



**Raadslede van die Raad van die  
Langeberg Munisipaliteit**

Kennis geskied hiermee van 'n Raadsvergadering  
van die Raad van Langeberg Munisipaliteit wat gehou sal word op  
**27 JUNIE 2023 om 10H00**

in die **Raadsaal**, Munisipale Kantore, Kerkstraat, Robertson  
om oorweging te verleen aan die items op die aangehegte agenda.

...

**Councillors of the Council of the  
Langeberg Municipality**

Notice is hereby given of a Council Meeting  
of the Municipal Council of the Langeberg Municipality to be held on  
**27 JUNE 2023 at 10H00**

in the **Council Chambers**, Municipal Offices,  
Church Street, Robertson to discuss the items on the appended agenda.

  
**CLLR • RDL P HESS**  
**SPEAKER**

# AGENDA

~ 27 JUNE 2023 ~

1. Opening / Opening
2. Attendance / Bywoning
3. Applications for leave of Absence / Aansoeke vir verlof tot afwesigheid
4. Approval of Minutes / Goedkeuring van Notule
  - 4.1 Confirmation of the Minutes of an Ordinary Meeting of the Council of Langeberg Municipality held on 30 May 2023 at 09h59 in the Council Chambers, Church Street, Robertson 05 - 14  
*Bekragtiging van die Notule van 'n Gewone Vergadering van die Raad van Langeberg Munisipaliteit gehou op 30 Mei 2023 om 09h59 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.*
5. Statements & Announcements by the Speaker / Verklarings & Mededelings deur die Speaker
6. Interviews with Delegations / Onderhoude met Afvaardigings
7. Statements & Announcements by the Mayor / Verklarings & Mededelings deur die Burgemeester
8. Urgent Matters & Reports, Statements & Announcements submitted by the Municipal Manager  
Dringende Aangeleenthede & Verslae, Verklarings & Mededelings voorgelê deur die Munisipale Bestuurder

- 8.1 Matters which must be handled in terms of Section 30(5) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended. Aforesaid stipulation reads as follows: (5) Before a municipal council takes a decision on any of the following matters it must first require its executive committee or executive mayor, if it has such a committee or mayor, to submit to it a report and recommendation on the matter: (1) any matter mentioned in Section 160(2) of the Constitution; (2) the approval of an integrated development plan for the municipality, and any amendment to that plan; and (3) the appointment and conditions of service of the municipal manager and a head of a department of the municipality. *Sake wat hanteer moet word in terme van Artikel 30(5) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig. Voormelde bepaling lees as volg: (5) Alvorens 'n munisipale raad 'n besluit oor enige van die volgende aangeleenthede neem, moet hy eers sy uitvoerende komitee of uitvoerende burgemeester, indien hy so 'n komitee of burgemeester het, versoek om 'n verslag en aanbeveling oor die aangeleentheid aan hom voor te lê: (1) enige aangeleentheid genoem in Artikel 160(2) van die Grondwet; (2) die goedkeuring van 'n geïntegreerde ontwikkelingsplan vir die munisipaliteit, en enige wysigings van daardie plan; (3) die aanstelling en diensvoorwaardes van die munisipale bestuurder en 'n hoof van 'n departement van die munisipaliteit.*
  - 8.2 Matters which must be handled in terms of Section 32(1) and (2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) as amended, and approved per Council Resolution A82 of 19 March 2001. / *Sake wat hanteer moet word in terme van die delegasies toegestaan ingevolge Artikel 32(1) en (2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig en aanvaar per Raadsbesluit A82 van 19 Maart 2001.*
  - 8.3 Report on matters of concern by representatives at the Cape Winelands District Municipality. / *Rapportering aangaande sake van belang deur verteenwoordigers by die Kaapse Wynland Distrikmunisipaliteit.*
  - 8.4 Other Matters / *Ander Sake*

9. Consideration of Notice of Motions / *Oorweging van Kennisgewing van Mosies*
10. Consideration of Notice of Questions / *Oorweging van Kennisgewing van Vrae*
11. Consideration of Urgent Motions / *Oorweging van Dringende Mosies*
12. Consideration of Reports / *Oorweging van Verslae*

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## **A ITEMS**

<b>A4444</b>	<b>RESUBMISSION: TYEBILE TRADING 16 CC T/A SWANNS BUS SERVICES: APPLICATION TO PURCHASE A REMAINDER OF PORTION 71 FARM GOREE NO.158 (1.02HA) ASHTON (7/2/3/2/1) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)</b>	<b>16</b>
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**RESUBMISSION: TYEBILE TRADING 16 CC T/A SWANNS BUS SERVICES: APPLICATION TO PURCHASE A REMAINDER OF PORTION 71 FARM GOREE NO.158 (1.02HA) ASHTON (7/2/3/2/1) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**Purpose of report**

To submit a report to the Mayoral Committee for consideration regarding an application received from Mr J Swanepoel on behalf of Tyebile Trading 16 CC T/A Swanns Bus Services.

**Background**

The following letter was received from Mr J Swanepoel:

- "1. With reference to the above-mentioned matter.*
- 2. We hereby, in accordance with the advice provided by yourself, lodge a written request to purchase the vacant erf, as indicated in the Surveyor sketch undercover hereof.*
- 3. The vacant Erf we seek to purchase is adjacent to our current depot, Erf 4236 (1 Enterprise Street) and we will use the erf for our **expansions of parking area and work area** as the size of our fleet is continuously growing and we can no longer accommodate all of our busses/ operations on our current erf. The erf will therefore be perfect to facilitate the expansion of our business.*
- 4. Kindly find undercover hereof land surveyor sketch as illustration and support of our application.*
- 5. We trust that the above and attached are in order and trust that you will consider our request favourably. Should you require any additional information documents feel free to contact Ms Lisa Swanepoel of our offices at 023 111 0006 or [lisa@swannsbusservices.co.za](mailto:lisa@swannsbusservices.co.za).*

**Comments:**

A location map was attached.

***The following comments were received:***

**Comments: Director: Strategy & Social Development**

If the land is not needed by Municipality, it should be sold via public open tender process

**Comments: Chief Financial Officer**

In terms of section 14 of the MFMA. Disposal of capital assets.—(1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

Should council decide to sell the property, this should be done via open market tender

**Comments: Director: Community Services**

Remainder of portion 17 farm Goree be sold on public tender.

**Comments: Manager: Civil Engineering Services**

There is a sewer pump pipeline over the proposed property. No structure or parking can be accommodated over this section. The exact position of the sewer pipeline must be determined on site. Should the application be approved a plan indicating the position of the sewer pipeline must be provided together with the proposed access and parking facilities for approval by the Civil Engineering Department.

**Comments: Manager: Town Planning**

The area involved is already zoned Industrial zone I in terms of the Langeberg Integrated Zoning Scheme, which allows for the operation of a transport business as intended by the applicant. The sale of the land for the purpose as requested or for any other industrial use, is supported. For this purpose, the portion that is sold will have to be subdivided off portion 71 of Farm 158. To this end, the buyer will be required to lodge an application for subdivision with the municipality, in terms of Section 15 of the Langeberg Municipality: Land Use Planning By-law, 2015. All costs related to the application and eventual registration of the new erf should be borne by the buyer. Note that one of the considerations for approval of such a subdivision will be the ability to provide municipal services to the erf. In the case of the municipality not being able to provide services, the sale of the land can still be supported, but subject to the consolidation or notarial tie of the new erf with Erf 2346.

In order to take cognisance of the constraints of the site and the overall layout of the surrounding industrial area, it is recommended that the proposed delineation of the new erf (as indicated on the land surveyor's plan of Sept 2022 with reference 7720 and attached to the application), be amended so that the final subdivision plan provides for the following:

- A road reserve of exactly 20m wide between the new erf and erf 2232, so that the northern boundary of the new erf and the southern boundary of erf 2232 run parallel.
- Exclusion of the areas covered by municipal services, e.g. the electrical lines and substation, or alternatively including them as servitude areas.

