; educational, employment and criminal history; biometric and health information; psychometric assessments; reference and	Relevant municipal department, law enforcement agencies, consultant, if any

	background checks	
Current employees, contract workers, councillors, interns	Account information; performance report; skills/training report; declaration of interest form	Relevant municipal department
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	Name, identification number, relevant registration number;; contact details; financial history; references, background checks; account information; performance reports; tax related information, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies	Relevant municipal department and service providers
Ratepayers, service users and visitors	Name, identification number, biographical information, contact details; account details	Relevant municipal department

14.4 Planned transborder flows of personal information

14.4.1 The Municipality has not planned transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Municipality will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection and the third party agrees to treat that personal information with the same level of protection as the Municipality is obliged under POPIA.

14.4.2 Any transfer of personal information cross border shall be with data subject's consent, however should it not be reasonably practicable to obtain the data subject's consent, the Municipality shall transfer the personal information if –

14.4.2.1 it will be for the data subject's benefit; and

14.4.2.2 the data subject would have given consent should it have been reasonably practicable to obtain such consent.

14.5 General Description of Information Security Measures

14.5.1 The Municipality continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

14.5.1.1 loss of, damage to or unauthorised destruction of personal information; and

14.5.1.2 unlawful access to or processing of personal information.

14.5.2 The Information Regulator has taken reasonable measures, as contained paragraph 15.5.3 below, to –

14.5.2.1 identify all reasonably foreseeable internal and external risks to personal information

in its possession or under its control;

14.5.2.2 establish and maintain appropriate safeguards against the risks identified;

14.5.2.3 regularly verify that the safeguards are effectively implemented; and

14.5.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

14.5.3 Measures taken by the Municipality include, amongst others –

14.5.3.1 Access Control;

14.5.3.2 Data Encryption;

14.5.3.3 Defensive Measures;

14.5.3.4 Robust Monitoring, Auditing and Reporting capabilities;

14.5.3.5 Data Backups;

14.5.3.6 Anti-virus and Anti-malware Solutions;

14.5.3.7 Awareness and Vigilance; and

14.5.3.8 Agreements are concluded with Operators to implement security controls.

15. AVAILABILITY OF THE MANUAL

15.1 The manual is available -

- on the website of the Municipality at www.swartland.org.za;
- at the head office of the Municipality in Malmesbury for public inspection during normal business hours;
- to any person upon request and upon the payment of the relevant fee. The fee for a copy of the manual, as contemplated in annexure B, shall be payable for each A4 size photocopy made.

16. UPDATING OF THE MANUAL

The Municipality will, if necessary, update and publish the manual annually.

J J SCHOLTZ

INFORMATION OFFICER

ANNEXURE A

GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

1. COMPLETION OF APPLICATION FORM, PAYMENT OF FEES AND FORM OF ACCESS - sections 18, 19, 22, 29 and 31.

1.1 Application form

- A prescribed form (attached as **Form 2**) must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
 - o If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
 - o A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
 - o A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **ANNEXURE B**). The following fees are payable:
 - o Request fee of R100.00 for each request;
 - o Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required.
 - o However, the full access fee is payable before access is granted; and/or making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.4 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required. If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.

- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Municipality's business.

2. DECISION TO GRANT OR REFUSE ACCESS - sections 25 and 26

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

- The Information Officer/Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:
 - o the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
 - o the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
 - o consultation is required with other departments of the WCG or other public bodies to decide upon the request: or the requester consented to an extension.

3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES - sections 47²⁰ and 48²¹

3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

²⁰ Section 47 of PAIA - (1) The information officer of a public body considering a request for access to a record that might be a record contemplated in section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1) must take all reasonable steps to inform a third party to whom or which the record relates of the request.

(2) The information officer must inform a third party in terms of subsection (1)—

(a) as soon as reasonably possible, but in any event, within 21 days after that request is received or transferred; and
(b) by the fastest means reasonably possible.

(3) When informing a third party in terms of subsection (1), the information officer must—

(a) state that he or she is considering a request for access to a record that might be a record contemplated in section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1), as the case may be, and describe the content of the record;
(b) furnish the name of the requester;
(c) describe the provisions of section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1), as the case may be;
(d) in any case where the information officer believes that the provisions of section 46 might apply, describe those provisions, specify which of the circumstances referred to in section 46 (a) in the opinion of the information officer might apply and state the reasons why he or she is of the opinion that section 46 might apply; and
(e) state that the third party may, within 21 days after the third party is informed—

(i) make written or oral representations to the information officer why the request for access should be refused; or
(ii) give written consent for the disclosure of the record to the requester.

(4) If a third party is not informed orally of a request for access in terms of subsection (1), the information officer must give a written notice stating the matters referred to in subsection (3) to the third party.

²¹ Section 48 of PAIA - (1) A third party that is informed in terms of section 47 (1) of a request for access, may, within 21 days after the third party has been informed—

(a) make written or oral representations to the information officer concerned why the request should be refused; or
(b) give written consent for the disclosure of the record to the requester concerned.

(2) A third party that obtains knowledge about a request for access other than in terms of section 47 (1) may—

(a) make written or oral representations to the information officer concerned why the request should be refused; or
(b) give written consent for the disclosure of the record to the requester concerned.

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on representation for refusal

The Information Officer/Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. **INTERNAL APPEAL – sections 74 and 75**

4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1,2 above);
- extend the period to give access (see 2.2 above).

4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (Form 4 attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. **COMPLAINT TO INFORMATION REGULATOR- sections 77A and 77B**

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

5.1 Requester

- A requester may complain to the Information Regulator in respect of:
 - o an unsuccessful internal appeal;
 - o a disallowed late appeal;
 - o a refusal of a request for access to information;
 - o a decision about fees;
 - o a decision to extend the time to deal with a request; or
 - o a decision to provide access in a particular form.

5.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - o an unsuccessful internal appeal,
 - o any grant of a request for access to information.

5.3 Formal

A complaint to the Information Regulator must be made in writing in the prescribed form (Form 5 attached) within **180 days** of the decision giving rise to the complaint.

6. **APPLICATION TO COURT - section 78**

- 6.1 A requester or third party may apply to court for appropriate relief if an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.
- 6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case maybe.

ANNEXURE B
[Fees]

Fees in Respect of Public Bodies

	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	· If provided by requester	R40.00
	· If provided to the requester	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	· If provided by requester	R40.00
	· If provided to the requester	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.



Verslag Φ Ingxelo Φ Report

Kantoor van die Direkteur: Beskermingsdienste

10 Oktober 2022

7/1/2/2-3

ITEM 7.3 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE
VERGADERING WAT GEHOU SAL WORD OP 18 OKTOBER 2022

SUBJECT: SWARTLAND COUNCILLOR PROTECTION POLICY

1. AGTERGROND / BACKGROUND

Violent service delivery protests is mainly directed at Councillors who become targets at the time of protests and the Municipal Council must put measures in place to:

- Protect the lives and properties of Councillors with their families.
- Mitigate loss of life or injury to Councillors or family members.

The Department Protection Services did some research and has developed this Councillor Protection Policy to provide, support to all vulnerable Councillors.

Attached find the draft Swartland Councillor Protection Policy for your perusal.

2. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

This policy is aligned to the IDP for 2017-2022 with **strategic goal 1: Improved quality of life for citizens**

3. FINANSIELE IMPLIKASIE / FINANCIAL IMPLICATION

Geen finansiële implikasie vir die Raad t.o.v die opstel van die beleid aangesien dit intern opgestel is. In die toepassing van die beleid sal daar uitgawes wees indien raadslede alternatiewe huisvesting moet kry.

No financial implication. The policy was compiled internally. Expenses will be procured if the situation so warrants that a Councillor must get alternative accommodation.

4. AANBEVELING / RECOMMENDATIONS

Dat die Uitvoerende Burgemeesterskomitee die aangehegte **Swartland Raadslid Beskermingsbeleid** goedkeur met ingang van 18 Oktober 2022.

*That the Executive Mayoral Committee approve the attached **Swartland Councillor Protection Policy** with effect from 18 October 2022.*

(get) P A C Humphreys
MUNISIPALE BESTUURDER
MUNICIPAL MANAGER



SWARTLAND MUNICIPALITY COUNCILLOR PROTECTION POLICY

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1. PURPOSE

- 1.1. To propose a policy relating to the protection of Councillors.
- 1.2. The purpose of this policy therefore is to provide protection to all councillors (public representatives) of the Swartland Municipal Council (the Council) during the times of violent service delivery protests and or political instable situations that threaten their lives and family relating to their duties as councillors.

2. DIRECTIVE

Violent service delivery protests is mainly directed at ward councillors who become targets at the time of protests and we must:

- 2.1. Strengthen mechanisms to protect the lives of councillors and their families.
- 2.2. Mitigate loss of life or injury to councillors or family members.
- 2.3. Develop and put in place a regulatory mechanism and measures, within its powers, to provide support to all vulnerable councillors who will from time to time be exposed to attacks from their respective communities.

3. WHO TO PROTECT

All councillors including their property, family members who are staying with the councillor concerned during the time of threats or actual attacks.

4. TYPE OF PROTECTION

- 4.1. Protection provided includes, inter alia, escorts, evacuations (temporary relocation), armed response, ad-hoc patrols and guards, depending on the nature of the threat or attack subject to funds available in terms of the Municipality's annual budget.
- 4.2. No firearm will be issued to any councillor under threat or attack.
- 4.3. Threats or attacks should relate to the councillor's council (official) duties.

5. AUTHORISE OR WITHDRAW PROTECTION

Upon the request or recommendation, based on the risk analysis, the Mayor/Municipal Manager can authorise protection to a councillor or on the other hand he/she can withdraw such protection if he/she find it necessary. The Municipal Manager's Office is accountable for said instruction.

6. RISK ANALYSIS

- 6.1. The Municipal Manager with Director Protection Services should conduct a risk analysis profile of councillors requesting protection to determine the levels of risk each councillor is exposed to.
- 6.2. The Director: Protection Services or Manager: Traffic and Law Enforcement should undertake the risk profiling in consultation with SAPS, National Intelligence Authority and Municipal Law Enforcement.

