

COVER REPORT ON DRAFT GRANT IN AID POLICY IN TERMS OF SECTION 67 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (2/11/1) (DIRECTOR STRATEGY AND SOCIAL DEVELOPMENT)

Purpose

Purpose of the report is to:

- Submit to Council the draft Grant in Aid Policy for approval

Background

Council approved a cost containment policy during September 2019. This required that policies that refer to grant funding had to be reviewed to be in line with the cost containment policy

Relevant documentation was attached to this report.

Recommendation

That Council take cognizance and approve the Grant In Aid Policy Report

NOTE: The annexure was distributed as part of the agenda for the Strategy & Social Development Portfolio Committee meeting of 07 October 2020 (pg. 31 – 40)

This item served before the Strategy & Social Development Portfolio Committee on 07 October 2020.

Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 07 Oktober 2020

Aanbeveling / Recommendation

That Council take cognizance and approve the Grant In Aid Policy.

This item served before the Executive Mayoral Committee on 21 October 2020

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 Oktober 2020

Aanbeveling / Recommendation

That Council take cognizance and approve the Grant In Aid Policy.

This item served before an Ordinary Meeting of Council on 27 October 2020

Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 27 Oktober 2020

Eenparig Besluit / Unanimously Resolved

That Council take cognizance and approve the Grant In Aid Policy.

(A4066)

Langeberg Municipality



**Grants in Aid Policy in terms of
Section 67 of the
Municipal Finance Management Act,
(Act 56 of 2003)**

APPROVED BY COUNCIL ON 27 OCTOBER 2020

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ADDENDUM – ADVERTISEMENTS

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ADDENDUM - AGREEMENT

1. AIMS AND OBJECTIVES

- 1.1 This policy aims to provide a framework for grants-in-aid to non-governmental organisations (NGOs) community-based organizations (CBOs) or non-profit organizations (NPOs) and bodies that are used by government as an agency to serve the poor, marginalized or otherwise vulnerable as envisaged by Section 12 and 67 of the Municipal Finance Management Act, 2003 (Act 56 of 2003). This policy also replaces Council's interim "Transfer of Municipal Funds to Organisations and Bodies outside of Government Policy.
- 1.2 The purpose of the Grants-in-Aid Policy is to complement the goals, objectives, programmes and actions of the Langeberg Municipality as identified in the IDP in order to create a sustainable, credible and caring town by empowering and building communities and enhancing growth and sharing through partnerships.
- 1.3 Grants-in-Aid may not duplicate operation already provided in council or within the jurisdiction of Council.
- 1.4 Grants-in-Aid should improve the opportunity for council to elicit support from external organisations to deliver those services to communities, falling within the Council's area, in a way that allows the creation of an enabling environment for community development.
- 1.5 The Mayor may allocate grants-in- aid at his/her discretion in respect of applications made, or on his/her Initiative provided such grant is compliant with the Cost Containment Regulations, Langeberg Policy on Cost Containment and this policy.

2. LEGAL FRAMEWORK

- 2.1 All transfers of funds in terms of this policy shall comply with the:
 - (a) Constitution of the Republic of South Africa, 1996 as amended (Constitution);
 - (b) Local Government: Municipal systems Act, 2000 (Act 32 of 2000) as amended (MSA);
 - (c) Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA);
 - (d) Municipal Regulations on Cost Containment, 2019; and
 - (d) Any other applicable legislation, regulations and policies that may govern the transfer of municipal funds and that are not in contradiction to the above.

3. RESTRICTIONS

- 3.1 The Policy applies to all transfers of grants made by the municipality, including grants made by the Executive Mayor.
- 3.2 The total expenditure on grants may not exceed 1% of the operational budget of the municipality.
- 3.3 No transfer may be made which exceeds R20 000.00 per organization or body, except for allocations to organizations which performs a Municipal function on behalf of the municipality. In such a case, these grants will be determined annually when the municipality's budget is approved by Council.
- 3.4 Grants-in-aid transfers/payments shall be restricted to deserving organizations and bodies serving, especially those working with the **poor/aged/youth/disabled/women**, as per the eligible categories provided that such organisations or bodies:
- (a) Operate as a separate legal entity and are recognized as such by South African legislation;
 - (b) Are governed by their constitutions, have regular meetings with their membership and subscribe to sound accounting practices; and
 - (c) Are allocated and serves communities and individuals who are most in need within the jurisdiction of the municipality.
- 3.5 No grants-in-aid may be made to any political, church or sectarian organisation or body.
- 3.6 No grants will be allocated, under this policy, to organisations or bodies in cases where a member of Council or an official of Langeberg Municipality receives any financial or other gain.
- 3.7 Individuals may not apply for Grants-in-aid and no payments may be made under this policy to individuals. Council may however set aside a specific amount from which the Executive Mayor, at his/her discretion, may make donations to support individual, meritorious cases in order to assist and/or recognize individual excellence in whichever field. Such sponsorship or donation will promote or be in line with the objects of Local Government as stipulated in section 152 of the Constitution of the Republic of South Africa or the Integrated Development Plan of the municipality