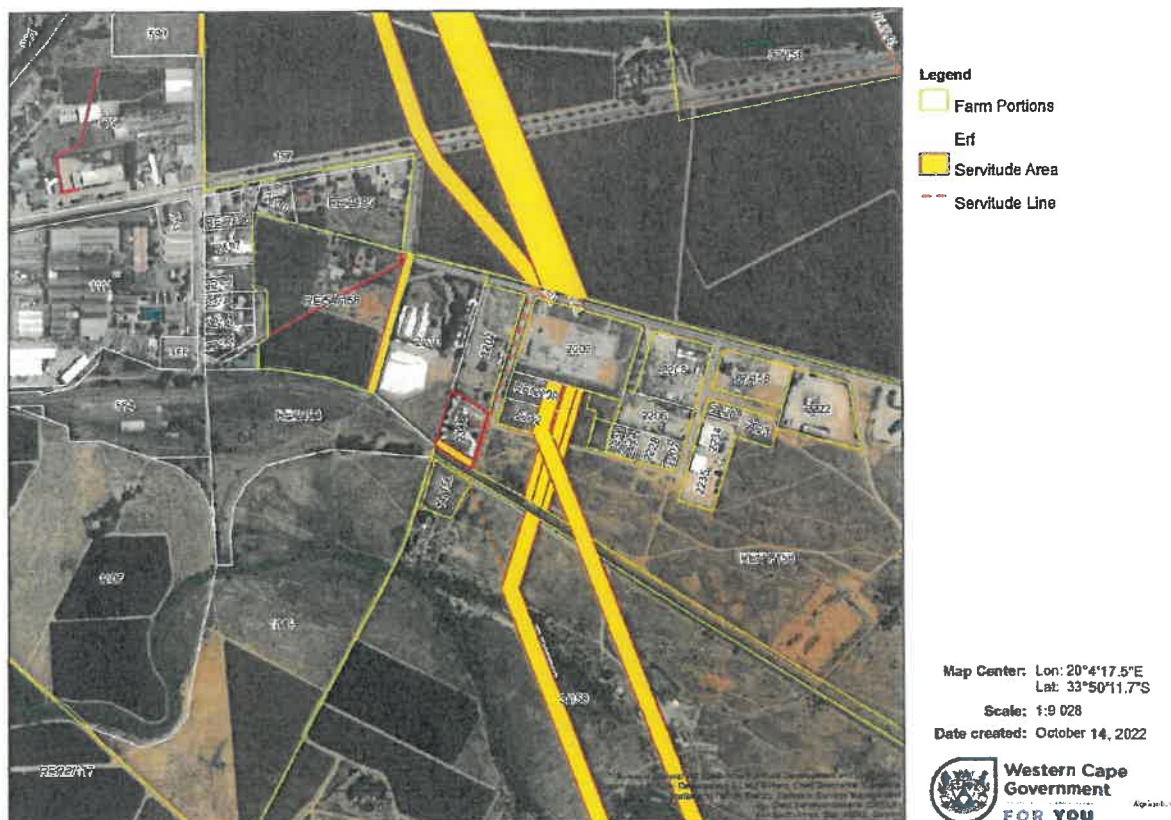
If Council decide to sell the land, it must also be indicated whether the buyer will be responsible for the payment of development levies / bulk services contributions related to the extra erf that is created, or whether the cost thereof will be included in the selling price.

**Comments: Manager: Electrical Engineering Services**

The property in question has a variety of servitudes as indicated on the attached map.

It seems like this is a corridor for services from a southernly direction.

My recommendation would not be to sell the property. Rental might be an alternative to consider.



#### Comments: Cllr Siegel

I will support the application of Tyebile Trading if available. We also struggling for support for others who want to buy land, in the area for business in the industrial area, but yes, I will support.

#### Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr J Swanepoel on behalf of Tyebile Trading 16 CC T/A Swanns Bus Services to purchase a portion 71 Farm Goree No.158 (1.02ha) Ashton purposes not be approved.
3. That a Land Surveyor be appointed to determine the portion of land that is available for alienation taken into consideration municipal services crosses a portion of this portion of land.
4. That the portion of land that is being identified, be alienated by way of public tender after point 3 has been adhered to subject to the following conditions:
  - 4.1 That the erf be alienated at a market related price.
  - 4.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 4.3 That the tenderer be responsible for all the connection fees for municipal services rendered to the property.
  - 4.4 That the tenderer be responsible for the payment of development levies / bulk services contributions related to the extra erf that is created if applicable.
  - 4.5 That a servitude for municipal services on the property be registered in favour of the Municipality and that the Municipality will have unrestricted access to the property if applicable.

- 4.6 That the tenderer be responsible for the cost involved for all Town Planning costs which may be rezoning, subdivision, consolidation, surveying fees, registration of servitudes and registration of the property in his/her name where applicable. The agreement to sell the land does not oblige the municipality to approve an application for subdivision and rezoning. Such an application will be evaluated in terms of relevant planning considerations and the agreement to sell must not be regarded as a commitment to approve the application.
- 4.7 That the final subdivision plan provides for a road reserve of exactly 20m wide between the new erf and erf 2232, so that the northern boundary of the new erf and the southern boundary of erf 2232 run parallel and exclusion of the areas covered by municipal services, e.g. the electrical lines and substation, or alternatively including them as servitude areas.
- 4.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

**NOTE: The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 09 November 2022 (pg. 43)**

**This item served before the Corporate Services Portfolio Committee on 11 October 2022**  
**Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 11 Oktober 2022**  
**Unanimously Resolved / Eenparig Besluit**

1. That the report be referred back to the next Portfolio Committee meeting.
2. That a site inspection be held for the Committee members.

### **Comments**

A site meeting was held on Thursday, 04 May 2023. The following councillors and officials attended the site meeting.

Cllr Steyn  
Cllr Janse  
Cllr Simpson  
Cllr Siegel  
Mr Everson  
Ms Rossouw

After the application was discussed, it was unanimously resolved that the application be recommended subject to the following conditions:

### **Recommendation**

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr J Swanepoel on behalf of Tyebile Trading 16 CC T/A Swanns Bus Services to purchase a portion 71 Farm Goree No.158 (1.02ha) Ashton purposes not be approved.
3. That a Land Surveyor be appointed to determine the portion of land that is available for alienation taken into consideration municipal services crosses a portion of this portion of land.
4. That the portion of land that is being identified, be alienated by way of public tender after point 3 has been adhered to subject to the following conditions:
  - 4.1 That the erf be alienated at a market related price.



- 4.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
- 4.3 That the tenderer be responsible for all the connection fees for municipal services rendered to the property.
- 4.4 That the tenderer be responsible for the payment of development levies / bulk services contributions related to the extra erf that is created if applicable.
- 4.5 That a servitude for municipal services on the property be registered in favour of the Municipality and that the Municipality will have unrestricted access to the property if applicable.
- 4.6 That the tenderer be responsible for the cost involved for all Town Planning costs which may be rezoning, subdivision, consolidation, surveying fees, registration of servitudes and registration of the property in his/her name where applicable. The agreement to sell the land does not oblige the municipality to approve an application for subdivision and rezoning. Such an application will be evaluated in terms of relevant planning considerations and the agreement to sell must not be regarded as a commitment to approve the application.
- 4.7 That the final subdivision plan provides for a road reserve of exactly 20m wide between the new erf and erf 2232, so that the northern boundary of the new erf and the southern boundary of erf 2232 run parallel and exclusion of the areas covered by municipal services, e.g. the electrical lines and substation, or alternatively including them as servitude areas.
- 4.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 07 June 2023 (pg. 10)

**This item served before the Corporate Services Portfolio Committee on 07 June 2023**

**Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr J Swanepoel on behalf of Tyebile Trading 16 CC T/A Swanns Bus Services to purchase a portion 71 Farm Goree No.158 (1.02ha) Ashton purposes not be approved.
3. That a Land Surveyor be appointed to determine the portion of land that is available for alienation taken into consideration municipal services crosses a portion of this portion of land.
4. That the portion of land that is being identified, be alienated by way of public tender after point 3 has been adhered to subject to the following conditions:
  - 4.1 That the erf be alienated at a market related price.
  - 4.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 4.3 That the tenderer be responsible for all the connection fees for municipal services rendered to the property.
  - 4.4 That the tenderer be responsible for the payment of development levies / bulk services contributions related to the extra erf that is created if applicable.

- 4.5 That a servitude for municipal services on the property be registered in favour of the Municipality and that the Municipality will have unrestricted access to the property if applicable.
- 4.6 That the tenderer be responsible for the cost involved for all Town Planning costs which may be rezoning, subdivision, consolidation, surveying fees, registration of servitudes and registration of the property in his/her name where applicable. The agreement to sell the land does not oblige the municipality to approve an application for subdivision and rezoning. Such an application will be evaluated in terms of relevant planning considerations and the agreement to sell must not be regarded as a commitment to approve the application.
- 4.7 That the final subdivision plan provides for a road reserve of exactly 20m wide between the new erf and erf 2232, so that the northern boundary of the new erf and the southern boundary of erf 2232 run parallel and exclusion of the areas covered by municipal services, e.g., the electrical lines and substation, or alternatively including them as servitude areas.
- 4.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Junie 2023**

**Aanbeveling / Recommendation**

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr J Swanepoel on behalf of Tyebile Trading 16 CC T/A Swanns Bus Services to purchase a portion 71 Farm Goree No.158 (1.02ha) Ashton purposes not be approved.
3. That a Land Surveyor be appointed to determine the portion of land that is available for alienation taken into consideration municipal services crosses a portion of this portion of land.
4. That the portion of land that is being identified, be alienated by way of public tender after point 3 has been adhered to subject to the following conditions:
  - 4.1 That the erf be alienated at a market related price.
  - 4.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 4.3 That the tenderer be responsible for all the connection fees for municipal services rendered to the property.
  - 4.4 That the tenderer be responsible for the payment of development levies / bulk services contributions related to the extra erf that is created if applicable.
  - 4.5 That a servitude for municipal services on the property be registered in favour of the Municipality and that the Municipality will have unrestricted access to the property if applicable.
  - 4.6 That the tenderer be responsible for the cost involved for all Town Planning costs which may be rezoning, subdivision, consolidation, surveying fees, registration of servitudes and registration of the property in his/her name where applicable. The agreement to sell the land does not oblige the municipality to approve an application for subdivision and rezoning. Such an application will be evaluated in terms of relevant planning considerations and the agreement to sell must not be regarded as a commitment to approve the application.
  - 4.7 That the final subdivision plan provides for a road reserve of exactly 20m wide between the new erf and erf 2232, so that the northern boundary of the new erf and the southern boundary of erf 2232 run

parallel and exclusion of the areas covered by municipal services, e.g., the electrical lines and substation, or alternatively including them as servitude areas.