- 6.3. The risk analysis should be comprehensive and should factor in the levels of responsibility councillors are given in their respective areas.
- 6.4. A further analysis of the Wards that are volatile should be conducted determining the form of security that might be required.

7. RESPONSE DURING EMERGENCIES

- 7.1. All councillors should have a telephonic link with the Municipality's Director Protection Services and the Municipalities Traffic and Law Enforcement Manager.
- 7.2. Any councillor under attack should immediately contact the Speaker, Municipal Manager, Director Protection Services or Manager: Traffic and Law enforcement or his/her designated member in charge at the Emergency centre to report the incident
- 7.3. The designated member should immediately also contact the SAPS to provide a rapid response service.

8. PROTECTION DURING NORMAL CIRCUMSTANCES

- 8.1. The Traffic Manager at Protection Services is responsible for coordination of all measures for protection and related matters, including but not limited to calling of emergency services.
- 8.2. Any councillor under threat should report any incident to the Office of the Mayor, Municipal Manager who will then notify all political parties in Council of the impending threat to the councillor(s).
- 8.3. Manager: Traffic and Law Enforcement should then ensure that the staff members react and SAPS is notified.
- 8.4. National Intelligence Authority and the SAPS, and all other role players where necessary, must be involved during this process of conducting a risk assessment and threat analysis.
- 8.5. The Municipal Manager or his delegated authority must then provide the report of his/her decision on the assessment report, based on the recommendation by SAPS and Law enforcement, to the Executive Mayor, and all party leaders of the Council.

9. TYPE OF PROTECTION

- 9.1. Protection will be provided in the form of escorts, armed response, ad hoc patrols and guard duties provided by contract or private security.
- 9.2. Depending on the nature of the threat or attack subject to budget constraints.
- 9.3. All councillors (Including the Mayor, Deputy Mayor and Speaker) will qualify for protection.

10. ALTERNATIVE ACCOMMODATION

- 10.1. If the situation so warrants, the Municipality through the Municipal Manager should arrange a temporary or alternative accommodation, where necessary for the affected councillor and his/her family.

- 10.2. The budget allocated for this purpose should be borne in mind when providing alternative accommodation and must be spent economically and ensuring that the purpose of this policy is achieved.
- 10.3. During the period of alternative accommodation, the councillor's property as well as the alternative accommodation should be guarded twenty four (24) hours a day until the situation becomes normal.

11. LEGAL REQUIREMENTS

- 11.1. The Law Enforcement officers must act within the course and scope of their powers to avoid any legal challenges.
- 11.2. The Manager of Traffic and Law Enforcement must ensure that their staff is properly trained in this regard.

12. SHORT TITLE AND COMMENCEMENT

This policy shall be known as the Swartland Councillor Protection Policy and comes into operation on the date of approval by the Council/Mayor.



Verslag Φ Ingxelo Φ Report

Departement van die Direkteur: Korporatiewe Dienste

13 October 2022

4/2/2

ITEM 7.4 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEEVERGADERING WAT GEHOU SAL WORD OP 18 OKTOBER 2022

ONDERWERP:	VOORGESTELDE	SKOFTE:	REAKSIE-EENHEID	EN	VERKEER &
	WETSTOEPASSING (STLES)				
SUBJECT:	PROPOSED SHIFTS:	REACTION UNIT	AND	TRAFFIC &	LAW ENFORCEMENT
	(STLES)				

1. BACKGROUND/DISCUSSION

- 1.1 Council requested that the shift roster for the Traffic and Law Enforcement Division be amended in order to provide more coverage after hours and over weekends. A proper investigation was done, including a comparison of the shift rosters of various municipalities (Mossel Bay, Langeberg and Stellenbosch) to determine how to compile the shift roster in order to reach better coverage as required. It was found that the current shift roster of Swartland Municipality, in comparison to the aforementioned municipalities, was still better with regards to coverage after hours and over weekends.
- 1.2 Should 12 hour shifts be implemented, Swartland Municipality needs an additional shift of at least 6 members and the expansion of the workforce would have a significant cost implication for which there is currently no funding available. The coverage of the shifts as required by Council is currently not viable as this has the implication that a member will work an average of 80 hours overtime which is in contravention of Section 10 of the Basic Conditions of Employment Act, Act 75 of 1997. The investigation report recommends that the division should be granted the opportunity for the Reaction Unit to become fully operational and to utilise their current shift roster to ensure extra coverage specifically over weekends (2 shifts at 10 members per shift) over and above the current shift of 5 members. After 6 months on this basis the situation will be evaluated to determine the success thereof or not.
- 1.3 The management team, on 29 September 2022, took note of the report with regards to the investigation of the 12 hour shift roster for the Traffic and Law Enforcement Division, which has a significant cost implication regarding overtime and resolved the following:
 - a) That it be recommended to the mayoral committee, after consultation with the executive mayor and the MMC, that the status quo remains;
 - b) That the costs of overtime must be managed within the budgetary limits;
 - c) That the opportunity is granted for the Reaction Unit to become operational and to utilise their current shift roster to ensure extra coverage specifically over weekends (2 shifts at 10 members per shift), over and above the current shift of 5 members.
 - d) That the proposed utilisation of the Reaction Unit be re-evaluated after three months.

2. LEGISLATION

Basic Conditions of Employment Act, Act 75 of 1997

3. ALIGNMENT TO THE IDP

In terms of Chapter 7 of the IDP this amendment to the policies is aligned to Strategic Goal 1 namely Improved Quality of Life for Citizens.

4./

4. FINANCIAL IMPLICATION

Maintaining the status quo of the shift roster has no financial implication for Swartland Municipality.

5. RECOMMENDATION

- a) Dat die Uitvoerende Burgemeesterskomitee goedkeur dat daar volstaan word met die *status quo* rakende die skofrooster vir die Afdeling Verkeer- en Wetstoepassingsdienste;
That the Executive Mayoral Committee approve that the status quo remains for the Traffic and Law Enforcement Division;
- b) Dat die kostes van oortyd binne begrotingsperke bestuur sal moet word;
That the costs of overtime must be managed within the budgetary limits;
- c) Dat daar geleentheid gegun word om die Reaksie-eenheid operasioneel te kry en aan te wend volgens hul reeds opgestelde skofrooster om ekstra dekking te verseker, spesifiek oor naweke (2 skofte met 10 lede per skof), bo en behalwe die bestaande skof van 5 lede;
That the opportunity is granted for the Reaction Unit to become operational and to utilise their current shift roster to ensure extra coverage specifically over weekends (2 shifts at 10 members per shift), over and above the current shift of 5 members;
- d) Dat die voorgestelde aanwending van die Reaksie-eenheid na ses maande herevalueer sal word.
That the proposed utilisation of the Reaction Unit be re-evaluated after six months.

(get) M S Terblanche
MUNICIPAL MANAGER



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Civil Engineering Services

12/10/2022

5/6/1/1/2
WARDS: All

ITEM 7.5 OF THE AGENDA OF AN EXECUTIVE MAYORAL COMMITTEE MEETING WHICH SHALL BE HELD ON 18 OCTOBER 2022

SUBJECT: BUDGET FOR MAINTENANCE OF PROVINCIAL MAIN ROADS: 2023/2024 FINANCIAL YEAR

The road expenditure estimates for maintenance and rehabilitation on Provincial Main Roads are submitted annually to the District Roads Engineer for consideration and approval. This information together with Council Approval must be presented to the District Roads Engineer. Accordingly, this item is presented to the EMC for consideration.

The list of expected expenses follows below:

ESTIMATES OF EXPENDITURE ON MUNICIPAL MAIN ROADS : 2023/2024				
COUNCIL	ROAD NO.	DESCRIPTION FROM TO	ACTIVITY	REQUESTED 2023/2024
Swartland	MR 226	Riebeek Kasteel Main Rd, Sarel Cilliers, Piet Retief	Periodic Maintenance	R 2 022 000
Swartland	MR 215	Darling (Main Road)	Periodic Maintenance	R 995 000
Swartland	MR228	Darling (Evita Bezuidenhout)	Periodic Maintenance	R 785 000
Swartland	MR174	Malmesbury (Voortrekker Road)	Periodic Maintenance	R 6 536 000
TOTAL				R 10 338 000

The application must be accompanied by Council Approval; accordingly, it is recommended as follows:

RECOMMENDATION

1. That the Executive Mayoral Committee approves the budget of expenses for Provincial Main Roads for the 2023/2024 financial year.

(get) L D Zikmann

DIRECTOR: CIVIL ENGINEERING SERVICES
JRP/jrp



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
2022-10-18

8/1/B/1
WARD: All wards

ITEM 7.6 OF THE AGENDA OF AN EXECUTIVE MAYORAL COMMITTEE MEETING TO BE HELD ON 18 October 2022

SUBJECT: QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS
ONDERWERP: KWARTAALVERSLAG OOR DIE PRESTASIE VAN KONTRAKTEURS

1. BACKGROUND

Section 116(2) of the Municipal Finance Management Act, Act 56 of 2003 stipulates the following:

(2) *The accounting officer of a municipality must -*

- (a) *take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality is properly enforced;*
- (b) *monitor on a monthly basis the performance of the contractor under the contract or agreement;*
- (c) *establish capacity in the administration of the municipality -*
 - (i) *to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and*
 - (ii) *to oversee the day-to-day management of the contract or agreement; and*
- (d) *regularly report to the council of the municipality, on the management of the contract or agreement and the performance of the contractor*

The performance of contractors are quarterly monitored on the Eunomia compliance system.

This report is done in compliance with Section 116(2)(d) above.

2. DISCUSSION

All contracts or agreements procured through the supply chain management policy of the Municipality are monitored on a quarterly basis. At the monthly performance assessment meetings the directors then report to the Municipal Manager on the performance of contractors through the Eunomia compliance system. Problems occurred (if any) are discussed here with possible interventions where necessary.

