



DELEGATION OF POWERS AND DUTIES

DELEGATIONS

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1. LEGAL REQUIREMENTS:

1.1 Sections 59 to 65 of the **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)** provide as follows:

“59. Delegations.- (1) *A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-*

(a) *delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality’s integrated development plan, to any of the municipality’s other political structures, political office bearers, councillors, or staff members;*

(b) *instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality’s duties; and*

(c) *withdraw any delegation or instruction.*

(2) *A delegation or instruction in terms of subsection (1)-*

(a) *must not conflict with the Constitution, this Act or the Municipal Structures Act;*

(b) *must be in writing;*

(c) *is subject to any limitations, conditions and directions the municipal council may impose;*

(d) *may include the power to sub-delegate a delegated power;*

(e) *does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and*

(f) *must be reviewed when a new council is elected or, if it is a district council, elected and appointed.*

(3) *The municipal council-*

(a) *in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and*

(b) *may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.*

- (4) Any delegation or sub-delegation to a staff member of a power conferred on a municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).

60. Certain delegations restricted to executive committees or executive mayors.- (1) The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only:

- (a) decisions to expropriate immovable property or rights in or to immovable property; and
- (b) the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.
- (2) The council may only delegate to the Municipal Manager the power to make decisions on investments on behalf of the municipality within the municipality's investment policy contemplated in Section 13(2) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

61. Referral of matters to delegating authorities for decision.- A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power to dispose of matters falling within the area of responsibility of that political structure, political office bearer, councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, councillor or staff member to the relevant delegating authority for a decision.

62. Appeals.- (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by-
- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;

- (b) *the municipal manger, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or*
- (c) *a political structure or political office bearer, or a councillor-*
 - (i) *the municipal council is the appeal authority where the council comprises less than 15 councillors; or*
 - (ii) *a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.*
- (5) *An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.*
- (6) *The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.*

63. Duty to report to delegating authorities.- *A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report.*

64. Withdrawal, amendment or lapsing of delegation or sub-delegation.- *The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.*

65. Review of delegations.- *(1) Whenever it becomes necessary in terms of section 59 (2) (f) to review a municipality's delegations, the municipal manager must submit to the council-*

- (a) *a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and*
- (b) *recommendations on any changes to the existing delegations which the municipal manager may consider necessary.*
- (2) *If the municipality has an executive committee or executive mayor, the municipal manager must submit the report and any recommendations to the municipal council through the executive committee or executive mayor."*

1.2 Section 160(2) of the **Constitution, 1996** (referred to in section 59 (1)(a) of the Systems Act) provides as follows:

“(2) The following functions may not be delegated by a Municipal Council:

- (a) the passing of by-laws;*
- (b) the approval of budgets;*
- (c) the imposition of rates and other taxes, levies and duties; and*
- (d) the raising of loans.”*

2. PRINCIPLES OF DELEGATION

- 2.1 All delegations must ensure that the Council retains all legislative powers and those executive powers which cannot be lawfully delegated.
- 2.2 Policy formulation and determination process is as follows:
 - 2.2.1 Policy is determined by Council.
 - 2.2.2 Any political office bearer or staff member may initiate the generation of proposed policy.
 - 2.2.3 Policy must first be channelled via the executive mayor for his/her consideration and recommendations.
 - 2.2.4 Notwithstanding the above, if, in the view of the Municipal Manager, any proposed policy has a direct and significant impact on the community, then the comments of that community must be obtained prior to the approval of the policy.
- 2.3 The Council as the legislative and executive authority may exercise no power and perform no function beyond that conferred upon it by law.
- 2.4 No political office bearer or staff member may exercise its authority contrary to any policy approved by Council.
- 2.5 Clear corporate policies in respect of support services such as finance, human resources, procurement and certain administrative functions must inform the delegated powers of relevant political office bearers and staff members. Policies should not serve as ad hoc instructions, but must be universally applicable.
- 2.6 The functions allocated to the municipality’s political office bearers or staff members as may be approved by Council from time to time will form the basis for the allocation of delegations of executive decisionmaking power.
- 2.7 All delegations are conditional upon compliance with the municipality’s policies, its Integrated Development Plan and budget.
- 2.8 All delegations must be in writing.
- 2.9 All delegations must provide for good governance and allow for adequate checks and balances.

- 2.10 All delegations must enhance service delivery without sacrificing accountability.
- 2.11 Delegations must not oblige a delegatee to exercise his/her delegated power and must therefore allow for the decision to be taken at the next higher level.
- 2.12 In exercising delegated authority, the municipality's political office bearers or staff members must do so in the spirit of utmost good faith.
- 2.13 The political office bearers and staff members must be empowered to perform their functions effectively and to take decisions in the management and administration of their functional areas within the maximum amount of delegated authority, subject to compliance with the following constraints:
 - 2.13.1 Clear operational policies which are determined by Council must govern the actions of the relevant political office bearers or staff members in performing their respective functions and activities. Where it is necessary for relevant political office bearers or staff members to operate in exceptional cases outside a defined policy, the authority of either the Executive Mayor or the Municipal Manager respectively must be obtained.
 - 2.13.2 Relevant political office bearers or staff members must take decisions and implement policy, projects and manage their functional areas in order to give effect to the requirements of their respective business plans.
 - 2.13.3 Relevant political office bearers or staff members must ensure that their proposed business plans give maximum effect to the achievement of the municipality's strategic objectives.
 - 2.13.4 During the implementation of the municipality's business plans, relevant political office bearers or staff members must, when exercising their delegated powers, ensure that council's strategic objectives are achieved.
 - 2.13.5 In giving effect to policies, projects and the requirements of business plans, relevant political office bearers or staff members must take decisions and operate within the parameters of their respective operational and capital budgets.
 - 2.13.6 Relevant political office bearers and staff members must give effect to the enforcement and observation of all municipal by-laws and other relevant legislation and where changing circumstances so dictate, must recommend the creation or amendment of municipal by-laws.
- 2.14 Although there is a requirement for relevant staff members to be monitored by higher levels of authority in respect of their performance in the implementation of policies, programmes and projects, they must be empowered to take decisions without unnecessary delay. This permits political office bearers and staff members at higher levels to concentrate on policy determination, strategic planning, appropriate interaction with the public and the monitoring of the implementation of individual business plans and the municipality's strategic priorities.

3. CONDITIONS OF DELEGATION

- 3.1 All decisionmaking powers delegated by the Council are subject to the following conditions:
- 3.1.1 Delegated powers are conferred upon the Executive Mayor and posts in the organisation of the municipality and not personally on incumbents.
 - 3.1.2 These delegations also apply to acting positions. Persons acting in these positions have the same delegated powers as those serving in a permanent capacity, provided that the competent authority has duly appointed such acting persons and has not excluded certain powers.
 - 3.1.3 In executing any delegated power, the delegatee must comply with all relevant legislation, agreements and policy.
 - 3.1.4 These delegations do not redefine the municipality's powers and functions.
 - 3.1.5 The policies whether existing or future will determine the parameters of any delegation and the delegator is bound to comply therewith. It is the duty of the delegator to ensure that clear and comprehensive policies are drafted.
 - 3.1.6 In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the municipality has budgeted for the expenditure and that the funds are still available on the relevant budget.
 - 3.1.7 In executing delegated powers all decisions taken must be in support of the municipality's business plans and its strategic objectives.
 - 3.1.8 Council or its executive mayor or any part of the municipality's staff members above the delegatee may at any time, subject to applicable law, order a delegated matter not to be proceeded with by the delegatee and then deal with such matter.
 - 3.1.9 The chain of authority from the Council to the Executive Mayor to the Municipal Manager and officials below must not be jeopardised by any delegation.
 - 3.1.10 The relevant political office bearer or staff members delegated to take a decision, may determine whether a report is needed motivating the decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met.
 - 3.1.11 A delegation may set out special circumstances in which a delegatee is prohibited from exercising his/her delegated power.
 - 3.1.12 Any sub-delegation must be reduced to writing and recorded in the delegation register, contained in this document, which must be kept updated at all times by the Director: Management Services and who must be informed in writing of any sub-delegation.

- 3.1.13 All decisions affecting the rights of others must be in writing and reasons must be recorded for such decisions.
- 3.1.14 The Council or any other delegator, may at any time withdraw, qualify or amend a delegation made by itself.
- 3.1.15 Provision must be made for a separation between the evaluation and recommendation stage of the decisionmaking process and the actual decision itself. This must happen in all cases where the decisionmaking process is reasonably capable of being divided as set out above.
- 3.1.16 Any delegator may require a selected sample of decisions taken by a part of the staff below him/her to be audited.

4. DELEGATION POWERS OF COUNCIL DUTIES		
4.1	EXECUTIVE MAYOR: COUNCIL RESOLUTION 1 JUNE 2011, ITEM 7	
		Remarks, Limitations or Conditions
4.1.1	Subject to the provisions contained herein all powers and functions vested with the Council are hereby delegated to the Executive Mayor with the power of sub-delegation in terms of section 59(2)(d) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)	<p>Excluding those powers and functions</p> <ul style="list-style-type: none"> * mentioned in section 160(2) of the Constitution, 1996; * mentioned in section 59(1)(a) and (4) and 76(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); * delegated to the municipality's staff members as indicated hereinunder, PROVIDED that where the delegates hereunder are for whatever reason, unwilling or not in a position to exercise his/her delegated power, such matter be dealt with by the Executive Mayor or his/her delegatee.