- 4.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

**RESUBMISSION: BONNIEVALE ABATTOIR: APPLICATION FOR EXCHANGE OF LAND, BONNIEVALE (7/2/R) (MANAGER: ADMINISTRATIVE SUPPORT)**

**Purpose of report**

To submit a report to the Mayoral Committee for consideration regarding an application received from Mr T Coetzee on behalf of Bonnievale Abattoir.

**Background**

The following letter was received from Mr T Coetzee:

*"Ek as eienaar bereid is om 'n gedeelte van erf 2958 naamlik 'n toegangspad en die oorblywende gedeelte wes van die erf te ruil met grondgebied aan die ooste kant.... omdat daardie erf aan die ooste kant dan n onpraktiese grootte gaan wees, onderneem ek om die oorblywende gedeelte uit te koop teen 2958 se grond koers, sodat konsolidasie na een erf kan plaasvind.*

*Dit dra my en my buurman se goedkeuring weg en maak die uitleg plan van die hele area meer uitvoerbaar...*

**Additional Comments: T Coetzee**

*Arnold Theron het die opmeting afgehandel soos versoek deur die Munisipaliteit en ek heg weer die nuwe uitleg aan met die versoek van die eienaar.*

*In kort:*

*1. Die uitleg soos dit tans is, verleen nie toegang na die naburige eiendom aan die suide kant nie. Die toegangs pad loop deur swamp.*

*2. Die toegangs roete lyn ook nie op met die toegang roete wat langs die slagpale na noord loop nie, onprakties vir inter link vragmotors toegang.*

*3. Daar loop dienste lyne deur erf 2958 wat nie geregistreer is as n servetuut nie en die gedeelte onbruikbaar laat vir enige bouwerke.*

*Die eienaar het reeds sy heining op sy erf geposisioneer waar die geskuifde pad moet kom juis vir toegang aan sy buurman suid. Dus word n gedeelte van sy grond nou gebruik as n openbare pad, met dienste op wat nie 'n servituut op geregistreer het nie.*

*Die versoek is dus dat die mun die uitleg oorweeg, die oppervlak oorneem van pad en dan dieselfde grootte grond aan die ooste kan beskikbaarstel.*

*Die eienaar is ook bereid om die oorblywende stukkie erf aan die ooste kant wat dan oorbly oor te koop teen markvewante prys*

*Vind aangeheg aansoek skets 1 wat aantoon hoe dit tans is en aansoek 2 met die voorgestelde nuwe uitleg. voorsien deur Arnold Theron*

**Comments:**

A location map was attached.

***The following comments were received:***

**Comments: Chief Financial Officer**

In terms of section 14 of the MFMA. Disposal of capital assets.—(1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

Should council decide to sell the property, this should be done via open market tender

**Comments: Director: Community Services**

Exchange of land not supported; public tender process should be undertaken to sell land.

**Comments: Director: Strategy & Social Development**

The request for the exchange can only be considered if it can be confirmed there is no need for the land for our own developmental needs in terms of the SDF or alternatively If considered, the exchange it should comply to all applicable legislation and public participation processes

**Comments: Manager: Electrical Engineering Services**

No objection from the Electrical Department.

Any existing electrical service routes to be honoured.

**Comments: Manager: Town Planning**

The proposal is supported, subject to the applicant doing the necessary land development applications and obtaining approval in terms of the Langeberg Municipality Land Use Planning By-law, 2015.

**Comments: Manager: Civil Engineering Services**

The Civil Engineering Services has no objection to the above application.

**Comments: Cllr Van Eeden**

Geen beswaar van my kant af

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 08 February 2023 (pg. 31 – 32)

**This item served before the Corporate Services Portfolio Committee on 08 February 2023**

**Die item het voor die Korporatiewe Dienste Komitee gedien op 08 Februarie 2023**

**Unanimously Resolved / Eenparig Besluit**

**Recommendation**

1. That it be confirmed that erf 2954 (5914m<sup>2</sup>) Bonnievale is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

2. That the application from Mr T Coetzee on behalf of Bonnievale Abattoir to swap a portion of street reserve (1 803m<sup>2</sup>) & a portion on western side of erf 2958 (731m<sup>2</sup>) Bonnievale for a portion of erf 2954, Bonnievale not be approved.
3. That erf 2954, Bonnievale (5 914m<sup>2</sup>) be alienated per public tender at a market related price subject to the following conditions:
  - 3.1 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 3.2 That the buyer be responsible for all the connection fees for municipal services rendered to the property where applicable.
  - 3.3 That the buyer be responsible for all costs regarding the property in his/ her name.
  - 3.4 That the erf only be utilized for the purposes as prescribed in the applicable town- planning scheme.
  - 3.5 That the buyer be responsible for the necessary land development applications and obtaining approval in terms of Langeberg Municipality Land Use Planning By-Law, 2015.
  - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
  - 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
4. That a servitude be register for all municipal services crossing erf 2958, Bonnievale.

**This item served before the Executive Mayoral Committee on 22 February 2023**

**Die item het voor die Uitvoerende Burgemeesterskomitee gedien op 22 Februarie 2023**

**Unanimously Resolved / Eenparig Besluit**

1. That the report be referred back to the Corporate Services Portfolio Committee Meeting for further investigation.
2. That a site meeting be held with the Corporate Services Portfolio Committee.

### **Comments**

A site meeting was held on Thursday, 04 May 2023. The following councillors and officials attended the site meeting.

Cllr Steyn  
Cllr Janse  
Cllr Simpson  
Cllr Siegel  
Mr Everson  
Ms Rossouw

After the application was discussed, it was unanimously resolved that the application be recommended subject to the following conditions:

### **Recommendation**

1. That it be confirmed that erf 2954 (5914m<sup>2</sup>) Bonnievale is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

2. That the application from Mr T Coetzee on behalf of Bonnievale Abattoir to swop a portion of street reserve (1 803m<sup>2</sup>) & a portion on western side of erf 2958 (731m<sup>2</sup>) Bonnievale for a portion of erf 2954, Bonnievale not be approved.
3. That erf 2954, Bonnievale (5 914m<sup>2</sup>) be alienated per public tender at a market related price subject to the following conditions:
  - 3.1 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 3.2 That the buyer be responsible for all the connection fees for municipal services rendered to the property where applicable.
  - 3.3 That the buyer be responsible for all costs regarding the property in his/ her name.
  - 3.4 That the erf only be utilized for the purposes as prescribed in the applicable town- planning scheme.
  - 3.5 That the buyer be responsible for the necessary land development applications and obtaining approval in terms of Langeberg Municipality Land Use Planning By-Law, 2015.
  - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
  - 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
4. That a servitude be register for all municipal services crossing erf 2958, Bonnievale.

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 07 June 2023 (pg. 15 – 16)

**This item served before the Corporate Services Portfolio Committee on 07 June 2023**

**Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

1. That it be confirmed that erf 2954 (5914m<sup>2</sup>) Bonnievale is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application from Mr T Coetzee on behalf of Bonnievale Abattoir to swop a portion of street reserve (1 803m<sup>2</sup>) & a portion on western side of erf 2958 (731m<sup>2</sup>) Bonnievale for a portion of erf 2954, Bonnievale not be approved.
3. That erf 2954, Bonnievale (5 914m<sup>2</sup>) be alienated per public tender at a market related price subject to the following conditions:
  - 3.1 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 3.2 That the buyer be responsible for all the connection fees for municipal services rendered to the property where applicable.
  - 3.3 That the buyer be responsible for all costs regarding the property in his/ her name.
  - 3.4 That the erf only be utilized for the purposes as prescribed in the applicable town- planning scheme.

- 3.5 That the buyer be responsible for the necessary land development applications and obtaining approval in terms of Langeberg Municipality Land Use Planning By-Law, 2015.
- 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
- 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
4. That a servitude be registered for all municipal services crossing erf 2958, Bonnievale in favour of the Municipality.
5. That the agreement of sale of the other portion that was bought by Mr Broodryk previously be investigated to see whether the servitude was noted in the agreement.

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 21 Junie 2023**

**Aanbeveling / Recommendation**

1. That it be confirmed that erf 2954 (5914m<sup>2</sup>) Bonnievale is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application from Mr T Coetzee on behalf of Bonnievale Abattoir to swap a portion of street reserve (1 803m<sup>2</sup>) & a portion on western side of erf 2958 (731m<sup>2</sup>) Bonnievale for a portion of erf 2954, Bonnievale not be approved.
3. That erf 2954, Bonnievale (5 914m<sup>2</sup>) be alienated per public tender at a market related price subject to the following conditions:
  - 3.1 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
  - 3.2 That the buyer be responsible for all the connection fees for municipal services rendered to the property where applicable.
  - 3.3 That the buyer be responsible for all costs regarding the property in his/ her name.
  - 3.4 That the erf only be utilized for the purposes as prescribed in the applicable town- planning scheme.
  - 3.5 That the buyer be responsible for the necessary land development applications and obtaining approval in terms of Langeberg Municipality Land Use Planning By-Law, 2015.
  - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
  - 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
4. That a servitude be registered for all municipal services crossing erf 2958, Bonnievale in favour of the Municipality.
5. That the agreement of sale of the other portion that was bought by Mr Broodryk previously be investigated to see whether the servitude was noted in the agreement.