No problems were however reported during the fourth quarter of the 2021/2022 financial year and the first quarter of the 2022/2023 financial year.

3. LEGISLATION

The following act is applicable: Municipal Finance Management Act 56 of 2003

4. LINK TO THE IDP

Not applicable

5. FINANCIAL IMPLICATION

None

6. AANBEVELING / RECOMMENDATION

- (a) dat kennis geneem word van hierdie verslag.
- (a) *That this report be noted.*

MUNICIPAL MANAGER



Verslag Φ Ingxelo Φ Report

Office of the Municipal Manager:
4 October 2022

ITEM 7.7 ON THE AGENDA OF THE EXECUTIVE MAYORAL COMMITTEE WHICH WILL BE HELD ON 18 OCTOBER 2022

SUBJECT: REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD: 1 JULY 2022 TO 30 SEPTEMBER 2022
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1. BACKGROUND

In terms of Regulation 6(3) of the Municipal Supply Chain Management Regulations a report regarding the implementation of the Swartland Municipality's Supply Chain Management Policy must be submitted to the Executive Mayor.

2. DOCUMENTATION

Attached hereto please find a copy of the report on the implementation of the Supply Chain Management Policy for the period 1 July 2022 to 30 September 2022 and also the Formal Tenders (Annexure A), Informal Tenders (Annexure B), Deviation Report (Annexure C) and Deviations with reference to the Supply Chain Management Policy (Annexure D).

3. RECOMMENDATION

- (a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) 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 July 2022 to 30 September 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);

(get) P A C Humphreys

MUNICIPAL MANAGER



Supply Chain Management Implementation Report

For the period ended September 2022

To The Executive Mayor

In accordance with Regulation 6(3) of the Municipal Supply Chain Management Regulations, I submit the required report on the implementation of Swartland Municipality's Supply Chain Management Policy for the period: 1 July 2022 to 30 September 2022 for purposes of joint oversight.



1 Municipal Manager
4 October 2022

Executive Summary

Introduction

This report is a summary of the implementation of the Supply Chain Management Policy. It highlights the implementation of Supply Chain Management in the Swartland Municipality. Regulation 6(3) of the SCM Regulations requires the Accounting Officer to report quarterly on the implementation of the Supply Chain Management Policy to the Mayor, in order to strengthen oversight.

Implementation of Supply Chain Management Policy

The Supply Chain Management Policy was adopted by Council on 1 January 2006 to fully comply with the SCM Regulations communicated under National Treasury general notice 868, Gazette no. 27636. The Supply Chain Management Policy has been reviewed and approved by the Council on 31 March 2022.

Committees

The below mentioned committees are established and are functioning fully according to Council's Supply Chain Management Policy and the Supply Chain Management Regulations. The committees are as listed below:

- Bid Specification Committee (BSC)
- Bid Evaluation Committee (BEC)
- Bid Adjudication Committee (BAC)

Tenders Awarded

During the quarter the BAC met **5 times**, and **13** tenders were awarded.

Attached as Annexure A (Formal Tenders) and Annexure B (Informal Tenders) is a list of all tenders awarded during this quarter by the Bid Adjudication Committee and Manager: Supply Chain Management respectively.

Herewith a summary of tenders awarded for the 2022/2023 financial year as it pertains to the specific quarter.

	Formal Tenders Awarded			Informal Tenders Awarded	
	Number of Tenders	Bid Committee Meetings	Tender Amount	Number of Tenders	Tender Amount
1 July 2022-30 September 2022	13	5	R 47 515 374.29	21	R 1 847 544.56
1 October 2022-31 December 2022					
1 January 2023-31 March 2023					
1 April 2023-30 June 2023					
	13	5	R 47 515 374.29	21	R 1 847 544.56

Deviations Approved

In accordance with Paragraph 36 of the Supply Chain Management Policy, all deviations from the official procurement processes must be approved and recorded by the Accounting Officer, and reported to Council. The approval of deviations with a transaction value of up to R30,000 (VAT included), has been delegated to the Manager: Supply Chain Management. The total value of

deviations approved by the Manager: Supply Chain Management for the period 1 July 2022 to 30 September 2022 amount to **R 1 041 031.56**. The list of approved deviations is attached as Annexure C.

Herewith a summary of deviations <R30 000 approved for the 2022/2023 financial year as it pertains to the specific quarter.

	Deviations < R30 000	
	Number of Deviations	Deviations Amount
1 July 2022-30 September 2022	132	R 1 041 031.56
1 October 2022-31 December 2022		
1 January 2023-31 March 2023		
1 April 2023-30 June 2023		
	132	R 1 041 031.56

Deviations with Reference to Exceptions from the Supply Chain Processes in terms of the Supply Chain Management Policy

In paragraph 2(6) of the Supply Chain Management Policy provision is made for exceptions from the supply chain processes regarding the procurement of certain services. These services include the appointment of attorneys, advocates, as well as the servicing and repairs of vehicles at the vehicle agents. In these instances, only 1 quote needs to be obtained. In accordance with paragraph 36(2) of the Supply Chain Management Policy, these deviations must be reported to Council. Attached as "Annexure D", please find a summary of deviations with reference to exceptions from the supply chain processes for the period 1 July 2022 to 30 September 2022.

Staffing Issues

The staff complement of the Supply Chain Management unit is as follows:

- Manager: Supply Chain Management,
- Head: Logistics,
- Head: Demand & Acquisition,
- Principal Clerk: Orders,
- Secretary: SCM,
- Senior Storeman,
- Storeman,
- Senior Clerk: Stationery and
- Three Senior Clerks (Buyers).

Systems

- **Supplier Database**
 - The municipality is using National Treasury's Central Supplier Database with effect from 1 July 2016.

External Relations

- The SCM Unit works very closely with the Provincial Treasury on all the legislative requirements. A virtual Supply Chain Forum meeting were held on 4 August 2022.

Reporting

All awards made above R200 000 have been registered on the National Treasury ePortal.

Conclusion

The Supply Chain Management Unit is continuously improving its processes and procedures in order to ensure that Council receives value for money in terms o demand and acquisitions management.

ANNEXURE A

FORMAL TENDERS (>R200,000) AWARDED: 1 JULY 2022 - 30 SEPTEMBER 2022

DATE	CONTRACT NO	CONTRACT NAME	AMOUNT	COMPLETION/ DELIVERY PERIOD	CONTRACTOR	CONTRIBUTION LEVEL
2022-07-19	T63/21/22	Invitation Of Tenders For The Execution Of The Sts Prepayment Meter Tid Rollover Key Change Process By Means Of Call Centre Support And Site Visits In The Swartland Municipal Area During A 2 Year Contract Period From 1 July 2022 To 30 June 2024	R 1 424 355.50	30-Jun-24	Ontec Systems (Pty) Ltd	1
2022-07-19	T70/21/22	Supply And Delivery Of Fire Department Station Uniform For The Period Ending 30 June 2023	R 103 922.91	30-Jun-23	Sparks & Ellis	1
2022-07-19	T69/21/22	Supply And Delivery Of A 2x4 Single Cab/ Chassis Truck	R 1 121 940.00	12 Weeks	JB's Commercial (Pty) Ltd	2
2022-07-19	T42/21/22	Proposals For The Supply Of Renewable Solar Energy To Swartland Municipality For The Town Of Darling	R 786 207.70	36 Months	Darling Green Utility (Pty) Ltd	4
2022-07-26	T64/21/22	Supply and Delivery of Uniforms for Traffic Department Officials for the Period 1 July 2022 To 30 June 2023	R 679 241.46	30-Jun-23	Sparks & Ellis	2
2022-07-26	T68/21/22	Supply And Delivery Of Fire Fighting Equipment	R 988 840.91	12 Weeks	F.E.S Manufacturing	2
2022-07-26	T43/21/22	Execution Of A General And Supplementary Valuations Of All Properties In The Area Of Jurisdiction Of Swartland Municipality	R 2 125 000.00	30-Jun-25	HCB Valuation and Services (Pty) Ltd	2
2022-08-16	T41/21/22	Construction Of Non-Motorised Transport Facilities (Pedestrian Sidewalks And Walkways) And Recreational Park In Malmesbury	R 12 173 913.00	9 Months	Umzali Civils	1
2022-08-16	T66/21/22	Provision Of Graphic Design Services To Swartland Municipality For The Period Ending 30 June 2025	R 120 000.00	30-Jun-25	Mia du Plessis	0
2022-08-22	T04/22/23	Supply and Delivery of Small Refuse Removal Tipper Truck	R 653 696.00	8-12 Weeks	JB's Commercial (Pty) Ltd	2
2022-08-22	T03/22/23	Supply And Delivery Of High Compaction Rel Refuse Collection Truck	R 3 181 323.00	12-20 Weeks	JB's Commercial (Pty) Ltd	2
2022-09-13	T65/21/22	New 132/11kv Substation in the De Hoop Area, Malmesbury (Phase 2)	R 23 640 708.71	38 Weeks	VE Reticulation (Pty) Ltd	1
2022-09-13	T02/22/23	Supply and Delivery x 2 light motor vehicles	R 516 225.10	4 Weeks	GEAT Services (Pty) Ltd	0
			R 47 515 374.29			