- 3.8 Funds may only be transferred to an organisation or body if provision has been made for the expenditure on the budget or appropriations budget.
- 3.9 An organisation or body is only entitled to one allocation per financial year, but disbursements can be made more often.

4. PUBLIC ADVERTISEMENT

- 4.1. The municipal manager must, within three months after the approval of the annual budget, place a first public advert on the municipal web site, calling for proposals.
- 4.2. Advertisement should clearly specify the categories for which proposal are called, the closing date for applications, who they should be addressed to, and where and how to obtain the relevant documentation pertaining to such applications, including the prescribed forms. Only applications made on the prescribed forms may be considered. Advertisements should also clearly reflect the Municipality's right not to make an award, as well as the fact that awards will not be made to organizations that have received funds in the previous year, but have not submitted a final audited report on the projects or previous expenditure.
- 4.3 Funds may not be transferred to any organisation or body that has not submitted a proposal in response to a public advertisement.

5. GENERAL GUIDELINES AND CATEGORIES

General Guidelines

- (a) Funding of applications will primarily be considered on an annual basis in response to the annual advertisement.
- (b) Council reserves the right not to fund an organisation two years in succession.
- (c) Funding will not be considered in the following instances:
 - (i) No sponsorship or donation can be considered for any other government department, sporting body or community based organisation unless such sponsorship or donation will promote or be in line with the objects of Local Government as stipulated in section 152 of the Constitution of the Republic of South Africa or the Integrated Development Plan of the municipality.

- (ii) Where a project or organisation is already receiving funds from council in terms of Council's functions. Applicants are required to disclose other sources of funding;
 - (iii) Where in Council's opinion, an organisation receives sufficient funds from other sources to sustain its activities or the project applied for, organizations must submit financial statements and a budget for the ensuing financial year;
 - (iv) Where only an individual will benefit;
 - (v) For political or ratepayers organisations/ groupings;
 - (vi) Projects outside the boundaries of the Municipality; and
 - (vii) Where expenses have already been incurred.
- (d) Funding of projects and organisations shall exclude travel costs, subsistence, accommodation, food or entertainment expenses of any kind, staff salaries, capital costs, bursaries, payments in lieu of rates or other municipal charges.
- (e) Notwithstanding any provision of this Policy, the Executive Mayor may decide on funding.
- (f) Subsequent applications from applicants to cover overspending on projects will not be considered.

Categories Eligible for Grants-in-Aid

The municipality may only make a donation or consider a grant in aid after compliance with applicable legislation. Such donations or grants may only be made or considered where the activity in respect of which it is considered is in line with the core functions and obligations of the municipality as prescribed in legislation.

The following categories currently apply. Cognisance should be taken that these categories are not exhaustive and may be amended from time to time. Other than the general guidelines and conditions set out above, categories may require specific criteria applicable to its projects/ programmes:

(a) Solid Waste (Cleansing)

Purpose: Waste Reduction and awareness,

Projects/programmes include the following but are not limited to:

- (i) Waste reduction and awareness;
- (ii) Educational programmes/projects addressing litter and waste handling; and,
- (iii) Recycling and Waste minimization solution;

(b) Social Development

Purpose: The promotion of projects/programmes which stimulates the Langeberg Municipality's Integrated Development Plan (IDP) focusing especially on the needs of the most marginalized sectors in the greater Langeberg.

Project/programmes include the following but are not limited to:

- (i) Poverty alleviation;
- (ii) Capacity building of communities;
- (iii) Vulnerable group within communities (**poor/aged/youth/disabled/women**);
- (iv) Early childhood development;
- (v) Street people programmes;
- (vi) Arts and culture programmes.