4.2	<p style="text-align: center;">SUB-DELEGATIONS OF COUNCIL DUTIES DELEGATED TO THE EXECUTIVE MAYOR</p> <p style="text-align: right;">..... CLR N BOTHA-GUTHRIE DATE</p>		
Subject to the provisions contained herein the following matters are hereby sub-delegated to the lowest level as indicated:			
Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
4.2.1	<p>Initiating the acquisition of land or a right in land for any approved municipal scheme or service.</p> <p>Authorise the payment of interest on the purchase price of land or buildings acquired from the date of occupation to the date of payment of the purchase price where the municipality requires or takes occupation prior to registration of transfer in its favour.</p>	<p>Director: Infrastructure and Planning</p> <p>Director: Infrastructure and Planning</p>	<p>Subject to provision having been made on the current budget.</p> <p>If –</p> <p>* in the case of unmortgaged property, such interest has been calculated at the ruling market rate at the time occupation is taken; and</p> <p>* in the case of unmortgaged property, interest has, in respect of such portion of the purchase price as equals the outstanding balance of the mortgage bond, been calculated at the rate payable in terms of such mortgage bond and, in respect of the balance of the purchase price, the ruling</p>

			market rate at the time occupation is taken.
4.2.2	To exercise the powers vested in the municipality under Section 11(8) of the Advertising on Roads & Ribbon Development Act (Act 21 of 1940).	Manager Building Services	
4.2.3	Framing appropriate terms and conditions in respect of formal agreements to be entered into regarding the acquisition, lease, sale, exchange and granting of land etc.	Municipal Manager	
4.2.4	The approval of applications to drop literature or other matter from aircraft over any portion of Municipal area and of the landing of aircraft at places which are not aerodromes or landing strips on such conditions as may be deemed advisable in the interests of the municipality and of public safety or for any other reason.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	Subject to the submission, by the applicant, of approval by Civil Aviation and the Municipality be indemnified against any claims as a result of this approval.
4.2.5	Exercise all powers in respect of applications to operate amusement parks / circus on sites set aside for this purpose at the tariff laid down.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.6	The exercise of all powers conferred upon the Council by all legislation relating to anti-social behaviour in recreational areas.	Chief: Law Enforcement & Security	
4.2.7	To approve applications to undertake portrait painting and art exhibition stands .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond	

		Administration Senior Manager: Gansbaai Administration	
4.2.8	Exercise all powers in respect of the general administration of all beaches within the municipal area.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.9	To demarcate sections of beaches and inland water surfaces for various water sports, for example swimming, board sailing, paddle-skiing, water-skiing, surfing and boating.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.10	The exercise of all the powers conferred upon the municipality by or in connection with legislation relating to botanical gardens .	Senior Manager: Environmental Management Services	
4.2.11	As far as approval and refusal of building plan applications are concerned:		
4.2.11.1	The approval or refusal of building plan applications in terms of section 7 of the National Building Regulations and Building Standards Act (Act 103 of 1977) and/or other applicable legislation.	Senior Manager: Hermanus Administration Senior Manager:	After consultation with Manager: Building Services.

4.2.11.2	Except as otherwise provided, the administration of Sections 7, 10, 11, 12, 14, and 18(i) of Act 103 of 1977.	Kleinmond Administration Senior Manager: Gansbaai Administration Building Inspectors	As far as section 12 is concerned in consultation with Manager: Building Services.
4.2.12	The approval of plans involving consolidation of building sites; authority to approve building plans where the work is to be carried out on a property comprising separate lots, consolidation of which has not yet been registered.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	Subject to a written undertaking being furnished by the applicant's legal representative, that he is proceeding with the preparation of the Certificate of Consolidated Title in respect of such property. The foregoing shall apply mutatis mutandis in cases where an alternative procedure is necessary to prevent erven being disposed of separately.
4.2.13	The administration of legislation relating to the accumulation, dumping, storage or depositing of building refuse and the like.	Building Inspectors Manager: Solid Waste Planning	
4.2.14	The approval of the temporary retention of building shed structures on a site until a new house has been completed or occupied whichever is the sooner.	Building Inspectors	
4.2.15	Except where otherwise provided, the powers conferred on the municipality under the Businesses Act 71 of 1991 and the Regulations relating to businesses in force thereunder.	Chief: Law Enforcement & Security	
4.2.16	Exercise all powers in respect of the letting and cancellation of lettings of holiday cabins, camping sites, caravan stands , swimming pools and ground for sporting purposes on a casual or seasonal basis.	Senior Manager: Hermanus Administration Senior Manager:	

		Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.17	Dealing with applications for the use of the Coat-of-Arms or Corporate Insignia.	Manager: Communications	In accordance with guidelines.
4.2.18	To give a ruling as to whether any document shall be treated as confidential .	Municipal Manager	Such ruling may only be overturned by the Executive Mayor.
4.2.19	The signing of all contracts , documents and procurations applicable to the specific areas within Overstrand on behalf of the municipality. The signing of agreements and all relevant documents in respect of the sale of low cost houses.	Directors Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	Excluding those mentioned in item 4.2.3
4.2.20	To enter into contracts for the supply of goods or materials and/or services or the execution of any such work.	Directors	
4.2.21	Responsible for the monitoring of customer care in respective municipal administration areas.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	

4.2.22	Granting of reward for reporting of damage to / stolen municipal property .	Municipal Manager	In accordance with council policy.
4.2.23	The demolition , save as may be otherwise provided, of vacant buildings , other than residential buildings, on land acquired for open space or recreational purposes in housing estate areas.	Manager: Building Services	Subject, where applicable, to the necessary authority having been obtained.
4.2.24	The demolition of vacant dwellings , slum properties (i.e. slum clearance operations) and other buildings owned by the municipality and used for residential purposes.	Manager: Building Services	Subject to necessary authority having been obtained.
4.2.25	Exercising for and on behalf of the municipality all the powers, duties and functions conferred upon it in terms of the By-law relating to the keeping of dogs and cats .	Senior Manager: Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Chief: Law Enforcement & Security	
4.2.26	The administration of legislation relating to the enclosure of stoeps and verandahs at business premises.	Building Inspectors	
4.2.27	Approval of encroachments on road reserves and public thoroughfares.	Senior Manager: Town Planning & Property Administration	According to approved policy and in consultation with Operational Manager.
4.2.28	The exercise of all powers conferred upon the Council by the regulations applicable to the municipal area of the Overstrand Municipality in terms of the National Environmental Management Integrated Coastal Management Act, 2008 (Act 24 of 2008).	Senior Manager: Environmental Management Services	
4.2.29	The taking of appropriate action for the eviction from premises built with municipal or State funds in the municipality's housing	Director: Management	In consultation with Municipal Manager.

4.2.29.1	estates of any occupier who: occupied such premises without the Council's permission or remained in occupation of such premises when the authorised tenant was no longer in occupation;	Services	
4.2.29.2	is the sole occupant of such premises;		
4.2.29.3	puts such premises to illegal use.		
4.2.30	In expropriation proceedings –	Senior Manager: Town Planning & Property Administration	In consultation with Municipal Manager.
4.2.30.1	conducting proceedings after the Council has authorised its institution; and		
4.2.30.2	taking possession of expropriated property before expiry of the prescribed period of 60 days after service of the expropriation notice if, in his opinion, the land is urgently required for the purpose for which it has been expropriated.		
4.2.31	To grant extension for the completion of a development on a property bought from the municipality beyond two years from date of purchase.	Municipal Manager	
4.2.32	As far as the extensions of time are concerned: The approval of extensions of time –	Building Inspector	
4.2.32.1	Of the validity of approved plans in accordance with the National Building Regulations & Building Standards Act (Act 103 of 1977).		
4.2.32.2	In which to comply with the municipality's requirements under the Signage By-laws.		
4.2.33	The administration of legislation relating to the fencing of property , unsightly and dangerous fences and the like and the protection of swimming pools, holes and the like.	Building Inspector	

4.2.34	Fire Brigade Services		
4.2.34.1	The exercise of all powers conferred upon the municipality by – legislation relating to fire hazards in built-up areas where access is available to the Overstrand Fire and Rescue Service vehicles;	Chief: Fire and Disaster Management	
4.2.34.2	the Hazardous Substances Act 15 of 1973 to enforce the provisions of the regulations governing the conveyance of hazardous substances by road tankers; and		
4.2.34.3	Fire Brigade Services Act 99 of 1987.		
4.2.35	To approve of applications to operate food vending machines at or on public places during special events such as festivals and celebrations.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.36	The power to demand the production of hawker licences issued in terms of the Businesses Act 71 of 1991.	Chief: Law Enforcement & Security	
4.2.37	Allocation of housing scheme dwellings on a priority basis.	Manager: Housing Administration	In consultation with Senior Manager: Hermanus Administration/ Senior Manager: Kleinmond Administration/ Senior Manager: Gansbaai Administration
4.2.38	To deal with voluntary cancellations of sales of housing scheme land and dwellings.	Manager: Housing Administration	

4.2.39	To repossess any housing scheme property where the purchaser is in arrear with his/her interest and redemption instalments or is otherwise in breach of the conditions of sale.	Manager: Housing Administration	In consultation with Director: Community Services
4.2.40	Approval of the leasing of municipal dwellings to persons on the municipality's waiting lists (housing schemes only).	Director: Community Services	Subject to the policies and procedures laid down by the Municipality from time to time.
4.2.41	To take such decisions as may be necessary from time to time on matters affecting housing schemes approved by the Council and arising out of the following:	Director: Community Services	Provided any amendments made do not materially affect or modify in any essential respect the basic elements or layout of such schemes as approved by the Council and which involve consequential adjustments to the detailed estimates of the schemes within the total approved estimates.
4.2.41.1	amendments to plans and specifications of dwellings;		
4.2.41.2	amendments to the layout plans of housing schemes including the layout of services;		
4.2.41.3	relocation of dwellings on residential sites within housing schemes necessitated by adverse subsoil conditions or by other unforeseen circumstances, provided the number of each type of dwelling remains unaltered.		
4.2.42	Granting approval for the exhumation, reinterment, reburial, disturbance or removal of human remains subject to the requirements of legislation.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.43	To take such steps in terms of legislation and/or Council policy to remove illegal encroachments in, on or over municipal owned or controlled land.	Chief: Law Enforcement & Security	
4.2.44	The summarily demolition of unoccupied illegal shacks .	Director: Protection	