ANNEXURE B

INFORMAL TENDERS (>R30,000<R200,000) AWARDED: 1 JULY 2022 - 30 SEPTEMBER 2022

Contract Description	Tender Number	Date Awarded	Approved Amount	Successful Bidder	Contribution Level
Cleaning and Maintenance Services for the Darling Recreational Park for the Period 1 July 2022 to 30 June 2023	SCM103.21.22	06.07.2022	R 53 150.00	Paulse Suppliers and Trading Project CC	1
Renewal of ManageEngine ADAudit Plus Standard Edition Annual Subscription Fees	SCM05.22.23	03.08.2022	R 59 412.80	Mindspring Computing (Pty) Ltd	1
Repairs to Highlands Conveyor Belts	SCM03.22.23	03.08.2022	R 61 139.75	Kevbelt SA CC	1
Supply and Delivery of Positive Cable Identification Unit	SCM07.22.23	10.08.2022	R 87 227.50	Flo Specialized Product Solutions	1
Supply and Delivery of Lithium Ion Phosphate 4800Wh Battery and All Relevant Cables	SCM10.22.23	15.08.2022	R 56 076.65	Technology Strategy Corporation (Pty) Ltd	1
Replace Batteries of Eaton 9E 6KVA UPS in Old Nedbank Building	SCM09.22.23	16.08.2022	R 33 853.12	Emerald Infrastructure Solutions CC	2
Autocad Renewal and Annual Subscription	SCM13.22.23	23.08.2022	R 137 067.90	Baker Baynes (Pty) Ltd	1
Construction of Electrical Kiosk Housing Structure at Riebeek Kasteel Sportsgrounds	SCM06.22.23	23.08.2022	R 79 259.39	EBN Projects (Pty) Ltd	1
Interpreting Services Required for Council Meetings and Ad Hoc Meetings for the Period Ending 30 June 2023	SCM11.22.23	23.08.2022	R 0.00	Pool: TP Dapula/Mbimbi Food Solutions	1
External and Internal Painting of Public Toilets in the Swartland Municipal Area	SCM08.22.23	29.08.2022	R 61 500.00	Wot Projects	1
External Painting of Clubhouse at Diepriver Sports Ground, Malmesbury	SCM12.22.23	29.08.2022	R 115 800.00	Wot Projects	1
Supply and Delivery of Jump Suits for Fire Fighters for the Period Ending 30 June 2023	SCM19.22.23	31.08.2022	R 196 742.00	Invuyani Safety	2
Supply and Delivery of Light Blue Refuse Bags	SCM15.22.23	08.09.2022	R 192 855.00	Memotek Trading CC	1
Assist with and Repair of Module Breakages at Malmesbury WWTW	SCM17.22.23	08.09.2022	R 88 341.85	Zana Manzi Services	1

Contract Description	Tender Number	Date Awarded	Approved Amount	Successful Bidder	Contribution Level
Supply and Delivery of IDMT Over-Current and Earth-Fault Protection Relays	SCM14.22.23	08.09.2022	R 188 692.26	Eya Bantu Professional Services George (Pty) Ltd	1
Supply and Deliver 1x FC700 Sewer Hose 1" X120M	SCM18.22.23	08.09.2022	R 29 325.00	Afri Mak (Pty) Ltd	1
Supply and Delivery of Fire Helmets and Visors for Firefighters	SCM21.22.23	21.09.2022	R 29 555.00	Stevenridge CC	2
Supply and Delivery of Angle Irons and Catch Pit Frames	SCM16.22.23	21.09.2022	R 76 227.00	The Business Zone 1593 t/a Aquaduct Trading	1
Supply and Delivery of Electrofusion Welding Machine	SCM20.22.23	21.09.2022	R 102 294.50	Gabriel and Michael Marketing (Pty) Ltd	1
Service and Repair of Chlorine Dosing Equipment in Malmesbury, Darling and Moorreesburg	SCM26.22.23	22.09.2022	R 110 224.84	Maxal Projects SA (Pty) Ltd	3
Manufacture and Install Container with I-Beam And Crawler at Riebeek Kasteel De Hoop Pump Station	SCM24.22.23	30.09.2022	R 88 800.00	Syvuys 862 Pty	1
			R 1 847 544.56		

DEVIATIONS APPROVED BY MANAGER: SUPPLY CHAIN MANAGEMENT FOR THE QUARTER 1 JULY 2022 TO 30 SEPTEMBER 2022

Supplier Name	Deviation Type	Approval Date	Department	Total
Swartland Gazette	Impractical	11/07/2022	Corporate Services	R 6 725.20
Swartland Gazette	Impractical	11/07/2022	Development Services	R 14 241.60
Swartland Joernaal	Impractical	11/07/2022	Development Services	R 16 615.20
EJL Works (Pty) Ltd	Emergency	11/07/2022	Electrical Engineering Services	R 5 244.00
Nirhvana Holdings (Pty) Ltd	Emergency	11/07/2022	Civil Engineering Services	R 3 427.34
Swartland Joernaal	Impractical	12/07/2022	Corporate Services	R 7 302.00
WJ Cotter Electrical cc	Emergency	15/07/2022	Civil Engineering Services	R 15 416.33
WJ Cotter Electrical cc	Emergency	15/07/2022	Civil Engineering Services	R 15 416.33
Battery Centre	Emergency	15/07/2022	Civil Engineering Services	R 4 640.00
Swartland Travel Services	Impractical	15/07/2022	Corporate Services	R 7 470.00
WJ Cotter Electrical cc	Emergency	15/07/2022	Civil Engineering Services	R 2 095.73
Trentyre Malmesbury	Emergency	15/07/2022	Civil Engineering Services	R 2 024.00
Trentyre Malmesbury	Emergency	15/07/2022	Civil Engineering Services	R 2 024.00
Cape Armature Winders	Impractical	15/07/2022	Civil Engineering Services	R 23 948.75
WJ Cotter Electrical cc	Emergency	15/07/2022	Civil Engineering Services	R 4 155.66
Wm Spilhaus Malmesbury Bk	Emergency	18/07/2022	Civil Engineering Services	R 3 557.82
GW Trautmann cc	Emergency	19/07/2022	Civil Engineering Services	R 23 364.34
TP Dapula	Impractical	20/07/2022	Corporate Services	R 6 640.00
Swartland Joernaal	Impractical	21/07/2022	Development Services	R 3 670.80
Swartland Gazette	Impractical	21/07/2022	Development Services	R 3 362.60
Vinet	Impractical	21/07/2022	Electrical Engineering Services	R 11 064.01
Channel Mobile (Pty) Ltd	Impractical	22/07/2022	Electrical Engineering Services	R 4 443.60
Channel Mobile (Pty) Ltd	Impractical	22/07/2022	Electrical Engineering Services	R 13 212.35
Supa Quick Moorreesburg	Impractical	26/07/2022	Civil Engineering Services	R 8 757.25
WJ Cotter Electrical cc	Emergency	26/07/2022	Civil Engineering Services	R 2 369.00
GW Trautmann cc	Impractical	26/07/2022	Civil Engineering Services	R 23 567.23
Tricom Africa	Emergency	26/07/2022	Civil Engineering Services	R 8 753.92
Conradie Besproeiing	Emergency	26/07/2022	Civil Engineering Services	R 15 126.52
Wm Spilhaus Malmesbury Bk	Impractical	26/07/2022	Civil Engineering Services	R 4 163.13
Fremtac Fire and Rescue Service cc	Impractical	26/07/2022	Civil Engineering Services	R 26 326.18
GW Trautmann cc	Impractical	26/07/2022	Civil Engineering Services	R 29 977.00
HRM Services	Impractical	26/07/2022	Civil Engineering Services	R 10 840.87
Louwco Cooling Solutions	Impractical	26/07/2022	Electrical Engineering Services	R 2 265.50
Louwco Cooling Solutions	Impractical	26/07/2022	Electrical Engineering Services	R 2 875.00
WJ Cotter Electrical cc	Emergency	26/07/2022	Civil Engineering Services	R 3 443.10
Hydromatic	Emergency	26/07/2022	Civil Engineering Services	R 2 293.10
Johan Bester Ingenieurswerke Bk	Emergency	27/07/2022	Civil Engineering Services	R 7 276.05
Automodell Bk	Impractical	27/07/2022	Protection Services	R 4 935.80
Trentyre Malmesbury	Emergency	27/07/2022	Protection Services	R 2 419.03
Trentyre Malmesbury	Emergency	27/07/2022	Protection Services	R 2 105.08
Swartland Joernaal	Impractical	29/07/2022	Corporate Services	R 2 318.40
Swartland Gazette	Impractical	29/07/2022	Corporate Services	R 2 373.60
Heating and Cooling Solutions	Impractical	01/08/2022	Electrical Engineering Services	R 4 631.50
Macsteel Service Centres SA (Pty) Ltd	Emergency	01/08/2022	Civil Engineering Services	R 2 847.63