**APPLICATION TO ALLOCATE MUNICIPAL CONVENTIONAL SCHEME HOUSE: ERF 1723, BONNIEVALE - FROM THE LATE SIENA LABAN TO LIA & MAGRIETA LABAN (17/5/6/4/1) (SENIOR HOUSING CLERK: BONNIEVALE & MANAGER HOUSING**

**PURPOSE OF REPORT**

To submit report to council for consideration of above-mentioned matter.

**BACKGROUND**

The concerned house forms part of the Conventional Scheme Houses in Bonnievale of which Siena Laban (ID 360427 0336 080) were the legal tenant. The house could be sold for the amount of R14 431.31 in terms of the enhanced extended discount benefit scheme (EEDBS).

A deed of sale contract was never signed between Siena Laban and the Municipality, which means the registered owner of the property is Langeberg Municipality.

Find attach report and letter from Magrieta Laban for detail information:

1. **B5759** – item that served before a Community Services Portfolio Committee meeting of 10 August 2022.
2. **A appeal letter from Magrieta Laban supported by Councillor JJ Januarie.**

Based on the report submitted to the Community Services Portfolio Committee meeting, the appeal letter received from Magrieta Laban and engagement by officials and councillor with the affected family, where in all these instances no solution could be found due to family disputes.

The following people are currently staying at erf 1723, New Cross street Bonnievale

1. Lia Laban
2. Lelanie Laban with her 3 children

Kindly note the following Judgement regarding the implementation of Council's resolutions.

**In the case of Manana v Sabata Dalindyabo Municipality 345/09(2010) ZASCA 14 November 2010, it was held that "No doubt a municipal council is entitled to rescind or alter its resolutions. And no doubt an interested party is entitled to challenge its validity on review. But once a resolution is adopted in my view its officials are bound to execute it, whatever view they might have on the merit of the resolution, in law or otherwise, until such time as it is either rescinded or set aside on review".**

**RECOMMENDATIONS**

1. Based on all of the above, council to consider rescind its decision of allocating the above-mentioned house to Lia Laban.
2. Note be taken that, subsidies houses are generally regarded as family houses, hence any solution to family dispute should be resolved by the family not the municipality.

**This item served before the Community Services Portfolio Committee on 10 August 2022**

**Hierdie item het gediens by die Gemeenskapsdienste Portefeulje Komitee op 10 Augustus 2022**

**Recommendation / Aanbeveling**

That the municipal Conventional scheme house situated on erf 1723, Bonnievale be allocated to Lia Laban on the following conditions.

*Dat die Munisipale konvensionele skem awoning geleë te erf 1723, Bonnievale op die volgende voorwaardes aan Lia Laban oorgedra word.*

1. That the Municipal Conventional scheme house on erf 1723, Bonnievale be sold to Lia Laban for the amount of R14 431.31 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

*Dat die Munisipale huurskema woing te erf 1723, Bonnievale vir die bedrag van R14 431.31 aan Lia Laban vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)*

2. That Lia Laban be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

*Dat Lia Laban aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.*

3. That Lia Laban enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

*Dat Lia Laban 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.*

### **FURTHER COMMENTS**

In 2007, Magrieta Laban, Selina Nelson and Siena Conradie gave written permission for the house to be allocated to their sister Lia Laban. The EEDBS for erf 1723 was approved in Lia Laban's name on 15/08/2007. However, a deed of sale was not signed between Lia Laban and the Municipality because of a family dispute.

A family meeting was held with the Laban Family on 26 May 2022 , see attendance register attached.

During the meeting, Magrieta Laban acknowledge that she wrote the letters in 2007 on behalf of her sisters without their permission. The EEDBS for the property in Lia Laban's name was approved according to those letters.

The Municipality received an appeal letter from Magrieta Laban, Selina Nelson, Siena Conradie and Klaas Pokwas for the house to be allocated to Lia and Magrieta Laban. The appeal was supported by Councillor JJ Januarie.

### **RECOMMENDATION**

With reference to the above we recommend that Lia Laban take ownership based on the following.

1. For Lia Laban to take sole ownership of the unit as her EEDBS subsidy has already been approved in 2007. Therefore cannot be penalised for administrative disregard for not finalising the process.
2. Lia Laban cannot not be disadvantage based on the unlawful actions of her sister Magrieta Laban.
3. Lia Laban is the only one of her siblings who has been occupying the unit consistently since the passing of the previous tenant.
4. The property remains a municipal property however a subsidy applications was approved in Lia Laban name creating an expectation of ownership.
5. The said property forms part of the TRP portfolio therefore Lia Laban won't be liable for transfer cost.

**This item served before a Community Services Portfolio Committee on 12 April 2023**

**Hierdie verslag het voor die Gemeenskapsdienste Portefeulle Komitee gedien op 12 April 2023**

**Eenparig Besluit / Unanimously Resolved**

That the report be referred to the next Community Services Portfolio Committee meeting and that the Committee invite the Laban family to attend the next Portfolio Committee meeting.

### **FURTHER COMMENTS**

All family members have been invited to the meeting scheduled for 10 May 2023 at 9h30 (letters receipt attached hereto). We further wish to make members of the portfolio aware of the approved Allocation and Selection policy referencing 6.3.1 which read as follow.

Children of former tenants who move into their parents' municipal rental unit will not be considered as unlawful provided that:

- a) They can show that they have lived in the municipal rental unit for a period of not less than 24 months (uninterrupted) prior to the termination of the tenancy.
- b) They can prove that their absence from the Unit was due to economic reasons and are actively contributing to the livelihood of the tenant (working out of town)
- c) They are not in occupation of another Council owned dwelling
- d) Doubtful cases will be referred to the Housing Portfolio Committee for adjudication after an inspection was undertaken and a report was tables to the Manager.

## **RECOMMENDATION**

With reference to the above we recommend that Lia Laban take ownership based on the following.

1. For Lia Laban to take sole ownership of the unit as her EEDBS subsidy has already been approved in 2007. Therefore, cannot be penalised for administrative disregard for not finalising the process.
2. Lia Laban cannot not be disadvantage based on the unlawful actions of her sister Magrieta Laban.
3. Lia Laban is the only one of her siblings who has been occupying the unit consistently since the passing of the previous tenant which is inline with the approved allocation and selection policy.
4. The property remains a municipal property however a subsidy application was approved in Lia Laban name creating an expectation of ownership.
5. The said property forms part of the TRP portfolio therefore Lia Laban won't be liable for transfer cost.

**NOTE:** The annexure was distributed as part of the addendum for the Community Services Portfolio Committee meeting of 09 May 2023 (pg. 05 – 15)

**This item served before a Community Services Portfolio Committee on 09 May 2023**

**Hierdie verslag het voor die Gemeenskapsdienste Portefeulje Komitee gedien op 09 Mei 2023**

**Aanbeveling / Recommendation**

1. That Council rescind the resolution taken by Council in 2007.
2. That the Portfolio Committee formulate a new recommendation at the next meeting for Council to approve.

**This item served before the Executive Mayoral Committee on 24 May 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 24 Mei 2023**

**Eenparig Besluit / Unanimously Resolved**

That the report be referred to the next Community Services Portfolio Committee meeting.

## **Further Comments**

On 22 May 2023 a meeting was held between both sister Magrieta and Lia Laban as were recommended by the portfolio. The following information was confirmed by both parties.

1. Magrieta Laban confirms that she wrote all the letters on behalf of her siblings without their consent.
2. In 2007 a subsidy application was approved in Lia Laban's name based on the above agreements.
3. In 2014 both sisters agreed to dual ownership.

Attached hereto minutes of the meeting and all relevant documents.

## **RECOMMENDATION**

With reference to the above we recommend that ownership should be given to both Lia and Magrieta Laban.

1. That Council rescind the resolution taken by Council in 2007.
2. To withdraw Lia Laban's subsidy from the Housing Subsidy System portal.
3. To make an application in both of their names.
4. The said property forms part of the TRP portfolio therefore they will not be liable for transfer cost.

**NOTE:** The annexure was distributed as part of the agenda for the Community Services Portfolio Committee meeting of 07 June 2023 (pg. 31 – 39)

**This item served before a Community Services Portfolio Committee on 07 June 2023**

**Hierdie verslag het voor die Gemeenskapsdienste Portefeulje Komitee gedien op 07 Junie 2023**

**Aanbeveling / Recommendation**

With reference to the above we recommend that ownership should be given to both Lia and Magrieta Laban.

1. That Council rescind the resolution taken by Council in 2007.
2. To withdraw Lia Laban's subsidy from the Housing Subsidy System portal.
3. To make an application in both of their names.
4. The said property forms part of the TRP portfolio therefore they will not be liable for transfer cost.