		Services	
4.2.45	The demolition of occupied illegal structures (squatters), subject to compliance with section 26 of the Constitution and applicable legislation and the obtaining of a Court order.	Director: Protection Services	
4.2.46	All the powers conferred upon the municipality by all acts and ordinances relating to the protection of indigenous vegetation , game and birds, including proclamations and regulations relating to nature reserves.	Senior Manager: Environmental Management Services	
4.2.47	To administer legislation relating to informal trading and the control of hawkers.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.48	Arranging insurance of all movable and immovable assets and to attend to all claims arising.	Senior Manager: Expenditure and Assets	
4.2.49	Taking transfer of land gratuitously ceded to the municipality or where the municipality is compelled to take transfer and authorising payment of the costs involved and the refund of a pro-rata share of the rates paid in respect of the land as from the date of transfer to or occupation by the municipality, which ever be the earlier.	Director: Infrastructure & Planning	In consultation with Municipal Manager.
4.2.50	As far as land use planning matters are concerned:		The delegatee will not exercise such delegated authority under 4.2.50 in the following circumstances: - legislation does not permit delegation; - there are objections to the application; - the application is recommended for refusal; - the recommendation is contrary to Council policy; - applications are made for uses for which no

4.2.50.1	Approval of Departure Applications in terms of Section 15(1)(a)(i) of the Ordinance for an alteration of the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned.	Senior Manager: Town Planning & Property Administration	delegated authority has been entrusted by the Premier to Council.
4.2.50.2	Approval of Consent/Conditional Uses applicable to a particular zone in terms of the zoning scheme concerned where the proposal is consistent with adopted Council policy.	Senior Manager: Town Planning & Property Administration	
4.2.50.3	Approval, subject to the provisions of Section 22 of the Ordinance, of the subdivision of land in terms of Section 23 and 25 of the Ordinance.	Senior Manager: Town Planning & Property Administration	
4.2.50.4	Approval of Development Framework Plans, Site Development Plans and Landscaping Plans, and amendments thereto arising from conditions imposed in the approval of Rezoning Departure, Conditional Use, Consent Use and Subdivision applications.	Municipal Manager	
4.2.50.5	Approval of the constitutions of Home Owners Associations arising from Section 29 of the Ordinance.	Senior Manager: Town Planning & Property Administration	In consultation with Municipality's Legal Adviser.
4.2.50.6	Approval to erect a building/structure as provided for in Section 31(2) of the Ordinance, read with Regulations 3.6 of provincial Notice 1049/1988 and Regulation 3.10 of provincial Notice 140/1987.	Director: Infrastructure and Planning	
4.2.50.7	The authority to impose conditions of approval in terms of Section 41(1) read with Section 36 and Section 42(2) of the Ordinance in respect of subdivision, departure [Section 15(1)(a)(i) of the Ordinance], consent use and conditional use approval.	Senior Manager: Town Planning & Property Administration	In consultation with Director: Infrastructure and Planning

4.2.50.8	The authority to impose additional conditions, waiving and amendment of conditions as provided for in Section 42(3) of the Ordinance in respect of subdivision, departure [Section 15(1)(a)(i) of the Ordinance], consent use and conditional use approval.	Senior Manager: Town Planning & Property Administration	In consultation with Director: Infrastructure and Planning
4.2.50.9	To supply Council's comment to the Provincial Government in an appeal against a Council decision.	Senior Manager: Town Planning & Property Administration	In consultation with Director: Infrastructure and Planning
4.2.50.10	To determine for and on behalf of the municipality, in terms of Section 14(1) of the Ordinance the utilisation of land referred to in the aforesaid section and to zone such land in accordance with the utilisation so determined.	Senior Manager: Town Planning & Property Administration	Subject to the aforesaid Ordinance and the applicable zoning scheme regulations.
4.2.50.11	To determine in terms of section 16, read with section 14 of the Ordinance of the manner in which a property has been utilised and the most restrictive zoning permitting such utilisation with or without a departure in situations where the zoning has lapsed.	Senior Manager: Town Planning & Property Administration	Provided further that there is no objection on behalf of the owner of the land concerned to such determination and zoning.
4.2.50.12	The authority to amend, partially cancel or cancel a plan of subdivision including a diagram or general plan in terms of Section 30(1) of the Ordinance and in terms of Section 37 of the Land Survey Act (Act 8 of 1997).	Senior Manager: Town Planning & Property Administration	
4.2.50.13	The authority in terms of Section 31(1) of the Ordinance to certify compliance with the conditions of subdivision.	Senior Manager: Town Planning & Property Administration	Only after written confirmation has been received from authorised personnel that all conditions have been met.
4.2.50.14	As far as extensions are concerned authority to grant extension of the validity period of the approval granted in respect of Rezoning in terms of Section 16(2)(a) of the Ordinance: Departures in	Senior Manager: Town Planning & Property	

	terms of Section 15(5) of the Ordinance: and subdivisions in terms of Section 27(1) of the Ordinance.	Administration	
4.2.50.15	To administer advertising provisions as instructed by the Provincial Government in respect of applications received in connection with the removal of restrictions in terms of the Removal of Restrictions Act 1967 (Act 84 of 1967).	Senior Manager: Town Planning & Property Administration	
4.2.50.16	Granting of authority to an employee for right of entry upon land as provided for in Section 41 of the Ordinance.	Senior Manager: Town Planning & Property Administration	
4.2.50.17	Taking action [serving notices] for unauthorised land uses and non-compliance with conditions of approval issued in terms of the Ordinance and/or legislation.	Senior Manager: Town Planning & Property Administration	In consultation with Municipality's Legal Adviser.
4.2.50.18	Authority to take necessary action in terms of Section 40(1)(a) and (b) to ensure compliance with Section 39(2)(a) and (b) of the Ordinance.	Senior Manager: Town Planning & Property Administration	
4.2.51	To determine the rental and approval of leases up to 12-months of municipal property .	Municipal Manager	In accordance with Council's Administration of Immovable Property Policy.
4.2.51.1	Approval for the renewal of lease agreements shorter than 3-years.	Municipal Manager	In accordance with Council's Administration of Immovable Property Policy.
4.2.51.2	To determine the rental in respect of out-of-hand lease of immovable property to social care organisations/institutions and the lease of closed streets, etc. which are of no use to any other	Municipal Manager	In accordance with Council's Administration of Immovable Property Policy.

	person, to adjoining owners.		
	Legal actions and proceedings		
4.2.52	In regard to legal actions and proceedings by or against the Council –		
4.2.52.1	To deal with legal action and claims, including the initiation, dealing with or settlement of such on behalf of the municipality.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.2	To deal with arbitrations, including the initiation, dealing with or settlement of such arbitration.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.3	Entering appearance and authorising the defending of all matters.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.4	Authorising the briefing of Counsel to obtain legal opinion for any matter.	Director: Management Services	In consultation with Municipal Manager.
4.2.52.5	Instructing attorneys to take appropriate action against individuals who have defaulted in their obligations in terms of rates and services.	Senior Manager: Income	
4.2.52.6	Instructing attorneys to defend the municipality's employees and/or Councillors in criminal and/or civil cases arising out of any act or thing done or omitted by such employee in the exercise of powers, duties and functions.	Director: Management Services	In accordance with the Municipality's Policy on Legal Representation.
4.2.52.7	Executing all documents, deposing to founding affidavits and taking such other action as may be necessary in connection with authorised legal proceedings of any kind.	Director: Management Services	

4.2.52.8 4.2.52.8.1 4.2.52.8.2	Waiving provisions of section 3 of the Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act 40 of 2002) where claims are brought against the municipality after the prescribed period where – the delays have not been prejudicial to the municipality's interests; or by reason of special circumstances the claimant could not reasonably have been expected to serve notice within the prescribed period.	Director: Management Services	In consultation with the Municipal Manager.
4.2.53	Administering and letting all Municipal land and buildings, formulating recommendations relating to the disposal of such property, determining whether or not to cancel leases where the terms or conditions thereof have been breached by lessees and instituting legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of monies owing to the municipality where such cancellation arose from the lessees default in making timeous payment of such monies.	Manager: Housing Administration Senior Manager: Town Planning & Property Administration	In relation to social housing. In relation to other property of council.
4.2.54	Responsible for the management of libraries .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.55	Exercising the powers conferred on the municipality by the legislation relating to the control of loudspeakers .	Senior Manager: Hermanus Administration Senior Manager:	

		Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.56	Deciding on and acting in matters of exigency requiring an immediate decision and giving such instructions as he/she deems appropriate in the circumstances either on his/her own initiative or where he/she is available, after consultation with the Executive Mayor.	Municipal Manager	
4.2.57	The authorisation, for experimental purposes, of minor traffic engineering works such as the laying out of temporary traffic islands and loose kerbing for traffic canalisation schemes, the closing off or deviation of road intersections and the erection of temporary traffic signals and installations.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	After consultation with the Director: Protection Services and subject to the necessary statutory notices.
4.2.58	Exercising for and on behalf of the municipality all the powers, duties and functions with regard to the letting and cancellation of bookings in respect of all municipal halls /auditorium/banquet hall.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.59	Exercise all powers in respect of applications for the holding of religious services, missions, fêtes and other functions in parks, playgrounds, open spaces and other municipal land .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond	

		Administration Senior Manager: Gansbaai Administration	
4.2.60	In so far as municipal properties are concerned –	Senior Manager: Town Planning & Property Administration	In consultation with Municipal Manager.
4.2.60.1	taking appropriate action in terms of the conditions of sale where such conditions have not been complied with by a purchaser;		
4.2.60.2	dealing with and approving applications to amend names of purchasers of sites; and		
4.2.60.3	giving possession of land, prior to the registration of transfer, to a purchaser in terms of the relevant conditions of sale and where services have been provided to the site in question.		
4.2.61	The exercise of all powers conferred upon the municipality by or in connection with provisions relating to noise emitted by vehicles driven on public roads.	Chief: Traffic Services	
4.2.62	Giving occupation of land prior to the registration of transfer to a purchaser in accordance with the relevant conditions of sale.	Senior Manager: Town Planning & Property Administration	Provided that such purchaser deposits with the municipality the estimated purchase price and takes possession of the land in question at his own risk.
4.2.63	Lease of official houses to employees of the municipality.	Senior Manager: Town Planning & Property Administration	On condition that rentals comply with any policy laid down.
4.2.64	The declaration, on a temporary basis, of one way directional flows or such other restrictions on traffic movements in streets as may be considered desirable for experimental purposes.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond	After consultation with the Director: Protection Services.