(c) Environment

Purpose: To stimulate the development of sustainable environmental projects within the municipal area;

Projects/programmes include the following but are not limited to:

- (i) Voluntary rescue organisations;
- (ii) organisations promoting community involvement in environmental projects.
- (v) projects which further the Council's aims and the strategies of IMEP (Integrated Municipal Environmental Policy) and including, but not limited to the sustainable management of:
 - riverine corridors;
 - biodiversity;
 - natural and built environment;
 - heritage resources;
 - quality urban spaces;
 - ecological conservation areas;
 - urban agricultural complexes;
 - bioregional planning;
 - nature area management;
 - Wetlands;
 - Animal Welfare organisations.

(d) Festivals

- (i) The Municipality shall not make any direct financial contribution for festivals.
- (ii) The Municipality shall only, assist with the rendering of services free of charge.
- (iii) Services offered free of charge are also limited to the monetary limit of this policy.
- (iv) Interested groups who wish to apply for assistance for festivals shall also follow the prescribed procedural and substantive rules of this policy.

6. APPLICATION PROCEDURE

Applications and proposal for Grants-in-Aid must be on the prescribed form stated in 4.3 above, a copy of which is attached hereto as Annexure A. Applications must be accompanied by a covering letter on the letter head of the organisation or body, signed by the head of the organisation or body and must include the following information.

- (a) The applicant's legal name and brief description of the applicant organisation's body's business;
- (b) If the applicant claims to be a non-profit organisation, the registration number;
- (c) The date of establishment, details of the applicant's members, founding documents, including constitution and certificate of incorporation;
- (d) A contact name, full street address, telephone number and e-mail address,
- (e) If funding is required for a specific project, a brief description of the project and what it aims to achieve, as well as the detailed budget for and duration of the project;
- (f) If the request is for a general support, the organisation's or body's overall budget must be included;
- (g) reference, independent of the applicant and its executive;
- (h) most recent audited financial statements;
- (i) a summary of past achievements; and
- (j) a declaration by the head of the applicant to the satisfaction of the Accounting Officer, that the

organisation or body implements effective, efficient and transparent financial management and internal control mechanisms to guard against fraud, theft and financial mismanagement and has in the past complied with requirements for similar transfers of funds.

7. OBLIGATIONS OF THE APPLICANT

- 7.1 The head of the organisation or body must acknowledge in writing to the Accounting Officer/ Mayor, that the money was received in its bank account and that the amount is/will be utilized to the benefit and in accordance with the role of the organisation or body in society. The funds should be used as outlined in the application forms.
- 7.2 The organisation or body shall regularly report, if and when required, but at least once a year, to the Accounting Officer regarding the activities conducted within the ward, as well as on the project.
- 7.3 If funding is required for a specific project, a brief description of the project and what it aims to achieve, as well as the detailed budget for and duration of the project.

8. RIGHTS OF THE MUNICIPALITY

- 8.1 The municipality shall be entitled, from time-to-time, to verify and inspect the existence and activities of the organisation or body. The municipality will therefore have the right to physically visit the premises where the organisation, or the funded project is based; to peruse the budgets and any progress reports related to the projects (in contract).
- 8.2 The municipality shall manage contracts entered into with organizations or bodies by receiving reports and doing the necessary site visits and inspections to ensure that this policy and contract are being complied with.
- 8.3 The Municipality has the right not to give a grant-in-aid to any or all organisations applying for grants. Having been awarded a grant previously does not give an applicant the right to receive a grant again.

9. AGREEMENT

Before any funds are transferred to an organisation an agreement must be concluded between the

Municipality and the beneficiary to protect the interest of the Municipality.

10. ADJUDICATION COMMITTEE

10.1 An adjudication Committee will be established at the discretion of the **Municipal Manager** .

10.2 The adjudication Committee will evaluate all proposals received.

10.3 The adjudication Committee will have the power to make final awards.

10.4 The adjudication Committee must submit a report to the Council of the Municipality, containing particulars of each final award made, including:

(a) the amount of each award; and

(b) the name of the organisation or body to whom the award was made.

11. DEVIATION

Notwithstanding the provisions of this policy, the Executive Mayor may, with good cause shown and in exceptional circumstances, deviate from this Policy to accommodate deserving cases not provided for in this policy.

12. COMMENCEMENT

This Policy takes effect on the date on which it is adopted by the Council of the Langeberg Municipality.