Supplier Name	Deviation Type	Approval Date	Department	Total
Macsteel Service Centres SA (Pty) Ltd	Emergency	01/08/2022	Civil Engineering Services	R 3 626.32
Fremtac Fire and Rescue Service cc	Impractical	01/08/2022	Civil Engineering Services	R 4 490.47
Conradie Besproeiing	Impractical	01/08/2022	Civil Engineering Services	R 22 664.20
Johan Bester Ingenieurswerke BK	Emergency	01/08/2022	Civil Engineering Services	R 7 210.95
Conradie Besproeiing	Impractical	01/08/2022	Civil Engineering Services	R 3 259.10
Trentyre Malmesbury	Emergency	01/08/2022	Civil Engineering Services	R 6 014.50
WJ Cotter Electrical cc	Emergency	02/08/2022	Civil Engineering Services	R 2 817.50
JHL Ingenieurs Verskaffers	Impractical	03/08/2022	Civil Engineering Services	R 4 844.36
WJ Cotter Electrical cc	Emergency	03/08/2022	Civil Engineering Services	R 15 416.33
Johan Bester Ingenieurswerke BK	Emergency	03/08/2022	Civil Engineering Services	R 3 219.14
Golden Rewards 1873 cc	Impractical	03/08/2022	Municipal Manager	R 2 500.00
Swartland Joernaal	Impractical	08/08/2022	Developmemt Services	R 3 284.40
Swartland Gazette	Impractical	08/08/2022	Developmemt Services	R 2 373.60
Johan Bester Ingenieurswerke BK	Impractical	10/08/2022	Civil Engineering Services	R 3 189.03
Complete Automation & CCTV	Emergency	10/08/2022	Developmemt Services	R 3 579.00
Hydromatic	Emergency	15/08/2022	Civil Engineering Services	R 4 278.78
Swartlandskou	Impractical	15/08/2022	Municipal Manager	R 2 200.00
Swartland Travel Services	Impractical	17/08/2022	Municipal Manager	R 5 316.50
WJ Cotter Electrical cc	Impractical	17/08/2022	Civil Engineering Services	R 15 229.66
WJ Cotter Electrical cc	Emergency	17/08/2022	Civil Engineering Services	R 3 059.00
Buffelsfontein Game and Nature Reserve	Impractical	17/08/2022	Corporate Services	R 9 750.00
Swartland Joernaal	Impractical	18/08/2022	Developmemt Services	R 5 023.20
Swartland Gazette	Impractical	18/08/2022	Corporate Services	R 4 153.80
WJ Cotter Electrical cc	Emergency	19/08/2022	Civil Engineering Services	R 3 988.29
Fremtac Fire and Rescue cc	Impractical	19/08/2022	Civil Engineering Services	R 4 999.05
!Khwa ttu	Impractical	19/08/2022	Corporate Services	R 10 075.00
Swartland Travel Services	Impractical	23/08/2022	Corporate Services	R 2 212.50
Swartland Travel Services	Impractical	24/08/2022	Electrical Engineering Services	R 10 964.85
Swartland Travel Services	Impractical	24/08/2022	Municipal Manager	R 4 467.77
Greater Cederberg FPA	Impractical	24/08/2022	Protection Services	R 9 136.01
Swartland Joernaal	Impractical	25/08/2022	Corporate Services	R 2 704.80
CESA	Impractical	25/08/2022	Civil Engineering Services	R 5 106.00
Johan Bester Ingenieurswerke BK	Emergency	25/08/2022	Civil Engineering Services	R 2 521.17
Swartland Gazette	Impractical	26/08/2022	Corporate Services	R 2 373.60
Swartland Gazette	Impractical	26/08/2022	Developmemt Services	R 4 153.80
Swartland Joernaal	Impractical	26/08/2022	Developmemt Services	R 5 152.00
Swartland Joernaal	Impractical	26/08/2022	Corporate Services	R 2 704.80
Drum Café Cape Town	Impractical	29/08/2022	Corporate Services	R 7 500.00
Johan Bester Ingenieurswerke BK	Emergency	26/08/2022	Civil Engineering Services	R 2 515.71
GW Trautmann cc	Impractical	26/08/2022	Civil Engineering Services	R 27 542.78
Sidalala Sifunda Training and Development	Impractical	26/08/2022	Corporate Services	R 9 500.00
Trentyre Malmesbury	Emergency	26/08/2022	Protection Services	R 2 433.40
Swartland Gazette	Impractical	26/08/2022	Corporate Services	R 2 373.60
EJL Works (Pty) Ltd	Impractical	29/08/2022	Electrical Engineering Services	R 13 106.84
IMESA	Impractical	30/08/2022	Civil Engineering Services	R 2 420.00

Supplier Name	Deviation Type	Approval Date	Department	Total
Henrit Agri Bk	Impractical	31/08/2022	Civil Engineering Services	R 3 083.22
Dogs and All	Impractical	01/09/2022	Protection Services	R 16 229.62
Ian Dickie & Company (Pty) Ltd	Impractical	01/09/2022	Civil Engineering Services	R 27 718.91
EJL Works (Pty) Ltd	Impractical	01/09/2022	Electrical Engineering Services	R 2 788.75
Swartland Joernaal	Impractical	02/09/2022	Developmemt Services	R 7 148.40
Swartland Gazette	Impractical	02/09/2022	Developmemt Services	R 5 538.40
Channel Mobile (Pty) Ltd	Impractical	06/09/2022	Electrical Engineering Services	R 19 600.00
Flo Specialized Product Solutions	Impractical	07/09/2022	Electrical Engineering Services	R 18 170.00
Swartland Joernaal	Impractical	09/09/2022	Developmemt Services	R 3 091.20
Swartland Gazette	Impractical	09/09/2022	Developmemt Services	R 2 769.20
JHL Ingenieurs Verskaffers Bk	Impractical	09/09/2022	Civil Engineering Services	R 4 154.07
Johan Bester Ingenieurswerke BK	Emergency	09/09/2022	Civil Engineering Services	R 2 440.35
WJ Cotter Electrical cc	Emergency	09/09/2022	Civil Engineering Services	R 4 123.92
WJ Cotter Electrical cc	Emergency	09/09/2022	Civil Engineering Services	R 5 064.17
Cape Armature Winders	Impractical	09/09/2022	Civil Engineering Services	R 11 862.25
Swartland Travel Services	Impractical	12/09/2022	Council	R 10 867.34
Ian Dickie & Company (Pty) Ltd	Impractical	12/09/2022	Civil Engineering Services	R 27 369.31
Cape Armature Winders	Impractical	13/09/2022	Civil Engineering Services	R 28 598.20
Swartland Travel Services	Impractical	13/09/2022	Financial Services	R 10 065.26
The Institute of Internal Auditors SA	Impractical	14/09/2022	Internal Audit	R 2 958.38
CIGFARO	Impractical	15/09/2022	Financial Services	R 6 418.00
SABS	Impractical	16/09/2022	Protection Services	R 13 113.45
WJ Cotter Electrical cc	Emergency	20/09/2022	Civil Engineering Services	R 17 018.90
Cape Armature Winders	Impractical	20/09/2022	Civil Engineering Services	R 29 923.00
Fremtac Fire and Rescue cc	Impractical	20/09/2022	Civil Engineering Services	R 9 284.99
Hasler Business Systems (Pty) Ltd	Impractical	20/09/2022	Corporate Services	R 5 412.43
WJ Cotter Electrical cc	Emergency	21/09/2022	Civil Engineering Services	R 3 134.46
Swartland Gazette	Impractical	22/09/2022	Developmemt Services	R 5 538.40
JB Ingenieurswerke	Emergency	22/09/2022	Civil Engineering Services	R 2 800.00
Swartland Joernaal	Impractical	22/09/2022	Corporate Services	R 2 511.60
Swartland Gazette	Impractical	22/09/2022	Corporate Services	R 2 175.80
Channel Mobile (Pty) Ltd	Impractical	22/09/2022	Electrical Engineering Services	R 22 540.00
Swartland Joernaal	Impractical	26/09/2022	Developmemt Services	R 6 955.20
Swartland Travel Services	Impractical	26/09/2022	Council	R 9 241.92
Safestop Cape	Impractical	27/09/2022	Civil Engineering Services	R 2 033.78
Conradie Besproeiing	Impractical	27/09/2022	Civil Engineering Services	R 2 051.60
Hydromatic	Impractical	27/09/2022	Civil Engineering Services	R 7 475.00
Safestop Cape	Emergency	28/09/2022	Civil Engineering Services	R 4 077.45
Swartland Joernaal	Impractical	29/09/2022	Developmemt Services	R 4 250.40
Safestop Cape	Impractical	29/09/2022	Civil Engineering Services	R 2 456.40
J Lawrence	Emergency	29/09/2022	Civil Engineering Services	R 16 800.00
Swartland Gazette	Impractical	29/09/2022	Developmemt Services	R 3 956.00
Conradie Besproeiing	Impractical	29/09/2022	Civil Engineering Services	R 3 043.47
				R 1 041 031.56

ANNEXURE D

**DEVIATIONS WITH REFERENCE TO PARAGRAPH 2(6) OF THE SUPPLY
CHAIN MANAGEMENT POLICY (WHERE IT IS IMPRACTICAL TO TEST THE
MARKET) FOR THE PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022**

SERVICE PROVIDER	AMOUNT	TOTAL TRANSACTIONS
<u>Vehicles: Services & Repairs</u>		
AFGRI	R 3 335.00	1
Babcock Equipment	R 20 684.82	2
Barloworld Equipment (Pty)Ltd	R 7 481.57	1
Cape Diggers Cc	R 32 126.00	1
Hennies Trekkers	R 3 250.00	1
JB's Nissan (Diens En Herstel)	R 22 967.13	4
JB's Trucks - UD Trucks Malmesbury	R 226 156.61	23
Kemach JCB Equipment Pty Ltd	R 7 189.15	1
Malmesbury Toyota	R 14 879.06	5
Perdeberg Motors	R 121 489.13	7
Rola VW Malmesbury	R 2 995.60	1
TFM Transtech	R 40 933.72	3
Weskus Meganisasie	R 9 670.09	1
<u>Equipment: Repairs</u>		
AFGRI	R 6 318.60	2
BM Power Centre cc	R 5 930.80	2
Compaction + Industrial Equipment	R 4 395.60	1
Demolition Technologies	R 6 528.40	1
Euraf Agencies	R 31 904.36	7
HRM Services	R 9 426.84	1
JHL Ingenieurs Verskaffers	R 4 212.49	1
LA Rosenberg	R 2 010.00	1
Lumber & Lawn (Pty)Ltd	R 22 642.76	2
Spiltech Besproeiing	R 3 620.11	1
Workshop Electronics	R 2 980.00	1
<u>IT Software (Para 2(6)c)</u>		
Communications Network cc	R 6 727.50	1
Cornergate Technologies	R 15 960.11	2
Internet Solutions	R 18 423.00	1
Kri8it Digital	R 12 696.00	1
R-Data (Pty) Ltd	R 83 950.00	1
Spectrum Communications	R 45 753.13	2
Wis24-7	R 4 800.00	1
	R 801 437.58	80

Payments made in July 2022 for June 2022

SERVICE PROVIDER	AMOUNT	TOTAL TRANSACTIONS
<u>Vehicles: Services & Repairs</u>		
Babcock Equipment	R 6 701.65	1
Barloworld Equipment (Pty)Ltd	R 8 640.36	1
CNH Industrial Agriculture and Construction SA	R 5 850.00	1
JB's Nissan (Diens En Herstel)	R 4 750.00	1
JB's Trucks - UD Trucks Malmesbury	R 33 581.86	2
Kemach JCB Equipment Pty Ltd	R 57 368.14	2
Malmesbury Toyota	R 27 692.94	3
Perdeberg Motors	R 64 988.03	8
Rola VW Malmesbury	R 2 050.40	1
TFM Transtech	R 32 466.98	3
<u>Equipment: Repairs</u>		
Demolition Technologies	R 5 849.32	1
Euraf Agencies	R 8 186.96	1
	R 258 126.64	25



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Finansiële Dienste
7 October 2022
5/7/1/1/MY
WYK: NVT

ITEM 7.8 ON THE AGENDA OF THE EXECUTIVE MAYORAL COMMITTEE WHICH WILL BE HELD ON 18 OCTOBER 2022

ONDERWERP: UITSTAANDE DEBITEURE – SEPTEMBER 2022 SUBJECT: OUTSTANDING DEBT – SEPTEMBER 2022
--

1. **AGTERGROND/BEREDENERING / BACKGROUND/DISCUSSION**

Die bylae hierby aangeheg reflekteer die besonderhede van Swartland Munisipaliteit se uitstaande debiteure vir die tydperk September 2022 en is saamgestel uit die volgende verslae:-

The schedule attached hereto reflects the particulars of Swartland Municipality's outstanding debt for the period September 2022 and is composed of the following reports.