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Junie 2023**

**Aanbeveling / Recommendation**

With reference to the above we recommend that ownership should be given to both Lia and Magrieta Laban.

1. That Council rescind the decision taken by Council in 2007.
2. To withdraw Lia Laban's subsidy from the Housing Subsidy System portal.
3. To make an application in both of their names.
4. The said property forms part of the TRP portfolio therefore they will not be liable for transfer cost.

**PROGRAM OF DATES FOR MEETINGS – 2023: SECTION 79 COMMITTEE, SECTION 80 COMMITTEES, EXECUTIVE MAYORAL COMMITTEE AND COUNCIL (JULY TO DECEMBER 2023) (DIRECTOR: CORPORATE SERVICES)**

**Purpose of report**

To submit to Council a report for consideration to amend the dates of meetings, for the period July to December 2023.

**Background**

Council at its meeting of 6 December 2022 under item A4433 resolved as follow on dates for the period July till December 2023:

Schools close 23 June 2023 and re-open on 18 July 2023, Youth day = 16 June 2023			
<b>JULY 2023</b>			
No Portfolio Committee Meetings	No Mayoral Committee meeting	No Council Committee meeting	<b>25 July 2023</b>
18 July 2023 = Schools re-open			
<b>AUGUST 2023</b>			
<b>02 August 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 August 2023</b> 10h00 – 10h45 = Finance Committee	<b>23 August 2023</b>	<b>29 August 2023</b>	
09 August 2023 = National Women's Day			
<b>SEPTEMBER 2023</b>			
<b>06 September 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee	<b>20 September 2023</b>	<b>26 September 2023</b>	

11h00 - 11h45 = MPAC <b>18 September 2023</b> 09h00 – 09h45 = Finance Committee			
24 Sept 2023 = Heritage Day, 25 Sept 2023 = Special school holiday, Schools close on 29 September 2023			
<b>OCTOBER 2023</b>			
<b>11 October 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 October 2023</b> 10h00 – 10h45 = Finance Committee	<b>25 October 2023</b>	<b>31 October 2023</b>	
Schools close re-open on 10 Oct 2023			
<b>NOVEMBER 2023</b>			
<b>08 November 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 November 2023</b> 10h00 – 10h45 = Finance Committee	<b>22 November 2023</b>	No Council meeting	
<b>DECEMBER 2023</b>			
No Portfolio meetings	No Mayoral Committee meeting	<b>05 December 2023</b>	
Schools close on 13 December 2023, 16 Dec 2023 = Day of Reconciliation. 25 Dec 2023 = Christmas Day. 26 Dec 2023 = Day of Goodwill.			

## **Comments**

The Municipal Manager requested that the dates as approved by Council under item A4433 on 6 December 2022 be resubmitted to Council to reconsider the dates and frequency of the Section 79 Committee, Section 80 Committees, meetings of the Executive Mayoral Committee and meetings of Council.

Section 18(2) of the Local Government Municipal Structures Act, 1998, Act 117 of 1998 determine the following in terms of the number and frequency of meetings of the Municipal Council.

“18 (2) A municipal council must meet at least quarterly.”

It therefor requires council to meet at least once every quarter there are also statutory requirements in legislation i.e the MFMA that require council decisions on specific matters at certain dates which the necessitate holding special council meeting to deal with those matters.

### **Comments: Director Financial Services**

Recommendation is supported.

### **Comments: Director Strategy and Social Development**

The request that Quarterly SDBIP reports should be submitted to Council directly whereafter it will serve before the MPAC of the following months :

1<sup>st</sup> Quarter – October 2023

2<sup>nd</sup> Quarter – January 2024

3<sup>rd</sup> Quarter – April 2024

4<sup>th</sup> Quarter – July 2024

Depending on the dates for meetings and closing date of the system, it may request in the TL SDBIP report first being submitted to Council and thereafter to MPAC.

### **Comments: Director: Community Services**

Report to amend dates supported, no statutory compliance report from the directorate.

### **Comments: Municipal Manager**

Council meetings, 8 in total:

Jan: Mid-year review and Quarterly fin report;

Feb: Adjustments Budget;

March: Draft IDP and Budget;

April: Quarterly fin report;

May: Final IDP and Budget;

July: Quarterly fin report;

Oct: Quarterly fin report;

Dec: Annual Report

MAYCO meetings: Care should be taken that MAYCO is scheduled at least 14 days prior to Council to allow for timeous delivery of agendas 5 working days before Council meetings.

Portfolio Committees: To be scheduled every second month, excluding December and January.

MPAC: Aligned to Audit Committee and FARMCO, one meeting per quarter, as well as 2 special meetings for oversight process over the Annual Report and the Oversight Report.

## Recommendation

That for the period July to December 2023 the following program for meetings of the Section 79 Committee, Section 80 Committees, meetings of the Executive Mayoral Committee and Council be approved:

Schools close 23 June 2023 and re-open on 18 July 2023, Youth day = 16 June 2023			
<b>JULY 2023</b>			
No Portfolio Committee Meetings	No Mayoral Committee meeting	No Council meeting	<b>25 July 2023</b> Statutory Council Meeting
18 July 2023 = Schools re-open			
<b>AUGUST 2023</b>			
<b>16 August 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 August 2023</b> 10h00 – 10h45 = Finance Committee			<b>29 August 2023</b>
09 August 2023 = National Women's Day			
<b>SEPTEMBER 2023</b>			
	<b>6 September 2023</b> Mayoral Committee		
24 Sept 2023 = Heritage Day, 25 Sept 2023 = Special school holiday, Schools close on 29 September 2023			
<b>OCTOBER 2023</b>			
<b>4 October 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee	<b>18 October 2023</b> Mayoral Committee	<b>31 October 2023</b> Council	



10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 October 2023</b> 10h00 – 10h45 = Finance Committee			
Schools close re-open on 10 Oct 2023			
<b>NOVEMBER 2023</b>			
<b>08 November 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 November 2023</b> 10h00 – 10h45 = Finance Committee	<b>22 November 2023</b>	No Council meeting	
<b>DECEMBER 2023</b>			
No Portfolio meetings	No Mayoral Committee meeting	<b>12 December 2023</b>	
Schools close on 13 December 2023, 16 Dec 2023 = Day of Reconciliation. 25 Dec 2023 = Christmas Day. 26 Dec 2023 = Day of Goodwill.			

**This item served before the Corporate Services Portfolio Committee on 07 June 2023**

**Die item het voor die Korporatiewe Dienste Portefeulle Komitee gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

That for the period July to December 2023 the following program for meetings of the Section 79 Committee, Section 80 Committees, meetings of the Executive Mayoral Committee and Council be approved:

Schools close 23 June 2023 and re-open on 18 July 2023, Youth day = 16 June 2023			
<b>JULY 2023</b>			
No Portfolio Committee Meetings	No Mayoral Committee meeting	No Council meeting	<b>25 July 2023</b> Statutory Council Meeting
18 July 2023 = Schools re-open			
<b>AUGUST 2023</b>			
<b>16 August 2023</b>			29 August 2023

08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 August 2023</b> 10h00 – 10h45 = Finance Committee			
09 August 2023 = National Women's Day			
<b>SEPTEMBER 2023</b>			
	<b>6 September 2023</b> Mayoral Committee		
24 Sept 2023 = Heritage Day, 25 Sept 2023 = Special school holiday, Schools close on 29 September 2023			
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Schools close re-open on 10 Oct 2023			
<b>NOVEMBER 2023</b>			
<b>08 November 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 November 2023</b> 10h00 – 10h45 = Finance Committee	<b>22 November 2023</b>	No Council meeting	
<b>DECEMBER 2023</b>			
No Portfolio meetings	No Mayoral Committee meeting	<b>12 December 2023</b>	
Schools close on 13 December 2023, 16 Dec 2023 = Day of Reconciliation. 25 Dec 2023 = Christmas Day. 26 Dec 2023 = Day of Goodwill.			

This item served before the Executive Mayoral Committee on 21 June 2023

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 21 Junie 2023

Aanbeveling / Recommendation

That for the period July to December 2023 the following program for meetings of the Section 79 Committee, Section 80 Committees, meetings of the Executive Mayoral Committee and Council be approved:

Schools close 23 June 2023 and re-open on 18 July 2023, Youth day = 16 June 2023			
<b>JULY 2023</b>			
No Portfolio Committee Meetings	No Mayoral Committee meeting	No Council meeting	<b>25 July 2023</b> Statutory Council Meeting
18 July 2023 = Schools re-open			
<b>AUGUST 2023</b>			
<b>16 August 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 August 2023</b> 10h00 – 10h45 = Finance Committee	<b>23 August 2023</b>	<b>29 August 2023</b>	
09 August 2023 = National Women's Day			
<b>SEPTEMBER 2023</b>			
	<b>20 September 2023</b> Mayoral Committee		
24 Sept 2023 = Heritage Day, 25 Sept 2023 = Special school holiday, Schools close on 29 September 2023			
<b>OCTOBER 2023</b>			
<b>4 October 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 October 2023</b> 10h00 – 10h45 = Finance Committee	<b>18 October 2023</b> Mayoral Committee	<b>31 October 2023</b> Council	

Schools close re-open on 10 Oct 2023			
<b>NOVEMBER 2023</b>			
<b>08 November 2023</b> 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy & Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC <b>17 November 2023</b> 10h00 – 10h45 = Finance Committee	<b>22 November 2023</b>	No Council meeting	
<b>DECEMBER 2023</b>			
No Portfolio meetings	No Mayoral Committee meeting	<b>12 December 2023</b>	
Schools close on 13 December 2023, 16 Dec 2023 = Day of Reconciliation. 25 Dec 2023 = Christmas Day. 26 Dec 2023 = Day of Goodwill.			