		Administration Senior Manager: Gansbaai Administration	
4.2.65	As far as the issuing of orders & notices are concerned: The issuing of orders and notices –		
4.2.65.1	To demolish unauthorised work, repair or demolish dilapidated buildings or fences, cease unauthorised use of premises, cease unauthorised building work and install drainage.	Manager: Building Services	Provided that, should the person concerned fail to comply with the order served on him, the Director: Infrastructure and Planning shall not repair or demolish any such work or building without first having obtained the authority of the Municipal Manager to do so.
4.2.65.2	In respect of the occupation of buildings not completed to the satisfaction of the Director: Infrastructure and Planning.	Manager: Building Services	
4.2.65.3	On persons occupying dangerous buildings requiring them to cease the use or occupation thereof until such buildings have been secured, repaired or altered to the satisfaction of the Director: Infrastructure and Planning.	Building Inspectors	
4.2.65.4	In respect of the provisions of means of escape and the prohibition of the use and occupation of buildings where the means of escape are insufficient in terms of the National Building Regulations & Building Standards Act (Act 103 of 1977) .	Building Inspectors	After consultation with Chief: Fire and Disaster Management.
4.2.65.5	For the removal or obliteration of unauthorised signs.	Building Inspectors	
4.2.66	The definition and approval of parking areas in terms of legislation.	Director: Protection Services	
4.2.67	All the powers conferred upon the municipality by all by-laws	Senior Manager:	

	relating to the parks , council-owned camping and caravanning sites , public places of recreation.	Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.68	The exercise of all the powers conferred upon the municipality by or in connection with legislation relating to parks and public places of recreation , sport and pleasure.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.69	Authorising, if he deems it expedient to do so, the payment of the nett rentals received by the municipality in respect of expropriated property between the date of expropriation and the date of payment of the purchase price in lieu of interest which might have been payable.	Senior Manager: Town Planning & Property Administration	
4.2.70	Appointing officials as Peace Officers to enforce all legislation which the municipality may from time to time be called upon to enforce.	Director: Protection Services	
4.2.71	Dealing with the clearing of bush from land belonging to or under the control of the municipality and plot clearing .	Chief: Fire and Disaster Management	
4.2.72	Dealing with cases of repurchase, resale and the municipality's right of pre-emption in regard to houses in the municipality's selling schemes on the terms and conditions laid down by the Council.	Director: Community Services	
4.2.73	Issuing of press statements to the media and comments on administrative/technical matters.	Directors	In consultation with the Executive Mayor and Municipal Manager

			and subject further thereto that press statements be issued via the Manager: Communications.
4.2.74	Appointing process servers in terms of legislation.	Director: Protection Services	
4.2.75	As far as municipal property rates are concerned:		
4.2.75.1	Drawing up and maintenance of a register of properties.	Senior Income Manager:	
4.2.75.2	Acting for and on behalf of the municipality regarding all matters relating to the payment of rates annually or by instalments.	Senior Income Manager:	
4.2.75.3	Furnishing of accounts to persons liable for the payment of rates.	Senior Income Manager:	
4.2.75.4	Recovery of rates in arrears from tenants, occupiers and agents.	Senior Income Manager:	
4.2.75.5	Determining date of valuation.	Director: Finance	In consultation with Municipal Manager.
4.2.75.6	Designation of municipal valuers.	Municipal Manager	
4.2.75.7	Acting for and on behalf of the municipality regarding all matters relating to appeals.	Senior Income Manager:	
4.2.75.8	Adjusting the municipality's valuation records in accordance with authorised amendments to the valuation roll.	Senior Income Manager:	
4.2.75.9	Granting rebates on rates resulting from such adjustments.	Senior Income Manager:	

4.2.75.10	Authorising deletions from and amendments to the valuation roll resulting from the demolition or destruction of buildings and granting such proportional rebate as may be authorised on rates paid or payable in respect of buildings so removed or destroyed as from the date of such demolition or destruction.	Senior Manager: Income	
4.2.75.11	Authorising the refund of a pro rata share of rates paid in respect of land or buildings as from the date of transfer thereof to or occupation by the municipality, whichever be the earlier.	Senior Manager: Income	
4.2.76	As far as the prosecutions are concerned the institution of prosecutions against persons who contravene the National Building Regulations & Building Standards Act (Act 103 of 1977), the municipality's, Signage By-laws, and the relevant Zoning Schemes.	Building Inspectors	Excluding contraventions of zoning schemes.
4.2.77	Approval or refusal of the use of the public address system , including the staff to operate such equipment if necessary, by Councillors, staff Pension/Retirement Funds, staff medical aid funds and other municipality orientated organisations, free of charge in connection with municipal-related matters.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	Excluding the use of such equipment in connection with municipal elections.
4.2.78	The exercise of all powers conferred on the municipality by legislation relating to public meetings, gatherings and marches in public places.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.79	Responsibility for ensuring public participation as and when	Senior Manager:	

	required.	Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.80	Dealing with all claims for exemption from and rebates on rates in terms of the provisions of legislation and Council resolutions.	Director: Finance	In accordance with the Municipality's Rates Policy.
4.2.81	As far as contractual obligations are concerned:		
4.2.81.1	Approval of requests for requisitions for direct purchases and municipal store issues.	Such personnel nominated in writing by the Municipal Manager and/or Directors.	Subject to the criteria outlined on the following page, and further subject to the municipality's supply chain policy, financial regulations and council resolutions where applicable.
4.2.81.2	Approval of deviations.	Senior Manager: Supply Chain Management Director: Finance after consultation with Senior Manager: Supply Chain Management Accounting Officer	R0 – R70 000 R70 000 – R200 000 Over R200 000
4.2.81.3	Certification and authorisation of payments.	Such personnel nominated in writing by the Municipal Manager and/or Directors.	Subject to the criteria outlined on the following page, and further subject to the municipality's supply chain policy, financial regulations and council resolutions where applicable.

CRITERIA FOR PURPOSES of DELEGATION 4.2.81.1.		
PURCHASES BETWEEN (VAT inclusive)	QUOTATIONS / TENDERS	LEVEL OF APPROVAL With due regard to proper segregation of duties
Up to R2 000	Petty cash purchases in terms of the Petty Cash Policy	Level of approval as delegated by relevant director
	One (1) written quotation by the Purchasing Section	
Over R2 000 – R10 000	Three (3) written price quotations in terms of Clause 17(1)(a)	Post level T12 and higher
Over R10 000 – R30 000	Three (3) formal written price quotations in terms of Clause 17(1)(a)	
Over R30 000 – R70 000	Formal written price quotations in terms of Clause 18(b)	Post level T13 and higher subject to the recommendation of the Bid Evaluation Committee- Clause 18(h) of the Supply Chain Management Policy.
Over R70 000 – R200 000		Post level T17 and higher subject to the recommendation of the Bid Evaluation Committee- Clause 18(h) of the Supply Chain Management Policy.
Over R200 000 – R10 million	Competitive Bidding	Bid Adjudication Committee
Over R10 million		Municipal Manager after recommendation from the Bid Adjudication Committee

CRITERIA FOR PURPOSES of DELEGATION 4.2.81.3.	
PURCHASES BETWEEN (VAT inclusive)	LEVEL OF APPROVAL
R0 – R70 000	Post Level 13 and Higher
Over R70 000 – R500 000	Post Level 16 and Higher
Above R 500 000	Municipal Manager & Directors
Eskom Bulk Electricity Purchases	Senior Manager: Electro-technical Services

4.2.82	In so far as roads are concerned: -		
4.2.82.1	The exercise of all powers conferred upon the municipality by applicable legislation relating to the provision of roads.	Director: Infrastructure and Planning	
4.2.82.2	Section 181 of Ordinance 20 of 1974 in so far as public nuisances appertaining to roadworks are concerned.	Senior Managers: Operational Services	
4.2.82.3	Authorisation of the erection by Telkom of telephone call boxes on portions of roadways.	Senior Managers: Operational Services	
4.2.82.4	The surfacing of roadways, footways or verges and the construction of embayments.	Senior Managers: Operational Services	
4.2.82.5	Improvements to and reconstruction and rehabilitation of streets and allied roadway components, together with all consequential stormwater drainage and sewer construction.	Senior Managers: Operational Services	
4.2.82.6	The granting of way leaves, servitudes etc. in respect of roads/streets.	Senior Managers: Operational Services	
4.2.82.7	The demolition, save where otherwise provided, of vacant buildings (other than residential buildings) on land acquired for road purposes.	Director: Infrastructure and Planning	
4.2.83	The supervision and management of sanitary conveniences in children's playgrounds, parks and similar open spaces.	Senior Managers: Operational Services	
4.2.84	As far as sanitation is concerned:		
4.2.84.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to private and combined private sewers and the protection of sewers and drains.	Director: Infrastructure and Planning	

4.2.84.2	The construction of sewer extensions where the length of the extension involved does not exceed 100 metres per property being served, provided that in the case of new buildings, bona fide building plans have been submitted and the construction of at least one new building has commenced.	Senior Managers: Operational Services	
4.2.84.3	Repairs to and replacement of sewers, drains and the like.	Senior Managers: Operational Services	
4.2.84.4	The collection, removal and disposal of nightsoil.	Senior Managers: Operational Services	
4.2.85	The authorisation of servitudes for water mains, stormwater drains, sewerage lines and electricity services and the registration and cancellation of such servitudes where required.	Director: Infrastructure and Planning	In consultation with Municipal Manager.
4.2.86	As far as the administration & implementation of the Signage By-laws are concerned:		
4.2.86.1	To administer and implement the municipality's signage by-laws.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration / Manager: Building Services	Senior Manager: Hermanus Administration / Senior Manager: Kleinmond Administration / Senior Manager: Gansbaai Administration as far as temporary posters, etc are concerned.
4.2.86.2	The approval or refusal of plans or waivers as the case may be – In respect of advertising signs on walls, fences, hoardings or	Building Inspectors	