- a) Outstanding debt (before levy) Residential / Business / Government / Personnel / Council Members
- b) Outstanding debt (before levy) 150 days and older
- c) Outstanding debt (before levy) 150 days and older - Legal Suite
- d) Outstanding debt (before levy) 150 days and older - Collab
- e) Statistics Cut-Off List

2. **WETGEWING / LEGISLATION**

- 2.1 Wet op Plaaslike Regering: Munisipale Stelsels Wet 32 van 2000
- 2.2 Local Government: Municipal Finance Management Act 56 of 2003

3. **KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP**

For purposes of Revenue Protection with reference to Strategic Outcome 1: A Financial Sustainable Municipality with well Maintained Assets in terms of Chapter 7 of the IDP, more specifically Output 1.1.2 – Maintain and Improve on Debt Collection.

4. **FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION**

- 4.1 Die uitstaande debiteure vir Augustus 2021 het R33 425,776.94 beloop terwyl die uitstaande debiteure vir September 2021 R32 068,105.81 beloop het en was 'n vermindering van R1 357,671.13.
- 4.2 Die uitstaande debiteure vir Augustus 2022 het R31 200,412.34 beloop terwyl die uitstaande debiteure vir September 2022 R38 178,464.56 beloop - 'n vermeerdering van R6 978,052.22
- 4.3 Die uitstaande debiteure vir September 2021 het R32 068,105.81 beloop terwyl die uitstaande debiteure vir September 2022 R38 178,464.56 beloop - 'n vermeerdering van R6 110,358.75 in uitstaande debiteure.
- 4.4 Die uitstaande debiteure vir September 2022 is 5.35% van die inkomste uit dienste voor die nuwe maand se heffing terwyl die uitstaande debiteure vir September 2021 4.87% was van die inkomste uit dienste voor die nuwe maand se heffing.

5. **AANBEVELING / RECOMMENDATION**

Dat die Raad kennis neem van die verslag aangaande die stand van Swartland Munisipaliteit se uitstaande debiteure vir September 2022.

That Council takes cognizance of the report with reference to the state of the outstanding debtors of Swartland Municipality for September 2022.

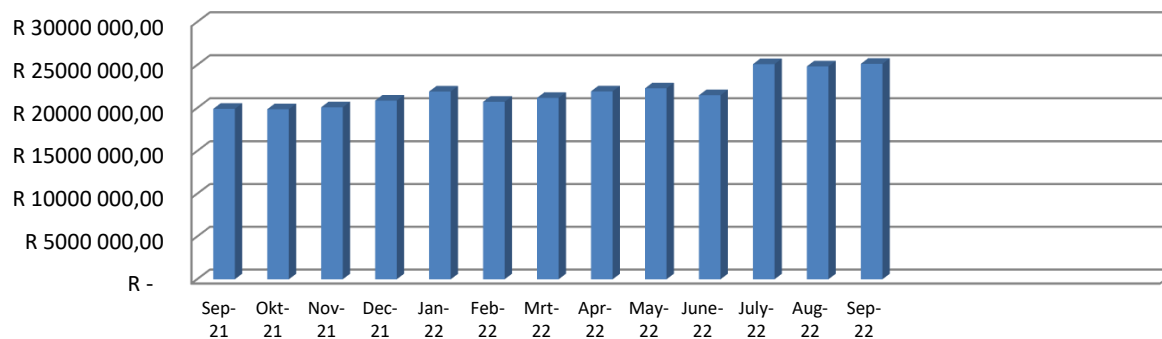
(get) M Bolton

M BOLTON
DIREKTEUR: Finansiële Dienste

OUTSTANDING DEBTORS (FUTURE EXCLUDED) MONTH END RESIDENTIAL - BUSINESS - GOVERNMENT STAFF - COUNCILLORS SEPTEMBER 2022									2022/2023 OUTSTANDING DEBTORS AS % OF TOTAL BUDGETED SERVICE CHARGES	2021/2022 OUTSTANDING DEBTORS AS % OF TOTAL BUDGETED SERVICE CHARGES	2020/2021 OUTSTANDING DEBTORS AS % OF TOTAL BUDGETED SERVICE CHARGES
Months	Deviation same month of corresponding months of the previous year. (-) is a positive number	Total Debt	Residential	Business	Government	Staff	Councillors	Comments	R 713 057 993	R 658 069 842	R 573 330 277
Apr-22	R -5 345 507	R 36 781 216	R 31 758 964	R 2 809 920	R 2 212 209	R 124	R -	EFT payments day after month end received amounted to R1 863,428,13 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R2 809,919,80 . Staff outstanding in the amount of R123,88 One (1) Staff member has an outstanding account (Pre-paid electricity) The Government outstanding amounted to R2 212,208,58 as a result of annual rates. The amount of R1 586,76 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.		5,59%	7,35%
May-22	R 3 747 258	R 35 092 588	R 31 683 448	R 593 230	R 2 815 136	R 774	R -	EFT payments day after month end received amounted to R1 493,716,56 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R593,229,67 . Staff outstanding in the amount of R744,28 Two (2) Staff members have outstanding accounts (1 X Pre-paid electricity and 1X Conventional Electricity) The Government outstanding amounted to R2 815,135,71 as a result of annual rates. The amount of R2016,62 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.		5,33%	5,47%
June-22	R 5 488 094	R 35 198 806	R 30 088 519	R 2 411 046	R 2 697 612	R 1 629	R -	EFT payments day after month end received amounted to R2 336,797,15 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R2 411,045,65 Staff outstanding in the amount of R1 629,09 Three (3) Staff members have outstanding accounts (1 X Pre-paid electricity - 1X Conventional Electricity and 1x Eskom electricity) The Government outstanding amounted to R2 697,611,55 as a result of annual rates. The amount of R758 922,13 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.		5,35%	5,18%
July-22	R 3 975 409	R 33 346 638	R 30 797 319	R 1 193 799	R 1 354 961	R 559	R -	EFT payments day after month end received amounted to R2 712,574,75 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R1 193,799,27 Staff outstanding in the amount of R558,66 Three (3) Staff members have outstanding accounts (2 X Pre-paid electricity and 1X Conventional Electricity) The Government outstanding amounted to R1 354,961,06 as a result of annual rates. The amount of R0,00 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.	4,68%	4,46%	5,05%
Aug-22	R -2 225 365	R 31 200 412	R 30 311 272	R 2 108 321	R -1 219 311	R 130	R -	EFT payments day after month end received amounted to R1 075,419,33 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R2 108,321,44 Staff outstanding in the amount of R129,82 - One(1) Staff member has an outstanding account - Pre-Paid electricity)) The Government outstanding amounted to -R1 219,310,98 as a result of annual rates. The amount of R5 977,547,40 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.	4,38%	5,08%	5,84%
Sept-22	R 6 110 359	R 38 178 465	R 33 553 572	R 4 406 314	R 217 814	R 765	R -	EFT payments day after month end received amounted to R1 581,839,65 (OTM account) and R0.00 (Sundries account) The businesses outstanding amounted to R4 406,314,32 Staff outstanding in the amount of R764,71 - TWO(2) Staff members have outstanding accounts - 2 x Pre-Paid electricity) The Government outstanding amounted to R217 813,61 as a result of annual rates. The amount of R1 639,357,70 is added to the outstanding debtors because of property rates that changed on request from monthly to annually whose future has been cancelled.	5,35%	4,87%	6,07%

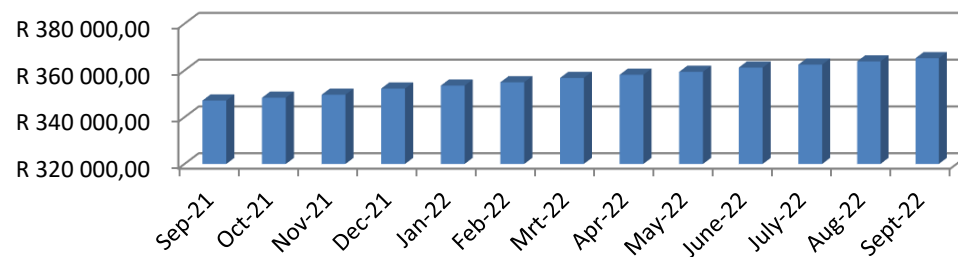
OUTSTANDING DEBT 150 DAYS & OLDER Before Levy (MONTH END) SEPTEMBER 2022			Comparative Period 2021- 2022	
Month	Before Levy			
Sep-21	R	19 908 658,19	R	2 999 098,74
Okt-21	R	19 853 986,01	R	2 658 773,12
Nov-21	R	20 084 499,60	R	2 388 638,26
Dec-21	R	20 866 464,09	R	2 446 905,55
Jan-22	R	21 917 794,24	R	2 483 818,47
Feb-22	R	20 726 613,85	R	-1 438 747,40
Mrt-22	R	21 183 174,94	R	-1 731 362,35
Apr-22	R	21 937 941,09	R	-1 965 168,19
May-22	R	22 291 862,23	R	4 020 577,16
June-22	R	21 490 622,35	R	4 836 753,58
July-22	R	25 101 162,41	R	4 177 361,65
Aug-22	R	24 842 160,04	R	4 875 586,56
Sep-22	R	25 143 461,10	R	5 234 802,91