**DELEGATION OF POWERS (2/2/1) (DIRECTOR: CORPORATE SERVICES)**

**Purpose of report**

To submit to Council for consideration the current delegation of powers for consideration.

**Background**

Attached to the report is a copy of the current delegation of powers.

**Comments**

The current delegated powers can be reconsidered and accepted by Council.

The attached delegated powers can in future if the need arise be reconsidered and amended by Council from which date the then new or amended delegated powers will be applicable.

The attached delegated powers are still the delegations applicable to Langeberg Municipality.

**Comments: Director: Financial Services**

The recommendation is supported.

**Comments: Director: Strategy and Social Development**

The recommendation is supported.

**Comments: Director: Community Services**

The recommendation is supported.

**Comments: Municipal Manager**

The Delegation of Powers as submitted, are the existing Delegation of Powers under which the Langeberg Municipality's administration functions and should remain in place until the organizational structure has been successfully reviewed, whereupon amendments in terms of amended reporting lines can be affected. The recommendation is supported.

**Recommendation**

That the Delegation of Powers as attached to the report be reconsidered and approved and remain in place until the organizational structure has been successfully reviewed, whereafter the delegated powers can be reviewed and amended where needed to be in line with reporting lines.

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 07 June 2023 (pg. 23 – 79)

**This item served before the Corporate Services Portfolio Committee on 07 June 2023**

**Die item het voor die Korporatiewe Dienste Portefeulie Komitee gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

That the Delegation of Powers as attached to the report be reconsidered and approved and remain in place until the organizational structure has been successfully reviewed, whereafter the delegated powers can be reviewed and amended where needed to be in line with reporting lines.

This item served before the Executive Mayoral Committee on 21 June 2023

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 21 Junie 2023

Aanbeveling / Recommendation

That the Delegation of Powers as attached to the report be reconsidered and approved and remain in place until the organizational structure has been successfully reviewed, whereafter the delegated powers can be reviewed and amended where needed to be in line with reporting lines.

**REPORT TO COUNCIL ABOUT AWARDS MADE TO THE TOP ACHIEVERS OF 2022 FROM ALL  
SECONDARY SCHOOLS IN LANGEBERG**

**Purpose of the report**

To submit to Council a report on awards made to students by the Mayor that were the top achievers in matric from the different Secondary Schools in the Langeberg region.

**Background**

The Mayor has a discretionary fund in his budget vote from which he rewards students for their good results in the matric exams. Hopefully this money will assist the students with costs incurred if they further their studies.

The top 3 achievers from every school gets assistance. First in class receives R 5000, second in class R 3500 and third in class R 2000. The results are based on the information received from the Department of Education and supplied to us by the relevant school.

The school gives us the contact details of the students and we communicate with them to supply us with their information required. This process has challenges as students change their cell numbers or do not have data for their computers. Councillors assist by tracing students in their community. 30 Students were assisted this year at a cost of R 105,000.00

**Comments:**

Attached is the list of students that received awards this year.

**Recommendation**

That the report be noted.

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 07 June 2023 (pg. 81)

**This item served before the Corporate Services Portfolio Committee on 07 June 2023**  
**Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 07 Junie 2023**  
**Recommendation / Aanbeveling**

That the report be noted.

**This item served before the Executive Mayoral Committee on 21 June 2023**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Junie 2023**  
**Aanbeveling / Recommendation**

That the report be noted.

**REPORT TO COUNCIL ON THE EXTENDED PUBLIC WORKS PROJECT (EPWP) BUSINESS PLAN SUBMITTED TO NATIONAL DEPARTMENT (DIRECTOR STRATEGY AND SOCIAL DEVELOPMENT)**

**BACKGROUND**

The Annual allocation received from national department of EPWP requires the municipality to submit a business plan for approval for the projects of the 2023 /2024 Financial Year

The following number of projects identified

- **14 EPWP PROJECTS (R3 362 000)**
- **15 MUNICIPAL PROJECTS**
- **3 MIG PROJECTS**

**1. EPWP PROJECTS 2023/2024**

No.	Name of the Projects	User Department	Start date	End date	Period	Work opportunities	Budget	Daily wage
1.	Cleaning of Cemeteries and Beautification Parks	Community Services	01 October 2023	30 March 2024	6 months EPWP	26	R666 004	R203 .36
2.	Maintenance on Wastewater Treatment Works	Engineering Department	01 July 2023	18 December 23	6 months EPWP	9	R219 629	R203.36
3.	Water Treatment Works all towns.	Engineering Department	01 July 2023	18 December 23	6 months EPWP	9	R219 629	R203.36
4.	General maintenance on the Road and storm water	Engineering Department	01 July 2023	18 December 23	6 months EPWP	25	R612 933	R203.36
5.	24/7 Hours Emergency & Customer Call	Corporate Service	01 July 2023	31 December 23	6 months EPWP	8	R293 654	R282.36
6.	Title Deeds Restorations	Community Services	01 July 2023	18 December 23	6 months EPWP	5	R169 416	R282.36
7.	Road maintenance at traffic department	Corporate Services	01 July 2023	18 December 23	6 months EPWP	4	R 100 131	R203.36
8.	Security at Traffic department .	Corporate Services	01 July 2023	18 December 23	6 months EPWP	9	R304 949	R282.36
9.	IG Library Assistants	Community Services	01 July 2023	30 June 2024	12 months EPWP	5	R368 480	R282.36
10.	IG Performance Management unit	Strategy & Social Development	01 July 2023	30 June 2024	12 months EPWP	1	R73 696	R282.36
11.	IG Bookings person in Robertson	Community Services	01 July 2023	18 December 23	6 Months	1	R33 883	R282.36
12.	Electrical Project -data capture	Engineering department	01 July 2023	18 December 23	6 months	1	R33 883	R282.36
13.	Electrical Project	Engineering	01 July 2023	18 December 23	6 months	3	R73 210	R203.36



14.	Cleaning garden at Municipal office	Strategy & social Development	01 July 2023	18 December 23	6months	1	R24 403	R203.36
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**Total amount to be spent on EPWP R 3 193 900, Langeberg work opportunities target is 511 for this financial year.**  
**Total to be spend on PPE = R168 100**

## **2. MIG PROJECT 2023/2024**

No.	Name of the Project	User Department	Start date	End date	Period	Work Opportunities	Budget
1.	Implementation of the road asset management plan.	Engineering	01 March 2024	30 September 2024	6months	10	R 30 000 000
2.	Diversion Wier, Pump station and Detention Road, Nkqubela.	Engineering	01 March 2024	30 June 2024	7 Months	10	R 3 500 000
3.	Water Pipe replacement.	Engineering	01 April 2024	30 June 2024	3 months	10	R 2 000 000

## **3. MUNICIPAL PROJECT 2023/24**

No	Name of the Project	User Department	Start date	End date	Period	Work Opportunities	Budget	Wages
1.	Care Takers	Community Services	01 July 2023	30 June 2024	12 Months (Line department)	40	R 2 160 000	R4500
2.	Montagu mountain reserve, Joubert Park.	Community Services	01 July 2023	30 June 2024	12 months (Line department)	1	R 73 696	R282.36
3.	Cleaning project all towns.	Engineering Department	01 August 2023	30 June 2024	11 months (Line Department)	120	R5 287 360	R203.36
4.	Robertson Compost Facility.	Engineering Department	01 July 2023	30 June 2024	12 months (Line Department)	5	R265 385	R203.36
5.	Security at Traffic department.	Corporate Services	01 January 24	30 June 2024	6 months	9	R332 902	R282.36
6.	Road maintenance at traffic department.	Corporate Services	01 January 24	30 June 2024	6 months (line department)	4	R 147 957	R203.36
7.	24/7 Hours Emergency & Customer Call.	Corporate Service	01 January 24	30 June 24	6 months (line department)	8	R295 914	R282.36
8.	General maintenance on the Road and storm water.	Engineering Department	08 January 2024	30 June 2024	6 months (line department)	23	R589 337	R203.36
9.	Maintenance of hiking trails.	Community Services	01 August 2023	31 May 2024	10 months (line department)	5	R223 696	R203.36

10.	Supervision of Public Toilet facilities.	Engineering	01 July 2023	30 June 2024	12 months(line department)	9	R884 352	R282.36
11.	Temporary Supervision -Cleaning Project all towns.	Engineering	01 July 2023	30 June 2024	12 months (line department)	10	R338 832	R282.36
12.	Cleaning garden at Municipal office	Strategy & social Development	08 January 2024	30 June 2024	6months	1	R26 640	R203.36
13.	Electrification Bonnievale Boekenhoutskloof	Engineering	01 April 2024	30 June 2024	3months	15	R4 144 000	
14.	Sportsfield Boundary Wall: Van Zyl Street, Robertson	Community Services	01 February 2024	30 August 2024	6 months	10	R2 400 000	
15.	Fire Station Robertson Building	Corporate services	01 May 2023	30 November 2023	7 months	15	R14 858 912	