4.2.86.3	poles in terms of the by-laws relating to advertising, bill posting signs, etc and the disfigurement of the front or frontages of streets etc. To apply the municipality's policy relating to the positioning, appearance, erection and removal or alteration of signage pertaining to sports fields, playgrounds, parks and recreation facilities.	Manager: Building Services	
4.2.87	To resolve all matters relating to the licensing and control of boats launched from slipways or beaches under the municipality's control including control of slipways.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Senior Manager: Environmental Management Services.
4.2.88	To approve the municipality's social and public relations functions in terms of the approved budgetary allocation per area.	Manager: Communication	In consultation with Executive Mayor.
4.2.89	Dealing with matters affecting squatters and informal housing within the municipal area in terms of a management contract.	Manager: Housing Administration	
4.2.90	Exercise all powers in respect of the general administration and individual letting of stadiums .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.91	As far as stormwater drainage is concerned:		
4.2.91.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to the protection of drains and the	Director: Infrastructure and	

4.2.91.2	removal of obstructions in natural watercourses. The construction of stormwater drainage for any one project and for which funding has been allocated.	Planning Director: Infrastructure and Planning	
4.2.92	Dealing with applications for street collections .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.93	As far as street lighting is concerned:		
4.2.93.1	The exercise on behalf of the Municipality of all powers conferred upon it by –section 186(22)(i) of Ordinance 20 of 1974 in regard to the lighting of streets; and the municipality’s by-laws in so far as they relate to interference with electric wires or cables, street lights, poles or other items of electric plant or equipment.	Senior Manager: Electro-technical Services	
4.2.94	Approving or refusing applications from educational, charitable or religious organisations for the holding of street markets in streets and public places.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	After consultation with Director: Protection Services.
4.2.95	The administration of legislation relating to the allocation and reallocation of street numbers to properties, the display on buildings of names assigned to them, the numbering of flats in buildings and matters incidental thereto.	Senior GIS Administrator	

4.2.96	The approval of applications for street theatre performances for performances of a similar artistic or musical nature on squares, streets, pavements or other land under the control of the municipality.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	After consultation with Director: Protection Services
4.2.97	To grant approval for the sub-let of property leased from the municipality.	Director: Infrastructure and Planning	
4.2.98	To authorise the payment of subscriptions to organisations to which the municipality subscribes or of which it is a member.	Directors	In consultation with the Municipal Manager.
4.2.99	The exercise of all matters subject to all legislation, by-laws and regulations relating to the supply of electricity and all other matters incidental thereto.	Senior Manager: Electro-technical Services	
4.2.100	The exercise of all the powers conferred on the municipality by legislation in connection with the temporary closing of streets .	Senior Managers: Operational Services	For construction and operational purposes only.
4.2.101	Granting of approval for the temporary closure of offices/depots and the suspension of services.	Municipal Manager	After consultation with Executive Mayor.
4.2.102	The approval or refusal of temporary structures .	Building Inspectors	
4.2.103	Deleted		
4.2.104	To manage the short term trade on the beaches and at picnic, caravan and camping sites or any other property owned by the municipality.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	

4.2.105	The administration generally of all traffic matters with particular reference to –		
4.2.105.1	the furnishing of comments to the local Road Transportation Board on applications for motor carrier transportation certificates;	Chief: Services	Traffic
4.2.105.2	dealing with all aspects of the issue and cancellation of public driving permits;	Chief: Services	Traffic
4.2.105.3	the erection and/or removal of road traffic signs other than traffic lights and automatic traffic signals;	Chief: Services	Traffic
4.2.105.4	the enforcement of legislation relating to the control of hawkers/informal traders;	Chief: Enforcement & Security	Law
4.2.105.5	the control of all public off-street parking areas;	Chief: Services	Traffic
4.2.105.6	the maintenance of all public off-street parking areas	Senior Operational	Managers: Services
4.2.105.7	the taking of all steps necessary to publicise matters affecting traffic education;	Chief: Services	Traffic
4.2.105.8	assisting in the establishment and supervision of road safety centres at schools subject to all costs, for example labour, material and paint being met by the applicants;	Chief: Services	Traffic
4.2.105.9	responsibility generally for the enforcement of all laws and regulations relating to traffic control and enforcement;	Chief: Services and Chief: Enforcement Security	Traffic Law &

4.2.105.10	applications to hold road running races, cycle races, motor races, motorcycle scrambles and similar motoring events; and	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	In consultation with Director: Protection Services and subject to the Provincial Roads Engineer's consent being obtained by the organisers of such event where required (Proclaimed Roads).
4.2.105.11	the granting or refusal to members of the public, other than those who desire entry for the purpose of transacting lawful business thereon or therein, permission to enter and be on or in land or buildings comprising the Traffic Depot and testing stations and to take the necessary steps to prosecute persons who enter upon such land or buildings without prior permission.	Chief: Traffic Services	
4.2.106	Authorising payment of all transfer and survey costs where such costs are for the municipality's account.	Senior Manager: Town Planning & Property Administration	Subject to money available on budget.
4.2.107	The exercise of all powers conferred upon the municipality relating to obstructive trees , hedges, etc.	Senior Manager: Environmental Management Services	
4.2.108	Dealing with applications for the removal of trees on streets, verges and other municipal property.	Senior Manager: Environmental Management Services	
4.2.109	To appoint valuers to make valuations in terms of the municipality's Administration of Immovable Property Policy.	Senior Manager: Town Planning & Property Administration	In consultation with Municipal Manager.

4.2.110	Approval of the erection or retention of a veranda , balcony, sign, signboard or similar structure which projects or extends into, under or over public places of public streets.	Manager: Building Services	
4.2.111	The exercise of all powers conferred upon the Council by the municipality's by-laws relating to the control and use of vlei areas and boating thereon.	Senior Manager: Environmental Management Services	
4.2.112	Scrutiny of verified waiting lists for low cost housing on a six monthly basis and before submission of waiting lists for allocation of houses/erven to beneficiaries by provincial authority.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.113	Dealing with all operational matters regarding ward committees .	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
4.2.114	As far as waste management is concerned:		
4.2.114.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to the collection, removal, storage and disposal of refuse and other offensive or unhealthy matter and the cleansing and flushing of gullies, channels, watercourses, catchpits and receptacles connected therewith.	Senior Managers: Operational Services	

4.2.114.2	The administration of the municipality's by-laws relating to the accumulation, dumping, storage or depositing of refuse and the like.	Senior Managers: Operational Services	
4.2.114.3	The initiation and implementation of recycling and other waste minimisation initiatives.	Manager: Solid Waste Planning	
4.2.115	As far as water is concerned:		
4.2.115.1	The exercise of all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto.	Deputy Director: Engineering Services	As far as Water Service Authority is concerned.
4.2.115.2	The laying of water mains prior to the construction of roads, extensions of water mains and the relaying of existing and repairs to burst water mains.	Senior Managers: Operational Services	As far as Water Service Providers is concerned.
4.2.115.3	The approval of agreements for the supply of water to consumers in terms of Water Services Act 108 of 1997.	Senior Managers: Operational Services	
4.2.116	The writing off of charges for the services of the Fire Services at fires in the ground or on properties owned or used by benevolent institutions, sporting bodies, churches and religious organisations.	Director: Infrastructure and Planning	Director: Finance
			Provided that: <ul style="list-style-type: none"> * such fires have not been caused by the wilful act or negligence of any member or employee of such institution, body or organisation; * the remission of such charges shall not be regarded as a right but each case shall be considered strictly on its merits; and * the charges are not recoverable by way of insurance.

5.	DELEGATION OF ORIGINAL POWERS		
5.1	DELEGATION BY MUNICIPAL MANAGER OF HIS ORIGINAL POWERS:		
		 W J ZYBRANDS
		 DATE
	Subject to the provisions contained herein the following matters are hereby delegated as indicated:		
Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
5.1.1	As far as personnel matters are concerned:		
5.1.1.1	The granting of authority for officials to attend congresses, conferences, seminars, courses and other meetings within the Republic.	Directors	In consultation with Municipal Manager.
5.1.1.2	To approve and/or cancel all applications for leave.	Directors Managers	In respect of Managers. In respect of staff below Managers. Both subject to provisions of Bargaining Council agreement and/or Council policy.
5.1.1.2A	Approval of second opinion for doctors as per leave policy.	Director: Management Services	
5.1.1.2B	Implementation of Employment Equity Policy.	Director: Management Services	

5.1.1.3	Appointment of staff on levels below that of director.	Director: Management Services	In consultation with relevant directors and provided that posts appear on approved staff establishment.
5.1.1.4	To approve the reimbursement costs related to interviews in terms of the municipality's policy.	Director: Management Services	
5.1.1.5	To approve the extension of Probationary Periods of officials on levels below that of Director.	Relevant Director	In consultation with Director: Management Services
5.1.1.6	To approve the payment of a kilometre allowance for the occasional use of own car on official business.	Directors	
5.1.1.7	Additions and deletions to prescribed list of uniforms and protective clothing.	Overstrand Safety Committee	
5.1.1.8	Overtime payment to officials below the level of Manager.	Directors	Provided that sufficient funds are available.
5.1.1.8A	Permission granted for extension of time off in lieu of overtime to be taken at a later stage.	Relevant Director	
5.1.1.9	Dealing with all matters to which Occupational Health and Safety Act, 1993 relates.	Managers	Subject to specific delegations.
5.1.1.10	Consideration of applications for incapacity and matters resulting from same.	Director: Management Services	
5.1.1.11	The appointment of temporary staff in funded vacant posts on staff establishment.	Directors	Subject thereto that 14 days have lapsed since the termination of

5.1.1.12	The change of designation or change of functions when salary or post level remains unaltered.	Director: Management Services	previous temporary appointment and subject further thereto that the Municipal Manager's approval is needed for appointments for longer than 3-months (which motivated applications are to be submitted to the Director: Management Services for submission to the Municipal Manager).
5.1.1.13	Authorisation of farewell function and purchase of gift.	Directors	Subject to the expenditure not to exceed the approved amounts.
5.1.1.14	Control of attendance registers and time sheets.	Managers	
5.1.1.15	Approval for the temporary closure of libraries.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration	
5.1.1.16	Allocation of reserved parking for officials.	Senior Manager: Hermanus Administration	

5.1.1.17	Approval for personnel to attend meetings outside the area of jurisdiction of the municipality and the approval of S & T.	Senior Manager: Kleinmond Administration Senior Manager: Gansbaai Administration Directors	
5.1.1.18	Approval of personnel to be seconded or to temporarily act in another position (other than that of Municipal Manager) and the payment of an acting or secondment allowance.	Directors	Subject to the municipality's policy and/or Bargaining Council Agreements and that such approval only be applicable when the occupier of a post is on leave or where such a post is vacant due to a resignation or otherwise.
5.1.1.19	Approval of relief work.	Managers after consultation with Directors	Subject to the following: <i>Circumstances:</i> 1. Operational situations that are of short term. 2. Permanent employee, performing tasks for at least one day on a higher post level. 3. With the assistance of specific equipment. <i>Posts that qualify:</i> Compressor work, tractor driver, truck driver, power-shovel, power tools, machine handlers, switchboard operators, first level supervisors.