**OUTSTANDING DEBT
150 DAYS & OLDER
Before Levy(MONTH END)
SEPTEMBER 2022**



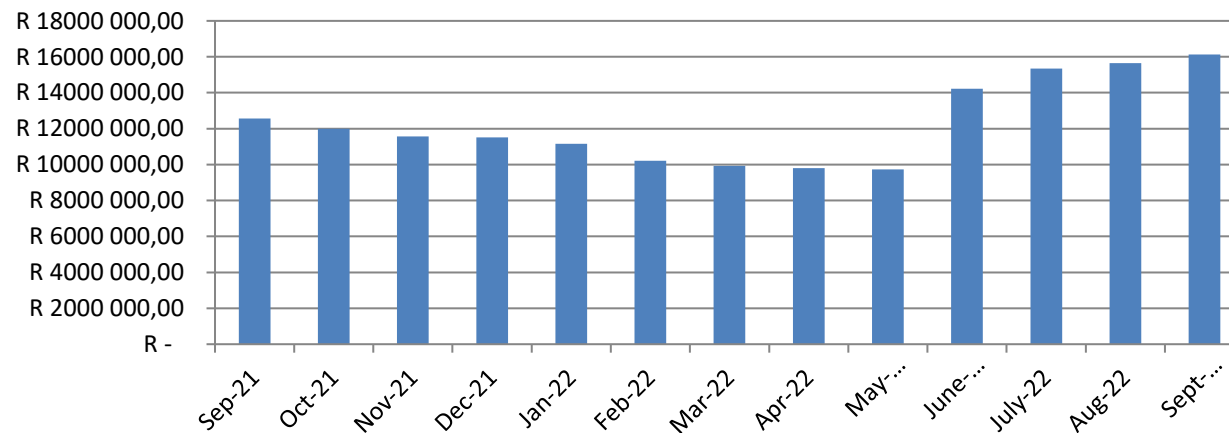
OUTSTANDING DEBT 150 DAYS & OLDER Before Levy (MONTH END) - Legal Suite SEPTEMBER 2022		Comparative Period 2021-2022	
Month	Before Levy		
Sep-21	R 347 106,52	R	-181 334,19
Oct-21	R 348 349,94	R	-180 088,25
Nov-21	R 349 602,60	R	-183 531,80
Dec-21	R 352 261,84	R	-182 762,06
Jan-22	R 353 514,02	R	-183 820,41
Feb-22	R 354 951,12	R	-184 233,53
Mrt-22	R 356 799,06	R	-194 152,44
Apr-22	R 358 156,35	R	-200 465,69
May-22	R 359 422,48	R	22 188,26
June-22	R 361 211,91	R	19 082,67
July-22	R 362 518,56	R	19 187,97
Aug-22	R 363 868,39	R	19 294,29
Sept-22	R 365 218,42	R	18 111,90

**OUTSTANDING DEBT
150 DAYS & OLDER
Before Levy(MONTH END)
- Legal Suite
SEPTEMBER 2022**



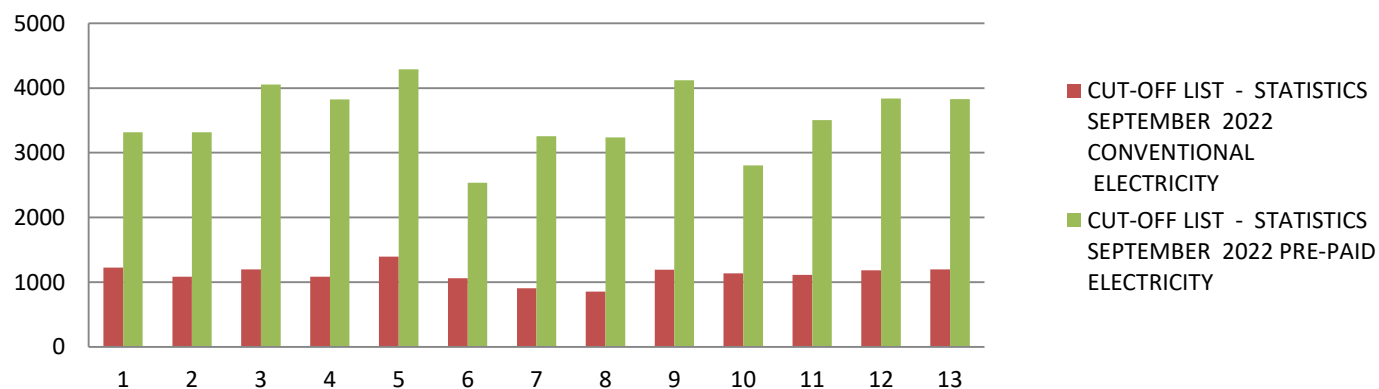
OUTSTANDING DEBT 150 DAYS & OLDER Before Levy (Month End) Collab SEPTEMBER 2022		Comparative Period 2021 - 2022	
Month	Before levy		
Sep-21	R 12 563 120,61	R	4 558 677,36
Oct-21	R 11 995 030,50	R	4 110 825,53
Nov-21	R 11 566 035,99	R	1 413 830,35
Dec-21	R 11 507 219,77	R	1 205 785,91
Jan-22	R 11 150 473,54	R	598 011,87
Feb-22	R 10 211 399,53	R	-611 603,56
Mar-22	R 9 921 086,49	R	-464 947,57
Apr-22	R 9 798 783,55	R	-292 258,55
May-22	R 9 724 119,16	R	1 928 434,58
June-22	R 14 220 633,79	R	3 754 674,73
July-22	R 15 350 180,25	R	3 589 362,69
Aug-22	R 15 648 685,84	R	3 432 976,72
Sept-22	R 16 136 044,50	R	3 572 923,89

OUTSTANDING DEBT 150 DAYS & OLDER Before Levy (Month End) Collab September 2022



CUT-OFF LIST - STATISTICS SEPTEMBER 2022			
MONTHS	CONVENTIONAL ELECTRICITY	PRE-PAID ELECTRICITY	COMMENCEMENT DATE PHYSICAL CUT-OFF
Sep-21	1227	3317	11 October 2021
Oct-21	1083	3316	8 November 2021
Nov-21	1196	4053	8 December 2021
Dec-21	1084	3823	11 January 2022
Jan-22	1397	4290	7 February 2022
Feb-22	1062	2539	9 Maart 2022
Mar-22	907	3257	11 April 2022
Apr-22	853	3237	9 May 2022
May-22	1195	4120	8 May 2022
June-22	1136	2804	11 July 2022
July-22	1115	3504	10 August 2022
Aug-22	1185	3837	12 September 2022
Sept-22	1198	3830	10 October 2022

**CUT-OFF LIST - STATISTICS
SEPTEMBER 2022**





Verslag ♦ Ingxelo ♦ Report

Office of the Director: Financial Services
11 October 2022

5/14/3/5
WARDS: All

ITEM: 7.9 ON THE AGENDA OF THE EXECUTIVE MAYORAL COMMITTEE WHICH WILL BE HELD ON 18 OCTOBER 2022.

ONDERWERP:	VORDERING MET UITSTAANDE VERSEKERINGSEISE
SUBJECT:	OUTSTANDING INSURANCE CLAIMS PROGRESS

1. **AGTERGROND/BEREDENERING / BACKGROUND/DISCUSSION**

Effective and sound asset management is critical to any business environment whether in the private or public sector. Asset safekeeping in the main, involves, whilst not limited to the latter, the protection and safeguarding of assets against potential damage, theft, and safety risks, whilst insurance cover provides selected and limited coverage for the accidental loss of the asset value.

2. **WETGEWING / LEGISLATION**

Section 63 of the Local Government: Municipal Finance Management Act, 2003 (Act no. 56 of 2003)

3. **KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP**

Verwys na 1.4.1 van die GOP/ Refer to 1.4.1 of the IDP

"Maintain and utilise assets effectively and efficiently- Implement an asset register that complies with Generally recognised Accounting Practice (GRAP) standards. In an effort to establish an asset management programme, compile a maintenance plan linked to the asset register, calculate escalated replacement cost of assets, and establish operating costs of assets and compare to standard."

4. **FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION**

Excess	1 July 2022 – 30 September 2022	:R 97 342.61(paid)
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Excess	Outstanding claims	:R 116 399.52 (outstanding)
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5. **AANBEVELING / RECOMMENDATION**

Voorgelê vir u kennisname/
Tabled for cognisance

(Get) M BOLTON

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DIREKTEUR: Finansiële Dienste