### **RECOMMENDATION**

1. Council notes the content of the business plan that was submitted to National department of Public works
2. Quarterly reporting will be submitted to Council on the implementation of the business plan

**This item served before the Strategy & Social Development Portfolio Committee on 07 June 2023**

**Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 07 Junie 2023**

**Aanbeveling / Recommendation**

1. Council notes the content of the business plan that was submitted to National department of Public works
2. Quarterly reporting will be submitted to Council on the implementation of the business plan

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Junie 2023**

**Aanbeveling / Recommendation**

1. Council notes the content of the business plan that was submitted to National department of Public works
2. Quarterly reporting will be submitted to Council on the implementation of the business plan

**FRAUD & RISK MANAGEMENT COMMITTEE – FRAUD & RISK MANAGEMENT COMMITTEE REPORT, REPORT ON TOP RISKS AND KEY CHANGES TO RISK REGISTER AND UPDATED RISK REGISTER FOR QUARTER 3 – 2022 / 2023 (5/14/R) (CHIEF AUDIT EXECUTIVE)**

**Purpose of report**

To submit the Fraud & Risk Management Committee Report, Report on Top Risks and Key Changes to Risk Register and the Updated Risk Register for quarter 3 of 2022/23 to Council for noting.

**Background**

Section 62 (1) (c) (i) of the MFMA states that:

*“The Municipal Manager of a municipality is responsible for managing the financial administration of the municipality and must for this purpose take all responsible steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and **risk management** and internal control”.*

Furthermore, it is also stated in the Risk Management Policy that:

*“Council takes an interest in risk management to the extent necessary to obtain comfort that properly established and functioning systems of risk management are in place to protect the Langeberg Municipality against significant risks”.*

The Fraud & Risk Management Committee (FARMCO) Report, Report on Top Risks and Key Changes to Risk Register and the Updated Risk Register for quarter 3 of the 2022/23 financial year were submitted to the Audit & Performance Committee on 14 April 2023 and was attached to this report.

**Recommendation**

That the contents of the FARMCO Report, Report on Top Risks and Key Changes to Risk Register and the Updated Risk Register for quarter 3 of the 2022/23 financial year be noted by Council.

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 10 – 18)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**  
**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**  
**Recommendation / Aanbeveling**

That the contents of the FARMCO Report, Report on Top Risks and Key Changes to Risk Register and the Updated Risk Register for quarter 3 of the 2022/23 financial year be noted by Council.

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2023 : DIRECTORATE:  
CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

To submit a report on deviations from the normal procurement processes for Council's notification.

**Background**

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include it as a note to the annual financial statements.*

The Report on Deviations for April 2023 was attached to this report.

**Aanbeveling / Recommendation**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 20)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**  
**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**  
**Recommendation / Aanbeveling**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - APRIL 2023 : DIRECTORATE STRATEGY & SOCIAL DEVELOPMENT (9/2/1) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

To submit a report on deviations from the normal procurement processes for Council's notification.

**Background**

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for April 2023 was attached to this report.

**Aanbeveling / Recommendation**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 22)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**

**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2023 : DIRECTORATE  
COMMUNITY SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

To submit a report on deviations from the normal procurement processes for Council's notification.

**Background**

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include it as a note to the annual financial statements.*

The Report on Deviations for April 2023 was attached to this report.

**Aanbeveling / Recommendation**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 24)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**  
**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**  
**Recommendation / Aanbeveling**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2023 : DIRECTORATE  
ENGINEERING SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

To submit a report on deviations from the normal procurement processes for Council's notification.

**Background**

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for April 2023 was attached to this report.

**Aanbeveling / Recommendation**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 26 – 31)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**  
**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**  
**Recommendation / Aanbeveling**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2023 : DIRECTORATE  
FINANCIAL SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

To submit a report on deviations from the normal procurement processes for Council's notification.

**Background**

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for April 2023 was attached to this report.

**Aanbeveling / Recommendation**

That the contents of the report of deviations from the procurement processes be noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**NOTE:** The annexure was distributed as part of the agenda for the MPAC Committee meeting of 07 June 2023 (pg. 33)

**This item served before the Municipal Public Accounts Committee (MPAC) on 07 June 2023**

**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 07 Junie 2023**

**Recommendation / Aanbeveling**

That the contents of the report on deviations from the procurement processes is noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*



**RESUBMISSION OF REQUEST FOR LAND ERF 276 ZOLANI (12/2/1/30) DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT**

**Purpose of the Report**

To resubmit a report to Council regarding a portion of erf 276, Zolani that was resolved to be leased but rather request Council to consider selling the property.

**Background**

**Council resolved at a Council meeting of 31 May 2022**  
**Eenparig Besluit / Unanimously Resolved**

1. That it be confirmed that the municipal property is not needed for the provision of the minimum level of basic municipal services (S14 of the MFMA 2003).
2. That the application by Zolani Youth Chair to lease municipal property situated on a portion of erf 276, Zolani not be approved.
3. That the portion of erf 276 Zolani be alienated by way of public tender for local economic development purposes after a land surveyor has surveyed the portion to be alienated.
4. That the highest bidder will not necessarily get the land, but rather the applicant who plays a bigger social role in the community.
5. That the alienation be done subject to the normal conditions.
6. That the alienation process be dealt with by the department administrative support.

**COMMENTS FROM CORPORATE SERVICES**

Erf 276, Zolani is the property of Langeberg Municipality.

**COMMENTS FROM FINANCE**

The Municipality will have to decide whether to lease the identified piece of land to Zolani Youth Choir or sell the piece of land via an open tender.

In terms of section 14 of the MFMA. Disposal of capital assets. — (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset. The Finance directorate recommends that the identified piece of land be leased out via the SCM processes of the Municipality with stipulated conditions of what developments should take place on the land and what activities should be catered for. This will ensure that the land is utilised for the agreed purpose and still remains the property of the Municipality.

**COMMENTS FROM ENGINEERING SERVICES**

The zoning of the land is Open Space Zone1. The primary use is public open space.

Land use description: "public open space" -

- (a) means land, with or without access control-
  - (i) owned by the Municipality or other organ of state;
  - (ii) not leased out by the Municipality or that other authority on a long-term basis,
  - (iii) set aside for the public as an open space for recreation or outdoor sport, public open space; and
- (b) includes a park, playground, public or urban square, picnic area; public garden, nature area and ancillary buildings and infrastructure.

Development parameters:

The following development parameters apply:

- (a) the Municipality must require a site development plan to be submitted for its approval; and
- (b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use with consent uses for farmers market, informal trading, and tourist facilities (amenities for tourists and visitors and includes for e.g., lecture rooms, restaurant, gift shops, etc). This area will also be earmarked in the SDF as a future area for development purposes. The proposal, with specific reference to the building of a facility as mentioned in the recommendation, is supported subject to a land use application.

Water, electricity and sewer services are available to the land. It is suggested that the un-used toilet facilities be incorporated into the building to be used as the new building's ablution facilities.

### **RECOMMENDATION**

1. Council rescind previous decision under item A4321 for the lease of municipal property situated on a portion of erf 276, Zolani.
2. That it be confirmed that the municipal property is not needed for the provision of the minimum level of basic municipal services (S14 of the MFMA 2003).
3. That the application by Zolani Youth Chair to lease municipal property situated on a portion of erf 276, Zolani not be approved.
4. That the portion of erf 276 Zolani be alienated by way of public tender for local economic development purposes after a land surveyor has surveyed the portion to be alienated.
5. That the highest bidder will not necessarily get the land, but rather the applicant who plays a bigger social role in the community.
6. That the alienation be done subject to the normal conditions.
7. That the alienation process be dealt with by the department administrative support.

**This item served before the Strategy & Social Development Portfolio Committee on 07 June 2023**  
**Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulle Komitee op 07 Junie 2023**  
**Aanbeveling / Recommendation**

1. Council rescind previous decision under item A4321 for the lease of municipal property situated on a portion of erf 276, Zolani.
2. That it be confirmed that the municipal property is not needed for the provision of the minimum level of basic municipal services (S14 of the MFMA 2003).
3. That the application by Zolani Youth Chair to lease municipal property situated on a portion of erf 276, Zolani not be approved.
4. That the portion of erf 276 Zolani be alienated by way of public tender for local economic development purposes after a land surveyor has surveyed the portion to be alienated.

5. That the highest bidder will not necessarily get the land, but rather the applicant who plays a bigger social role in the community.
6. That the alienation be done subject to the normal conditions.
7. That the alienation process be dealt with by the department administrative support.