5.1.1.19A	Appointment of contract workers, “specialized” contract workers, “Grey Power” Mentors.	Director: Management Services	<i>Requirements:</i> Relief workers have to meet the legal requirements of a post and should have undergone the necessary safety training.
5.1.1.19B	Approval / requesting of pre medical testing for the inherent requirements of a job.	Director: Management Services	
5.1.1.20	Approval of standby service and the payment of a standby allowance.	Managers	
5.1.1.21	Approval to work overtime.	Managers	In consultation with relevant director.
5.1.1.22	Approval for attending staff member funerals and the provision of transport.	Directors	
5.1.1.23	Approval of housing subsidy or rental allowance.	Senior Manager: Human Resources	
5.1.1.24	Approval of relocation and removal expenditure for newly appointed employees.	Senior Manager: Human Resources	
5.1.1.25	Approval of trade union meetings.	Director: Management Services	In terms of Bargaining Council agreements.

5.1.1.26	Upkeep of schedule of shopsteward activities.	Managers	In terms of Bargaining Council agreements.
5.1.1.27	Approval of issuing protective clothing.	Managers	
5.1.1.28	Approval of access to personal files.	Senior Manager: Human Resources	After consultation with Director: Management Services.
5.1.1.29	Conducting of resignation interviews.	Managers	
5.1.1.30	Acceptance of resignations.	Directors	
5.1.1.31	Authorisation for payment of public drivers permits where required in course of employment.	Managers	In consultation with relevant director.
5.1.1.32	Approval of unpaid leave after leave has been exhausted.	Directors	
5.1.1.33	Approval of time off for overtime worked.	Directors Managers	With regard to Managers. With regard to staff in their departments/ sections but in consultation with relevant director.
5.1.1.34	As far as delegations with regard to recruitment and selection are concerned:		
5.1.1.34.1	Determining of minimum requirements.	Managers	In consultation with Director.
5.1.1.34.2	Determining of KPAs.	Managers	In consultation with Director.
5.1.1.34.3	Authorisation for advertising of vacancy.	Director: Management Services	
5.1.1.34.4	Approval of shortlist for interviews.	Managers	After consultation with Senior

5.1.1.34.5	Approval of placements and transfers on organogram.	Director: Management Services	Manager: Human Resources
5.1.1.35	As far as delegations with regard to labour relations are concerned:		
5.1.1.35.1	Appointment of external chairperson of disciplinary tribunal.	Director: Management Services	
5.1.1.35.2	Appointment of chairperson of departmental hearing.	Directors	
5.1.1.35.3	Appointment of external prosecutor for disciplinary tribunals.	Director: Management Services	
5.1.1.35.3.A	Temporary placement of an employee incapacitated due to illness.	Senior Manager: Human Resources	In consultation with Director: Management Services and relevant Directors
5.1.1.35.3.B	Receive outcome of incapacity hearing due to ill health / injury / non-performance requirement with regard to dismissal, transfer of demotion.	Director: Management Services	In consultation with Municipal Manager
5.1.1.35.4	Appointment of prosecutors for departmental hearings.	Directors	
5.1.1.35.5	Enforcement of “no work no pay” principle.	Managers	
5.1.1.35.5A	Appointment of replacement labour in the event of a strike.	Director: Management Services	

5.1.1.35.6	Suspension of officials within directorate.	Directors	In consultation with Director: Management Services
5.1.1.35.7	Granting of authority for medical examinations re medical disability.	Director: Management Services	
5.1.1.35.8	Receipt of outcomes of disciplinary tribunals with regard to dismissals and/or demotions and/or suspensions.	Director: Management Services	
5.1.1.36	As far as delegations with regard to training and development are concerned:		
5.1.1.36.1	Approval of expenditure in terms of training budget.	Senior Manager: Human Resources	
5.1.1.36.1A	Approval of job descriptions to be subjected to evaluation.	Relevant Director	
5.1.1.36.2	Approval of study bursaries / study aid applications.	Director: Management Services	
5.1.1.37	As far as delegations with regard to Occupational Health and Safety in the workplace are concerned:		
5.1.1.37.1	Identify a suitable designated area for smoking.	Senior Manager: Hermanus Administration Senior Manager: Kleinmond Administration Senior Manager:	In consultation with Director: Community Services

5.1.1.37.2	Approval of safety clothing as prescribed by a medical practitioner	Gansbaai Administration Senior Manager: Human Resources	
5.1.1.37.3	Approval for payment of temporary staff in case of injury on duty within their contract period, up to 3 months.	Director: Management Services	
5.1.1.38	As far as delegations with regard to employee wellness are concerned:		
5.1.1.38.1	Approval for 50% contribution for first time treatment for alcohol and/or drug abuse.	Director: Management Services	
5.1.1.38.2	Approval of further treatment for alcohol and drug abuse.	Director: Management Services	
5.1.2	<i>[Deleted and replaced by Delegation 4.2.81.2]</i>		

5.2	<p>ORIGINAL POWERS OF THE MANAGER: BUILDING SERVICES</p> <p style="text-align: right;">..... J SIMSON</p> <p style="text-align: right;">..... DATE</p> <p>Subject to the provisions contained herein the following matters are hereby delegated as indicated:</p>		
Item No	Cryptic description of Power or Duty	Delegated to	Remarks, Limitations or Conditions
5.2.1	The functions of a building control officer as contained in section 6 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).	Building Inspectors	Subject thereto that the delegation of such functions shall not prevent the exercise thereof by the Manager: Building Services.

OVERSTRAND MUNICIPALITY
DELEGATION POWERS OF MAYORAL DUTIES

Municipal Finance Management Act, 2003 (Act 56 of 2003)

		<p>.....</p> <p>CLR N BOTHA-GUTHRIE</p> <p>.....</p> <p>DATE</p>	
Subject to the provisions contained herein the following matters are hereby sub-delegated to the lowest level as indicated:			
Item	Section	Lowest Level Sub-delegated to	Remarks, Limitations or Conditions
1	21(1)	<p><i>(a) Co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;</i></p> <p><i>(b) Prepare for tabling in the municipal council at least 10 months before the start of the budget year, a time schedule outlining key deadlines for:—</i></p> <p style="padding-left: 20px;"><i>(i) Preparation, tabling and approval of the annual budget;</i></p> <p style="padding-left: 20px;"><i>(ii) Annual review of —</i></p> <p style="padding-left: 40px;"><i>(aa) integrated development plan in terms of section 34 of the Municipal Systems Act; and</i></p> <p style="padding-left: 40px;"><i>(bb) budget-related policies;</i></p> <p style="padding-left: 20px;"><i>(iii) Tabling and adoption of any amendments to the integrated development plan and the budget-related policies;</i></p>	
		<p>a) Senior Manager: Financial Services</p> <p>Senior Manager: Income</p> <p>Senior Manager: Strategic Services</p>	<p>Budget-related policies</p> <p>Budget-related policies</p> <p>Integrated Development Plan</p>
		<p>b) Senior Manager: Financial Services</p>	

2	21(2)	<p><i>When preparing the annual budget:—</i></p> <p><i>(a) Take into account the municipality’s integrated development plan;</i></p> <p><i>(b) take all reasonable steps to ensure that the municipality revises the integrated development plan in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;</i></p> <p><i>(c) take into account the national budget, the relevant provincial budget, the national government’s fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;</i></p> <p><i>(d) consult —</i></p> <p><i>(i) the relevant district municipality and all other local municipalities within the area of the district municipality;</i></p> <p><i>(ii) the Provincial treasury, and when requested, the National Treasury; and</i></p> <p><i>(iii) any national or provincial organs of state, as may be prescribed; and</i></p> <p><i>(e) provide, on request, any information relating to the budget —</i></p> <p><i>(i) to the National Treasury; and</i></p> <p><i>(ii) subject to any limitations that may be prescribed, to —</i></p> <p><i>(aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;</i></p>	
		Senior Manager: Financial Services Senior Manager: Strategic Services	Operational and Capital Budget Integrated Development Plan
		Director of Finance (CFO)	Operational and Capital Budget
3	29(1)	<p><i>Authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances.</i></p>	
		Municipal Manager	After consultation with the Executive Mayor

4	31(d)	<p><i>Grant prior written approval for the increase when funds for a capital programme are appropriated in terms of section 16(3) for more than one financial year, expenditure for that programme during a financial year exceeds the amount of that year's appropriation for that programme.</i></p>	Executive Mayor's approval must be obtained
		Director of Finance (CFO)	
5	53(3)	<p><i>Ensure:—</i></p> <p>(a) <i>that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan; and</i></p> <p>(b) <i>that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.</i></p>	Operational and Capital Budget Integrated Development Plan
		Senior Manager: Financial Services Senior Manager: Strategic Services	
6	54(1)	<p><i>On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, must:—</i></p> <p>(a) <i>consider the statement or report;</i></p> <p>(b) <i>check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;</i></p> <p>(c) <i>consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;</i></p> <p>(d) <i>issue any appropriate instructions to the accounting officer to ensure —</i></p> <p style="padding-left: 20px;"><i>(i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and</i></p> <p style="padding-left: 20px;"><i>(ii) that spending of funds and revenue collection proceed in accordance with the budget;</i></p> <p>(e) <i>identify any financial problems facing the municipality, including any emerging or impending financial problems; and</i></p> <p>(f) <i>in the case of a section 72 report, submit the report to the council by 31 January of each year.</i></p>	
		Director of Finance (CFO) 17(d) : 17(e)	