OUTSTANDING CLAIMS: COUNCIL

Reference Number	Claim number	Directorate	Date of Incident	Date of Claim Registered	Nature of Damage/ Loss	Amount of Claim	Excess Payment	Comments
'2022/51	CLGRMUM-863110	Municipal Property	25/03/2022	01/04/2022	Property Loss: Burst Geyser, 21 Alfa Street	9 310,00	1 000,00	The plumber confirmed that the burst geyser was due to high water pressure. Invoice send to Opulentia on 26 July 2022. AOL send to Guardrisk on 23 September 2022. Payment outstanding.
'2022/52	CLGRMUM-863166	Municipal Property	25/03/2022	01/04/2022	Property Loss: Burst Geyser, Rosenhof Community Hall	9 310,00	1 000,00	The plumber confirmed that the burst geyser was due to high water pressure. Invoice send to Opulentia on 26 July 2022. AOL send to Guardrisk on 23 September 2022. Payment outstanding.
2022/61	SWA2021-22/SW/52/C	Civil Services: Sewerage	08/02/2022	24/05/2022	Property Loss, Dissolved Oxygen Probes	388 654,00	25 000,00	The dissolved oxygen probes on the membrane bioreactor at the WWTW was damaged due to load shedding causing the temperature compensation sensor to fail. Guardrisk has escalated the claim to their management on 13 July 2022 for approval due to the late submission of the claim. An assessor was appointed and such assessment report is outstanding to date.
2022/62	CLGRMUM-865648	Civil Services: Water	30/05/2022	01/06/2022	Property Loss: Burst Geyser, Multipurpose Centre	9 312,01	1 000,00	The plumber confirmed that the burst geyser was due to high water pressure. The geyser has been replaced. Excess payment outstanding due to the fact that the supplier used by insurance is not registered on the CSD. Our Supply Chain Management unit is currently assisting the supplier to register on CSD.
2022/65	SWA2021-22/SW/58/C	Civil Services: Sewerage	18/05/2022	13/06/2022	Property Loss: Moorreesburg Sewerage Plant	18 242,05	10 000,00	On 19 May 2022 the responsible official discovered that there was a break-in at the Moorreesburg Sewerage plant (currently under construction). Approval from the insurer was received in October.
2023/01	CLGRMUM-867252	Traffic Department	15/06/2022	04/07/2022	Motor Damaged, CK41293	10 500,00	5 000,00	SASRIA claim was submitted after the vehicle was damage during a protest. Feedback from Opulentia to give feedback on progress of claim
2023/04	SWA2022-23/SW/02/M	Civil Services: Water	14/07/2022	15/07/2022	Motor Damaged: CK10564	30 317,63	5 000,00	A third party collided with a municipal vehicle (CK10564) while such was stationary at a traffic signal. Confirmation from the insurer to repair the vehicle was received on 31 August 2022. Invoice outstanding.
2023/06	SWA2021-22/SW/60/M	Traffic Department	16/06/2022	21/07/2022	Motor Damaged: CK44780	7 550,00	5 000,00	SASRIA claim was submitted after the vehicle was damage during a protest. Opulentia to give feedback on progress of claim.
2023/07	SWA2022-23/SW/04/M	Civil Services: Water	06/07/2022	21/07/2022	Motor Damaged: CK53067	7 295,61	5 000,00	Municipal vehicle (CK53067) was damaged after a third party reversed into the parked vehicle. Confirmation from the insurer to repair CK53067 was received on 31 August 2022. Invoice outstanding.
2023/08	SWA2022-23/SW/06/C	Civil Services: Sewerage	27/07/2022	12/08/2022	Property Loss, Moorreesburg Sewerage Plant	11 626,00	10 000,00	On 28 July 2022 the responsible official discovered that there was a break-in at the Moorreesburg Sewerage plant (currently under construction). Due to the nearby construction and the nature of items stolen, the insurer has been questioning the claim. Awaiting approval from insurers for the claim.
2023/09	MUM2022-153	Civil Services: Sewerage	27/07/2022	10/08/2022	Motor glass: CK18526	6 875,77	3 500,00	A stone reflected from a third party vehicle and hit the windscreen of CK18526. Confirmation from the insurer to replace the windscreen was received on 31 August 2022. Invoice outstanding.
2023/12	CLGRMUM-868656	Civil Services: Refuse Removal	31/08/2022	31/08/2022	Motor glass: CK21380	4 362,13	3 500,00	A stone reflected from a third party vehicle and hit the windscreen of CK21380. Confirmation from the insurer to replace the windscreen was received on 31 August 2022. Invoice outstanding.
2023/13	SWA2022-23/SW/08/T	Civil Services: Electric	23/08/2022	02/09/2022	Property Loss, Gene Louw Sports Ground	84 062,00	25 000,00	Theft of control box and cables at Gene Louw Sports Grounds at the Broadcasting booth. Awaiting approval from insurers for the claim.
2023/14	CLGRMUM-869367	Finance: Pool Vehicle	13/09/2022	13/09/2022	Motor Damaged, CK14838	53 995,22	5 399,52	A third party collided with a municipal vehicle (CK14838) while such was stationary at a traffic signal. Confirmation from the insurer to repair CK14838 was received on 27 September 2022.
2023/16	CLGRMUM-869727	Civil Services: Refuse Removal	07/09/2022	21/09/2022	Motor Damaged, CK34221	16 695,70	7 500,00	Damages was caused to the front door of CK34221 after the official opened the door and strong wind caused him to loose his grip on the door. An assessor was appointed on 28 September 2022. Confirmation from the insurer to repair CK34221 was received on 30 September 2022. Invoice outstanding.
2023/18		Civil Services: Parks & Recreation	15/09/2022	26/09/2022	Motor glass: CK42851	4 362,13	3 500,00	A stone reflected from a third party vehicle and hit the windscreen of CK42851. Confirmation from the insurer to replace the windscreen was received on 26 September 2022. Invoice outstanding.
						672 470,25	116 399,52	

FINALISED CLAIMS

Number	Claim number	Directorate	Incident	Registered	Nature of Damage/ Loss	Amount of Claim	Excess Payment	Comments
2022/45	CLGRMUM-862561	Civil Services: Sewerage	14/02/2022	15/03/2022	Property Loss: Stolen Fencing Malmesbury Sewerage	150 000,00	25 000,00	EFT payment received on 06 September 2022. Receipt number 105885. Amount received was R125 000.
2022/60	CLGRMUM-865202	Civil Services: Water	12/05/2022	20/05/2022	Property Loss: Riverlands Borehole	183 827,95	25 000,00	EFT payment received on 06 September 2022. Receipt number 105912. The assessor reduced the claim amount. Amount received was R125 000.
2023/03	MUM2022-010C	Traffic Department	30/06/2022	12/07/2022	Motor glass: CK49017	2 933,83	1 032,61	The excess amount was paid to the supplier on 15 September 2022.
2022/38	CLGRMUM-861619	Civil Services: <i>Refuse Removal</i>	17/02/2022	21/02/2022	Motor Damaged, CK27606	121 872,68	15 000,00	The excess amount was paid to the supplier on 14 September 2022.
						458 634,46	66 032,61	

REPUDIATE

Reference Number	Claim number	Directorate	Date of Incident	Date of Claim Registered	Nature of Damage/ Loss	Amount of Claim	Excess Payment	Comments
2022/53	CLGRMUM-863164	Municipal Property	25/03/2022	01/04/2022	Property Loss: Burst Geyser, Gene Louw Sports Ground	9 956,01	1 000,00	Based on the information of the old geyser it is evident that the damage happened over a period of time and that its due to gradual deterioration and wear and tear. Claim repudiated.
2023/15	CLGRMUM-869490	Fire Department	15/09/2022	19/09/2022	Motor Damaged, CK10966	14 328,57	35 000,00	Guinea fowl damaged vehicle. Claim repudiated on 30 September 2022 due to the fact that it falls within the excess amount of R35 000.
2023/17	SWA2022-23/SW/16/C	Civil Services: Parks & Recreation	21/09/2022	26/09/2022	Property Loss: Stolen Cables, Kalbaskraal Pump station	51 865,00	350 000,00	Stolen cables stolen at the Kalbaskraal Pump station. Claim repudiated on 28 September 2022 due to the fact that it falls within the excess amount of R350 000.
						76 149,58	386 000,00	

7.10

ITEM FOR AGENDA OF EXECUTIVE MAYORAL COMMITTEE MEETING TO BE HELD ON 18 OCTOBER 2022

SUBJECT: DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: SERVICES OF CONFERENCE FACILITIES

1. BACKGROUND

In terms of Section 25(1) of the Municipal Systems Act 32 of 2000 (MSA) each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality (integrated development plan). Because the local government elections took place on 1 November 2021, there was not sufficient time for the newly elected council to follow the full IDP compilation process as envisaged in Sections 25(1), 28 and 29 of the MSA.

The new council together with senior management will have a strategic session to discuss the new Strategy for Swartland Municipality. The venue for the three-day session has to meet all the specific requirements. It was decided to obtain three quotations from specified service providers that would fit the venue requirements. A quotation to the amount of R74,800.00 was received from the supplier of the venue which includes refreshments and lunch for the three days.

The Supply Chain Management Policy states that, for the procurement of goods and services for any amount higher than R30,000.00 (including VAT), an informal tender process must be followed. However, it was difficult to determine specifications because many venues have post covid scaled down and some venues have closed, hence we had to move between dates to find a suitable date and venue.

2. LEGISLATION

The Supply Chain Management Policy under paragraph 36(1)(a) allows the Accounting Officer to dispense with the official procurement processes for any required goods or services through any convenient process, which may include direct negotiations, but only –

- 2.1 in an emergency;
- 2.2 if such goods or services are produced or available from a single provider only;
- 2.3 for the acquisition of special works of art or historical objects where specifications are difficult to compile;
- 2.4 acquisition of animals for zoos and/or botanical specimens for nature and game reserves; or
- 2.5 in any other exceptional case where it is impractical or impossible to follow the official procurement processes;

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

3. FINANCIAL IMPLICATIONS

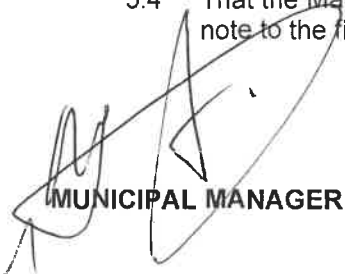
The expenditure was allocated to vote number 9/205-573-951 and there is sufficient funding available for the quoted amount.

4. ALIGNMENT WITH THE 2017-2022 INTEGRATED DEVELOPMENT FRAMEWORK

The strategic session is for the compilation for the next IDP for Swartland Municipality.

5. RECOMMENDATION

- 5.1 That the contents of this item be noted and that the action of the Municipal Manager be condoned with regards to the services from Homemade at toast for a three-day session to the amount of R74,800.
- 5.2 That the reason for the deviation from the prescribed procurement process be recorded as follows:
- It was difficult to determine specifications because many venues have post covid scaled down and some venues have closed, hence we had to move between dates to find a suitable date and venue.
 - The venue has to meet all the specific requirements for a three-day strategic session;
 - The venue for the three-day strategic session must include separate areas where breakaway sessions can be held;
 - A visit was done to the venue to ensure that it met the requirements.
- 5.3 That it be noted that the expenditure is allocated to vote 9/205-573-951 and that there is sufficient funding available for the quoted amount of R 74 800.00.
- 5.4 That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.



MUNICIPAL MANAGER