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 21 Junie 2023**

**Aanbeveling / Recommendation**

1. Council rescind previous decision under item A4321 for the lease of municipal property situated on a portion of erf 276, Zolani.
2. That it be confirmed that the municipal property is not needed for the provision of the minimum level of basic municipal services (S14 of the MFMA 2003).
3. That the application by Zolani Youth Chair to lease municipal property situated on a portion of erf 276, Zolani not be approved.
4. That the portion of erf 276 Zolani be alienated by way of public tender for local economic development purposes after a land surveyor has surveyed the portion to be alienated.
5. That the highest bidder will not necessarily get the land, but rather the applicant who plays a bigger social role in the community.
6. That the alienation be done subject to the normal conditions and that all the cost involved, including but not limited to provision of services, cost of the reasonable market value, certificate, subdivision and rezoning for the account of the successful bidder.
7. That if any expansion on bulk services is needed any costs relating thereto will be for the account of the successful bidder.
8. That the alienation process be dealt with by the department administrative support.

**FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – MAY 2023 (9/2/1/3) (CHIEF FINANCIAL OFFICER)**

**Purpose of report**

To submit a report in terms of the Monthly Budget Statement of the Local Government: Municipal Finance Management Act, 2003 to Council for information.

**Comments**

The report, as submitted to the Executive Mayor, National Treasury and Provincial Treasury, was attached to this report.

**Aanbeveling / Recommendation**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**NOTE:** The annexure was distributed as part of the agenda for the Finance Portfolio Committee meeting of 19 June 2023 (pg. 08 – 48)

**This item served before the Finance Portfolio Committee on 19 June 2023**

**Hierdie item het gedien voor die Finansies Portefeulje Komitee op 19 Junie 2023**

**Recommendation / Aanbeveling**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Junie 2023**

**Aanbeveling / Recommendation**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**LOCAL GOVERNMENT CIRCULAR C13 OF 2023: POLICY FRAMEWORK FOR THE DESIGNATION OF FULL-TIME COUNCILLORS (4/5/1) (DIRECTOR CORPORATE SERVICES)**

**Purpose of report**

To submit to Council for consideration a report on the policy framework for the designation of full-time Councillors.

**Background**

Attached to this report is a copy of Local Government Circular: C13 of 2023 received from the Department of Local Government: Western Cape Government as well as Government Gazettes 46457 of 31 May 2023; 46470 of 2 June 2022 and 47437 of 2 November 2022.

**Comments**

In terms of the stipulations of GG46457, the following offices (elected or appointed councillors) may be designated by the Executive Council of a province responsible for local government, as full time Councillors:

**"CATEGORY B MUNICIPALITIES**

- *Speaker;*
- *Executive Mayor;*
- *Mayor;*
- *Deputy Executive Mayor;*
- *Deputy Mayor;*
- *A member of an Executive Committee other than the Mayor and Deputy Mayor;*
- *A member of a Mayoral Committee;*
- *Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors;*
- *Chairperson of the Municipal Public Accounts Committee; and*
- *Whip appointed for council in municipalities with 40 or more councillors."*

At present the following offices (elected or appointed councillors) has been determined as full time Councillors by the MEC:

- Executive Mayor
- Deputy Executive Mayor
- Speaker
- Members of the Mayoral Committee

Seeing that Annexures attached to the Circular indicate remuneration of public office bearers, which can create the impression that there is an increase approved, is the current allowances approved by Council under item A4356 of 15 June 2022 indicated below to demonstrate that the allowances approved and currently being paid, is still those applicable:

- "1. That the following allowances in terms of the proclamation in terms of Government Notice 11440 in Government Gazette 46470 of 2 June 2022 be approved and made applicable to members of the Municipal Council of Langeberg Municipality, retrospective from 1 July 2021.

<b><u>OFFICE</u></b>	<b><u>TOTAL REMUNERATION</u></b>
<i>Executive Mayor</i>	920 656
<i>Speaker</i>	736 530
<i>Deputy Executive Mayor</i>	736 530

Mayoral Committee Member	690 808
Chairperson Sect. 79 Committee	373 908
Councillor	291 356

2. *That the monthly cell phone allowances of R 3 400.00 be paid."*

**Comments Municipal Manager**

It is important to note that a change has been effected in respect of the position of MPAC Chairperson in so far as it is now stipulated that the MPAC Chairperson is a full-time Councillor position without the limitation on the number of seats, subject to the concurrence of the MEC. Council should please pay consideration to this change and if an application should be made to the MEC.

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 21 Junie 2023**

**Aanbeveling / Recommendation**

That the content of the report be noted and the status quo be retained.

**FRAUD & RISK MANAGEMENT COMMITTEE (FARMCO) – FARMCO REPORT FOR QUARTER 4; ANNUAL RISK ASSESSMENT REPORT; RISK REGISTER AND RISK MANAGEMENT DOCUMENTS FOR THE 2023/24 FINANCIAL YEAR (5/14/R) (CHIEF AUDIT EXECUTIVE)**

**Purpose of report**

To submit the risk management related reports and documents to Council for noting and approval.

**Background**

Section 62 (1) (c) (i) of the MFMA states that:

*"The Municipal Manager of a municipality is responsible for managing the financial administration of the municipality and must for this purpose take all responsible steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and **risk management** and internal control".*

Furthermore, it is also stated in the Risk Management Policy that:

*"Council takes an interest in risk management to the extent necessary to obtain comfort that properly established and functioning systems of risk management are in place to protect the Langeberg Municipality against significant risks".*

The abovementioned risk management reports, risk register and other risk management documents were submitted to the Audit & Performance Committee on 13 June 2023 and was attached to this report.

**Recommendation**

1. That the following risk management related reports and documents be noted by Council.
  - FARMCO Report for quarter 4 of the 2022/23 financial year.
  - Annual risk assessment for the 2023/24 financial year.
  - Risk management strategy for the 2023/24 financial year.
  - Risk management operational plan for the 2023/24 financial year.
  - FARMCO KPIs for the 2023/24 financial year.
  - Fraud prevention plan & strategy for the 2023/24 financial year.
  - Combined assurance framework for the 2023/24 financial year.
  - Risk identification & assessment methodology for the 2023/24 financial year.
2. That the following risk management documents for the 2023/24 financial year be approved by Council:
  - Risk management policy.
  - FARMCO Charter.
  - Fraud Prevention Policy.

**NOTE:** The annexure was distributed as part of addendum 2 for the Mayco of 21 June 2023 (pg. 03 – 99)

**This item served before the Executive Mayoral Committee on 21 June 2023**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 21 Junie 2023**

**Aanbeveling / Recommendation**

That the report be referred to Council on 27 June 2023 and that the recommendation from the Mayoral Committee be provided to Council at the meeting.

**DISCIPLINARY CASE – CLLR JCJ COETZEE (P/L JCJ COETZEE) (SPEAKER)**

**Purpose of report**

To submit a report to Council informing Council of a disciplinary hearing instituted against Cllr JCJ Coetzee.

**Background**

Following complaints received from staff of the Municipality working in the Engineering department about the interference in the administration and giving instructions to the staff, I requested Cllr JCJ Coetzee to comment on the allegations. After considering the complaints from staff and the reply from Cllr JCJ Coetzee, I am of the opinion that there is a *prima facie* case against Cllr JCJ Coetzee for the breach of the Code of Conduct for Councillors and that a disciplinary process must follow.

I will proceed to have an Initiator appointed to assist me to draft the charge sheet and initiate at the hearing.

**Comments**

Breaches of Code Clause 15(1)(a, b + c), (2) and (3) of the Code of Conduct for Councillors in Act no 3 of 2021: Local Government: Municipal Structures Amendment Act, 2021 stipulate as follows:

**"Breaches of Code**

**15. (1) If the speaker of a municipal council on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-**

- (a) authorise an investigation of the facts and circumstances of the alleged breach;
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

(2) A report in terms of subitem (1)(c) is open to the public.

(3) The speaker must report the outcome of the investigation to the MEC for local government in the province concerned."

**Recommendation**

That Council note the disciplinary process and that the matter will be referred to the Disciplinary Committee of Council.



**DISCIPLINARY CASE – CLLR T VAN EEDEN COETZEE (P/L TVE COETZEE) (SPEAKER)**

**Purpose of report**

To submit a report to Council informing Council of a disciplinary hearing instituted against Cllr T van Eeden Coetzee.

**Background**

Following complaints received from staff working in the Engineering department around the interference in the administration and operational matters by Cllr T Coetzee and after receiving his comments, I am of the opinion that there is a *prima facie* case against Cllr T van Eeden Coetzee for the breach of the Code of Conduct for Councillors and that a disciplinary process must follow. I will proceed to have an Initiator appointed to assist me draft a charge sheet and initiate at the hearing.

**Comments**

Breaches of Code Clause 15(1)(a, b + c), (2) and (3) of the Code of Conduct for Councillors in Act no 3 of 2021: Local Government: Municipal Structures Amendment Act, 2021 stipulate as follows:

**"Breaches of Code**

**15. (1) If the speaker of a municipal council on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must-**

- (a) authorise an investigation of the facts and circumstances of the alleged breach;
  - (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
  - (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- (2) A report in terms of subitem (1)(c) is open to the public.
- (3) The speaker must report the outcome of the investigation to the MEC for local government in the province concerned."

**Recommendation**

That Council note the disciplinary process and that the matter will be referred to the Disciplinary Committee of Council.