7	54(2)	<p><i>If the municipality faces any serious financial problems, must:—</i></p> <p><i>(a) respond promptly to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include—</i></p> <p><i>(i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality’s approved budget;</i></p> <p><i>(ii) the tabling of an adjustments budget; or</i></p> <p><i>(iii) steps in terms of Chapter 13; and</i></p> <p><i>(b) alert the council and the MEC for local government in the province to those problems.</i></p>
		Director of Finance (CFO)
8	54(3)	<p><i>Ensure that any revisions of the service delivery and budget implementation plan are made public promptly.</i></p> <p>Senior Manager: Strategic Services</p>
9	102(1)	<p><i>Receive in writing from the board of directors of a municipal entity, on discovery of any irregular expenditure or any fruitless and wasteful expenditure:—</i></p> <p><i>(a) particulars of the expenditure; and</i></p> <p><i>(b) any steps that have been taken —</i></p> <p><i>(i) to recover the expenditure; and</i></p> <p><i>(ii) to prevent a recurrence of the expenditure.</i></p>
		Municipal Manager
10	127(3)	<p><i>If, for whatever reason, unable to table in the council the annual report of the municipality, or the annual report of any municipal entity under the municipality’s sole or shared control, within seven months after the end of the financial year to which the report relates, must:—</i></p> <p><i>(a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and</i></p> <p><i>(b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.</i></p>
		Director of Management Services

11	131(1)	<i>Ensure a municipality addresses any issues raised by the Auditor-General in an audit report.</i>	
		Relevant Directors	
12	14(2)(a) and (b)	<i>The power to make the determinations referred to in subsection 14(2)(a) and (b) in respect of movable capital assets to a maximum value of R2 million per public auction.</i>	
		Municipal Manager	

OVERSTRAND MUNICIPALITY

DELEGATION OF POWERS AND DUTIES BY THE MUNICIPAL MANAGER AND RELATED SUB-DELEGATIONS

Municipal Finance Management Act, 2003 (Act 56 of 2003)

..... W J ZYBRANDS DATE			
Subject to the provisions contained herein the following matters are hereby delegated as indicated:			
Item	Section	Lowest Level Sub-delegated to	Remarks, Limitations or Conditions
1	8(5)	<i>Submit to the National Treasury, the Provincial Treasury and the Auditor-General, in writing, the name of the bank where the primary bank account of the municipality is held, and the type and number of the account.</i>	
		Senior Manager: Financial Services	
2	8(5)	<i>Inform the National Treasury and the Auditor-General, in writing, at least 30 days before changing the municipality's primary bank account,</i>	
		Senior Manager: Financial Services	
3	9	<i>Submit to the Provincial Treasury and the Auditor-General, in writing:—</i>	
		<i>(a) within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened, and the type and number of the account; and</i>	
		<i>(b) annually before the start of a financial year, name of each bank where the municipality holds a bank account, and the type and number of each account.</i>	
		Senior Manager: Financial Services	
4	10(1)(a)	<i>Administer all the municipality's bank accounts, including a bank account referred to in section 12 or 48(2)(d).</i>	
		Senior Manager: Financial Services	

5	10(1)(b)	<i>Accountable to the municipal council for the municipality's bank accounts.</i>	
		Senior Manager: Financial Services	The principal accountability remains with the Municipal Manager.
6	10(1)(c)	<i>Enforce compliance with sections 7, 8 and 11.</i>	
		Director of Finance (CFO)	
7	11(1)	<i>Withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts, subject to stipulated provisos (a) to (j).</i>	
		All Managers, Senior Accountants and Accountant within the Directorate Finance	Two signatures, one of whom must be a Senior Accountant.
8	11(4)	<i>Within 30 days after the end of each quarter:—</i> <i>(a) table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1)(b) to (j) during that quarter; and</i> <i>(b) submit a copy of the report to the Provincial Treasury and the Auditor-General.</i>	
		Senior Manager: Financial Services	
9	12(4)	<i>Grant authority to withdraw money from a bank account envisaged in section 12(2) without appropriation in terms of an approved budget.</i>	
		Senior Manager: Financial Services	Must act in accordance with the decisions of the municipal council.
10	22	<i>Immediately after an annual budget is tabled in a municipal council:—</i> <i>(a) in accordance with Chapter 4 of the Municipal Systems Act —</i> <i>(i) make public the annual budget and the documents referred to in section 17(3); and</i> <i>(ii) invite the local community to submit representations in connection with the budget; and</i> <i>(b) submit the annual budget—</i> <i>(i) in both printed and electronic formats to the National Treasury and the Provincial Treasury; and</i> <i>(ii) in either format to any prescribed national or provincial organs of state and to other municipalities affected by the budget.</i>	
		Senior Manager: Financial Services	

11	24(3)	<i>Submit the approved annual budget to the National Treasury and the Provincial Treasury.</i>	
		Senior Manager: Financial Services	
12	32(1)	<i>Advise a political office-bearer of a municipality that any anticipated expenditure is likely to result in unauthorised expenditure;</i>	
		Director of Finance (CFO)	
13	32(3)	<i>Inform the council, the mayor or the executive committee, in writing, that the expenditure that would result from a decision taken is likely to be unauthorised, irregular or fruitless and wasteful expenditure.</i>	
		Director of Finance (CFO)	
14	37(2)	<i>Notify the receiving municipality of the projected amount of any allocation proposed to be transferred to that municipality during each of the next three financial years, no later than 120 days before the start of its budget year.</i>	
		Senior Manager: Financial Services	
15	45(3)(iii)	<i>Notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of a credit facility that is limited to emergency use, as well as options for repaying such debt.</i>	
		Senior Manager: Financial Services	
16	46(3)(a)	<i>To incur long-term debt has, in accordance with section 21A of the Municipal Systems Act:—</i> <i>(i) at least 21 days prior to the meeting of the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and</i> <i>(ii) invited the public, the National Treasury and the Provincial Treasury to submit written comments or representations to the council in respect of the proposed debt.</i>	
		Senior Manager: Financial Services	

17	46(3)(b)	<p><i>To incur long-term debt, has submitted a copy of the information statement to the municipal council at least 21 days prior to the meeting of the council, together with particulars of:—</i></p> <p><i>(i) the essential repayment terms, including the anticipated debt repayment schedule; and</i></p> <p><i>(ii) the anticipated total cost in connection with such debt over the repayment period.</i></p>
		Senior Manager: Financial Services
18	62(1)	<p><i>Responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure:—</i></p> <p><i>(a) that the resources of the municipality are used effectively, efficiently and economically;</i></p> <p><i>(b) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards; and</i></p> <p><i>(c) that the municipality has and maintains effective, efficient and transparent systems —</i></p> <p><i>(i) of financial and risk management and internal control; and</i></p> <p><i>(ii) of internal audit operating in accordance with any prescribed norms and standards;</i></p> <p><i>(d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;</i></p> <p><i>(e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15; and</i></p> <p><i>(f) that the municipality has and implements —</i></p> <p><i>(i) a tariff policy referred to in section 74 of the Municipal Systems Act;</i></p> <p><i>(ii) a rates policy as may be required in terms of any applicable national legislation;</i></p> <p><i>(iii) a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act; and</i></p> <p><i>(iii) a supply chain management policy in accordance with Chapter 11.</i></p>
		Director of Finance (CFO)
19	62(2)	<p><i>Responsible for and must account for all bank accounts of the municipality, including any bank account opened for:—</i></p> <p><i>(a) any relief, charitable, trust or other fund set up by the municipality in terms of section 12; or</i></p> <p><i>(b) a purpose referred to in section 48(2)(d).</i></p>
		Director of Finance (CFO)
20	63(1)	<p><i>Responsible for the management of:—</i></p> <p><i>(a) the assets of the municipality, including the safeguarding and the maintenance of those assets; and</i></p> <p><i>(b) the liabilities of the municipality.</i></p>

		All Directors	
21	63(2)	<p><i>Ensure:—</i></p> <p>(a) <i>that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality;</i></p> <p>(b) <i>that the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and</i></p> <p>(c) <i>that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.</i></p>	
		Senior Manager: Financial Services Senior Manager: Expenditure & Assets	Reports on a quarterly basis must be submitted to the CFO
22	64(2)	<p><i>Take all reasonable steps to ensure;—</i></p> <p>(a) <i>that the municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the municipality's credit control and debt collection policy;</i></p> <p>(b) <i>that revenue due to the municipality is calculated on a monthly basis;</i></p> <p>(c) <i>that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;</i></p> <p>(d) <i>that all money received is promptly deposited in accordance with this Act into the municipality's primary and other bank accounts;</i></p> <p>(e) <i>that the municipality has and maintains a management, accounting and information system which—</i></p> <p style="margin-left: 20px;"><i>(i) recognises revenue when it is earned;</i></p> <p style="margin-left: 20px;"><i>(ii) accounts for debtors; and</i></p> <p style="margin-left: 20px;"><i>(iii) accounts for receipts of revenue;</i></p> <p>(f) <i>that the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;</i></p> <p>(g) <i>that the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and</i></p> <p>(h) <i>that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.</i></p>	
		Director of Finance (CFO)	

23	64(3)	<p><i>Inform the National Treasury of any payments due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.</i></p>
		<p>Director of Finance (CFO) Must also be reported to Council</p>
24	64(4)	<p><i>Take all reasonable steps to ensure:—</i></p> <p><i>(a) that any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and</i></p> <p><i>(b) that such funds are not used for purposes of the municipality.</i></p> <p>Senior Manager: Income</p>
25	65(2)	<p><i>Take all reasonable steps:—</i></p> <p><i>(a) that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;</i></p> <p><i>(b) that the municipality has and maintains a management, accounting and information system which—</i></p> <p style="margin-left: 20px;"><i>(i) recognises expenditure when it is incurred;</i></p> <p style="margin-left: 20px;"><i>(ii) accounts for creditors of the municipality; and</i></p> <p style="margin-left: 20px;"><i>(iii) accounts for payments made by the municipality;</i></p> <p><i>(c) that the municipality has and maintains a system of internal control in respect of creditors and payments;</i></p> <p><i>(d) that payments by the municipality are made—</i></p> <p style="margin-left: 20px;"><i>(i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and</i></p> <p style="margin-left: 20px;"><i>(ii) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit;</i></p> <p><i>(e) that all money owing by the municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure;</i></p> <p><i>(f) that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;</i></p> <p><i>(g) that any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state;</i></p> <p><i>(h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;</i></p> <p><i>(i) that the municipality's Supply Chain Management Policy referred to in section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and</i></p> <p><i>(j) that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.</i></p>

		Senior Manager: Expenditure & Assets Senior Manager: Financial Services Senior Manager: Supply Chain Management	Any irregularities around/or deviations must be reported monthly to the CFO and Municipal Manager
26	66	<i>Report to the council, in a format and for periods as may be prescribed, on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure as stipulated.</i>	
		Senior Manager: Expenditure & Assets	
27	67(1)	<i>Ensure before transferring funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, that the organisation or body:—</i>	
		<i>(a) has the capacity and has agreed —</i>	
		<i>(i) to comply with any agreement with the municipality;</i>	
		<i>(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;</i>	
		<i>(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and</i>	
		<i>(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;</i>	
		<i>(b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and</i>	
		<i>(c) has in respect of previous similar transfers complied with all the requirements of this section.</i>	
		Director: Local Economic Development	
28	67(3)	<i>Enforce, through contractual and other appropriate mechanisms, compliance with section 67(1).</i>	
		Director: Local Economic Development	
29	67(4)	<i>Where section 67(1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor:-</i>	
		<i>(i) takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and</i>	
		<i>(ii) certifies to the Auditor-General that compliance by that organisation or body with subsection (1)(a) is uneconomical or unreasonable.</i>	
		Director: Local Economic Development	

30	68	<i>(a) assist the mayor in performing the budgetary functions assigned to the mayor in terms of Chapters 4 and 7; and</i>	
		<i>(b) provide the mayor with the administrative support, resources and information necessary for the performance of those functions.</i>	
		Director of Finance (CFO)	
31	69(1)	<i>Ensure:—</i>	
		<i>(a) that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan; and</i>	
		Director of Finance (CFO)	Monthly I & E report and cash flow must be submitted to the CFO
32	69(2)	<i>Prepare when necessary an adjustments budget and submit it to the mayor for consideration and tabling in the municipal council.</i>	
		Senior Manager: Financial Services	Adjustment budget must be compiled in conjunction with the CFO and Municipal Manager
33	70(1)	<i>Report in writing to the municipal council:—</i>	
		<i>(a) any impending —</i>	
		Director of Finance (CFO)	
34	70(2)	<i>Notify the National Treasury, if a municipality's bank account, or if the municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period, in the prescribed format of:—</i>	
		<i>(a) the amount by which the account or accounts are overdrawn;</i>	
		Senior Manager : Financial Services	

35	71(1)	<p><i>Submit no later than 10 working days after the end of each month to the mayor of the municipality and the Provincial Treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:-</i></p> <ul style="list-style-type: none"> <i>(a) actual revenue, per revenue source;</i> <i>(b) actual borrowings;</i> <i>(c) actual expenditure, per vote;</i> <i>(d) actual capital expenditure, per vote;</i> <i>(e) the amount of any allocations received;</i> <i>(f) actual expenditure on those allocations, excluding expenditure on —</i> <ul style="list-style-type: none"> <i>(i) its share of the local government equitable share; and</i> <i>(ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and</i> <i>(g) when necessary, an explanation of—</i> <ul style="list-style-type: none"> <i>(i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;</i> <i>(ii) any material variances from service delivery and budget implementation plan; and</i> <i>(iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.</i> <p>Senior Manager : Financial Services</p>
36	71(2)	<p><i>The monthly budget statement must include:—</i></p> <ul style="list-style-type: none"> <i>(a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and</i> <i>(b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).</i> <p>Senior Manager : Financial Services</p>
37	71(5)	<p><i>Submit that part of the statement reflecting the particulars referred to in section 71(1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation referred to in section 71(1)(e) during any particular month, by no later than 10 working days after the end of that month.</i></p>

		Senior Manager : Financial Services	Info of report must be scrutinized by the CFO and certified by the Municipal Manager before forwarded to National Treasury
38	72(1)(a)	<p><i>Must by 25 January of each year assess the performance of the municipality during the first half of the financial year, taking into account:—</i></p> <p><i>(i) the monthly statements referred to in section 71 for the first half of the financial year;</i></p> <p><i>(ii) the municipality’s service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;</i></p> <p><i>(iii) the past year’s annual report, and progress on resolving problems identified in the annual report; and</i></p> <p><i>(iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities.</i></p>	
		Senior Manager: Financial Services Senior Manager: Strategic Services	Info must be submitted to the Municipal Manager for signature
39	72(3)	<p><i>Must, as part of the review required in terms of section 72(1):—</i></p> <p><i>(a) make recommendations as to whether an adjustments budget is necessary; and</i></p> <p><i>(b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.</i></p>	
		Director of Finance (CFO)	

40	75(1)	<p><i>Place on the website referred to in section 21A of the Municipal Systems Act the following documents of the municipality:</i></p> <ul style="list-style-type: none"> <i>(a) the annual and adjustments budgets and all budget-related documents;</i> <i>(b) all budget-related policies;</i> <i>(c) the annual report;</i> <i>(d) all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act;</i> <i>(e) all service delivery agreements;</i> <i>(f) all long-term borrowing contracts;</i> <i>(g) all supply chain management contracts above a prescribed value;</i> <i>(h) an information statement containing a list of assets over a prescribed value that have been disposed of in terms of section 14(2) or (4) during the previous quarter;</i> <i>(i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section;</i> <i>(j) public-private partnership agreements referred to in section 120;</i> <i>(k) all quarterly reports tabled in the council in terms of section 52(d); and</i> <i>(l) any other documents that must be placed on the website in terms of this Act or any other applicable legislation, or as may be prescribed.</i> <p>Manager: Communication</p>
41	115(1)	<p><i>Must:—</i></p> <ul style="list-style-type: none"> <i>(a) implement the Supply Chain Management Policy of the municipality; and</i> <i>(b) take all reasonable steps to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices.</i> <p>Senior Manager : Supply Chain Management</p>
42	116(2)	<p><i>Must:—</i></p> <ul style="list-style-type: none"> <i>(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;</i> <i>(b) monitor on a monthly basis the performance of the contractor under the contract or agreement;</i> <i>(c) establish capacity in the administration of the municipality —</i> <ul style="list-style-type: none"> <i>(i) to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and</i> <i>(ii) to oversee the day-to-day management of the contract or agreement; and</i> <i>(d) regularly report to the council of the municipality on the management of the contract or agreement and the performance of the contractor.</i>

		Relevant Directors	
43	120(6)	<p><i>Must when a feasibility study has been completed:—</i></p> <p>(a) <i>submit the report on the feasibility study together with all other relevant documents to the council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership;</i></p> <p>(b) <i>at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act —</i></p> <p style="padding-left: 20px;"><i>(i) make public particulars of the proposed public-private partnership, including the report on the feasibility study; and</i></p> <p style="padding-left: 20px;"><i>(ii) invite local community and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership; and</i></p> <p>(c) <i>solicit the views and recommendations of —</i></p> <p style="padding-left: 20px;"><i>(i) the National Treasury;</i></p> <p style="padding-left: 20px;"><i>(ii) the national department responsible for local government;</i></p> <p style="padding-left: 20px;"><i>(iii) if the public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed, the responsible national department; and</i></p> <p style="padding-left: 20px;"><i>(iv) any other national or provincial organ of state as may be prescribed.</i></p>	
		Relevant Directors	
44	126(1)	<p><i>Must:—</i></p> <p>(a) <i>prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing; and</i></p> <p>(b) <i>in addition, in the case of a municipality referred to in section 122(2), prepare consolidated annual financial statements in terms of that section and, within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.</i></p>	
		Senior Manager : Financial Services	
45	127(5)	<p><i>Must immediately after an annual report is tabled in the council in terms of section 127(2):—</i></p> <p>(a) <i>in accordance with section 21A of the Municipal Systems Act —</i></p> <p style="padding-left: 20px;"><i>(i) make public the annual report; and</i></p> <p style="padding-left: 20px;"><i>(ii) invite the local community to submit representations in connection with the annual report; and</i></p> <p>(b) <i>submit the annual report to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.</i></p>	

		Senior Manager : Strategic Services	
46	129(2)	<i>Must:— (b)submit copies of the minutes of those meetings to the Auditor-General, the Provincial Treasury and the provincial department responsible for local government in the province.</i>	
		Senior Manager : Strategic Services	
47	129(3)	<i>Make public an oversight report referred to in section 129(1) within seven days of its adoption in accordance with section 21A of the Municipal Systems Act.</i>	
		Senior Manager : Strategic Services	
48	132(2)	<i>Submit the documents referred to in section 132(1)(a) and (b) to the provincial legislature within seven days after the municipal council has adopted the relevant oversight report in terms of section 129(1).</i>	
		Senior Manager : Strategic Services	

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Policy Section	Council Support Services
Current update	23 July 2013
Previous review	28 November 2012
Previous review	26 July 2012
Previous review	27 March 2012
Previous review	31 August 2011
Previous review	26 May 2010
Previous review	25 November 2009
Previous review	24 February 2009
Previous review	27 June 2007
Approval by Council	27 February 2006